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Board of Selectmen
Executive Session Meeting Minutes
Tuesday, January, 7, 2020
McAuliffe Meeting Room
Town House, 17 Common Street, Southborough, MA

Present: Brian Shea, Marty Healey, Dan Kolenda, Sam Stivers, Town Administrator Mark Purple
Absent: Lisa Braccio

At 8:42 P.M. the Board voted to enter Executive Session per M.G.L. Chapter 30A, Section 21 (Exemption 2) to prepare for negotiations with the Police Chief on a successor employment agreement; the Board will not be returning to Open Session at the conclusion of Executive Session. Roll Call: Shea, aye; Healey, aye; Kolenda, aye; Stivers, aye.

Chairman Shea described the meeting he and Mr. Purple had with Chief Paulhus regarding his successor employment agreement. Chairman Shea stated Chief Paulhus outlined a list of his accomplishments during his tenure and a salary comparison that demonstrated his salary is over $10,000 lower than the average of the peer communities he identified. Chairman Shea stated that the Chief did not specifically request a dollar amount and he indicated other potential forms of compensation to offset the salary gap. The Board discussed various options. Chairman Shea said that he agrees with the Chief that his accomplishments are appreciated and he is a great leader for the Department. He then presented his own salary comparison chart that included abutting towns and the Board discussed potential salary rate increases. Mr. Kolenda stated he feels Chief Paulhus has done great work and he should be compensated in line with his peers. There was consensus among the Board and a discussion regarding the potential percentage increases to the Chief's salary over the next three years.. They discussed the ceiling and base percentages they were willing to offer based on negotiations with the employer. Mr. Healey suggested Ms. Braccio have the opportunity to discuss and opine on this matter. Mr. Purple stated that the next Board meeting is January 21st and the intention was to have Chief Paulhus attend for further discussions. Chairman Shea reiterated the final offer agreed upon by the Board for the successor employment agreement and recognized the current state of the budget and merit recognition for the Chief's accomplishments. The Board also indicated that there was no appetite to go north of these numbers, based on the impact of future negotiations.

Mr. Kolenda made a motion for the Chairman to meet with the Chief and discuss with him the Board's position for a three-year successor employment agreement, with a first year salary increase of 5% to bridge the market rate gap as compared to abutting communities, and increases of 3% for years two and three. Mr. Healey seconded. The motion passed by roll call vote all in favor (4-0-0). Roll Call: Shea, aye; Healey, aye; Kolenda, aye; Stivers, aye.

On a motion made by Mr. Kolenda, seconded by Mr. Healey and voted by roll call all in favor, Executive Session was closed at 9:24 P.M.

On a motion made by Mr. Shea, seconded by Mr. Kolenda and voted by roll call all in favor, the meeting was adjourned at 9:24 P.M. Roll Call: Shea, aye; Healey, aye; Kolenda, aye; Stivers, aye.

Respectfully submitted,

Kathleen Barry, Recording Secretary

Approved by BOS 1-21-20

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BOARD OF SELECTMEN Meeting Minutes

Meeting Date: Tuesday, January 7, 2020, 6:30 P.M.
Location: McAuliffe Hearing Room, 17 Common Street, Southborough, MA
Present: Brian Shea, Marty Healey, Daniel Kolenda, Sam Stivers, Town Administrator Mark Purple
Absent: Lisa Braccio left the meeting at 8:03 P.M.

I. Chairman Shea called the meeting to order at 6:30 P.M.

II. **Scheduled Appointments**

HEARING 6:30 PM: Application for Class II License, Southborough Auto Sales Inc. d/b/a Direct Auto Mall.com; 251 Turnpike Road

At 6:30 P.M. Chairman Shea opened the public hearing and Mr. Purple read the legal notice into the record. Marcio Vasconcelos told the Board that as the owner of Direct Auto Mall.com in Framingham, he would like to open a second location at 251 Turnpike Road in Southborough. Mr. Healey asked how long they have been in business in Framingham and Mr. Vasconcelos stated he has been in business in Framingham for twenty years. He added that his inventory plan for operation in Southborough is very similar to the current operation in Framingham which consists of lightly used car sales with the employment of about ten people. Mr. Stivers asked if there will be repair work done at this location. Mr. Vasconcelos stated there will be repair work for their sales and the public. Chairman Shea opened the hearing for public comment and there was none. At 6:33 P.M. Chairman Shea made a motion to close the public hearing. Mr. Healey seconded. The motion passed all in favor (5-0-0). Mr. Kolenda made a motion to approve the application for a Class II License to Southborough Auto Sales Inc. d/b/a Direct Auto Mall.com at 251 Turnpike Road. Mr. Stivers seconded. The motion passed all in favor (5-0-0).

Appointment of Officer Michael Whelan to Police Sergeant

Mr. Purple told the Board they have a recommendation in their packet from Chief Paulhus for the promotion of Michael Whelan to fill the open position of police sergeant left vacant after Sergeant Richardson resigned. Mr. Purple stated he fully supports the recommendation from the Chief.

Chief Paulhus said he was very proud of the fine men and women of his department and referenced several instances over the past six months where they sacrificed time with their family to serve and protect the Town. He acknowledged the families of his officers. Chief Paulhus asked the Board to accept his recommendation of Officer Whelan for the open sergeant position. He gave a background of Officer Whelan's experience which includes his eight-year tenure with the Department, two lifesaving awards, becoming a member of the regional SWAT Team (CEMLEC) and his numerous letters of commendation throughout his career with the Southborough Police Department. Mr. Healey made a motion to approve the appointment of Officer Michael Whelan to Police Sergeant. Mr. Kolenda seconded. The motion passed all in favor (5-0-0). The Town Clerk swore Sergeant Whelan into his role. His father, retired Carlisle Police Sergeant Tom Whelan, pinned him with his new Sergeant badge.

Liz Kesselman, Taxation Aid Committee – update

Ms. Kesselman listed the names of the other committee members and described how the they reevaluated their purpose to be relevant to current times. She explained that disabled or elderly

residents who lived in Town for five years or more could qualify for taxation aid. She added that applications are due by the end of February. Ms. Kesselman told the Board that the trust is funded completely by donations. She said there is $30,000 in the trust currently and the committee would like help advertising this assistance. She stated there have not been many applications and the committee will reevaluate donation needs dependent on the amount of applications submitted this year. Mr. Ballantine clarified that since he has worked for the Town, there has only been one applicant. Mr. Kolenda asked where the applications could be found and Ms. Kesselman responded that the link to the application and information is on the Town website. Mr. Ballantine added that a flier was included in the real estate bills that outlined multiple Town services including the taxation aid. Mr. Healey asked if the Town chose to fund this solely on donations or if it was a legal obligation. Mr. Ballantine replied that he inquired with the DOR and found that this could not go to town meeting and is still looking into whether businesses could be solicited for donations. Mr. Healey asked about the five-year resident requirement. Mr. Ballantine stated it is not a requirement from the DOR. Ms. Kesselman added that language was added to enable the committee to make exceptions on this item. Mr. Healey stated he was in support of the Taxation Aid Committee and reevaluating the process after this year. Ms. Braccio asked the cutoff date for applications for 2020. Ms. Kesselman stated Friday, February 28th. Ms. Braccio suggested the committee reach out and educate at the Senior Center and Mr. Stivers suggested the same for Youth and Family Services. Ms. Kesselman agreed.

III. Public Comment

Marguerite Landry (134 Deerfoot Road) and Denise Eddy (128 Deerfoot Road) explained to the Board that they sent a letter in August regarding the concerns of erosion and other issues with the Brendon Homes construction sites across the street. Ms. Landry further explained the erosion and water coming onto Deerfoot Road from the Brendon Homes residences. She told the Board they have been to the Planning Board and Conservation Commission and both stated they did not have jurisdiction. Ms. Landry and Ms. Eddy has been working with the DPW and were told they would be putting in catch basins on Deerfoot Road and a 200-year-old red oak tree would need to be removed. They explained their concerns with the removal of the tree and felt too many trees were being removed for these projects. They said they were hiring their own arborist to test the tree for disease just as the DPW had before they removed it. Ms. Eddy stated she would like to see more regulations regarding when and how trees in Town are removed. Chairman Shea asked if the developer had a response to these complaints. Ms. Eddy stated the developer does not think there is a problem but when there is a rainstorm it is hazardous. Mr. Kolenda asked Chairman Shea to coordinate a meeting of all involved include the developer, the DPW and residents. Chairman Shea agreed to do so. Ms. Braccio asked to see the response from the Conservation Commission. Chairman Shea agreed. Mr. Healey asked that this topic be put on a future agenda to address his questions, medium- and long-term issues and the more immediate issue of safety issues in the winter. Mr. Stivers asked for Town Counsel to opine on the process for Town tree removal. He said there needs to be more clarity on M.G.L. Chapter 40 Section 15 where it states Planning Board approval is required for tree removal. He asked this topic be added to the next agenda. Mr. Purple said he has already reached out to Attorney Cipriano and he hopes to hear back soon. He added that he will reach out to the concerned Deerfoot Road residents when this topic is on the agenda.

Lisa Dunderdale (22 Deerfoot Road) stated she received seventy-five signatures to bring a citizens' petition to town meeting for a noise bylaw. She asked how to schedule a public hearing to inform residents. Chairman Shea explained how to submit the draft bylaw and signatures to Mr. Purple and the Selectmen's Office. Mr. Stivers stated that the Advisory Board will discuss all

warrant articles at a future meeting and there will be opportunity for public participation. Ms. Hale told Ms. Dunderdale the language she would need to include in her article to enable for motions and amendments to be made to modify the article at town meeting.

Continued discussion of FY2021 budget

Mr. Purple stated the information provided includes the requests from the last meeting and gives a perspective on the budget for 2021 and impact over the next five years. Mr. Ballantine asked the Board for feedback on the draft budget and noted that there are still undetermined factors including health insurance and the school budget. He added that an important issue is that the estimates for the next five years based on current capital brings the town in the red and against the levy after fiscal year 2021. Mr. Ballantine stated he and Mr. Purple request the Board make department heads aware that there will not be the same support for services in the upcoming years due to the budgetary challenges over the next five years. He stated that the issues have arisen mostly due to capital projects that have been approved at town meeting but not yet started. Mr. Healey asked for a list of these projects. Mr. Ballantine agreed to provide the list. Mr. Healey suggested delaying the capital projects. Mr. Ballantine suggested other options such as manipulate the bonding and scheduling to alleviate some of the budget burden. Mr. Stivers suggested building in the fee for the transfer station capital project into the transfer station stickers. Mr. Stivers asked if the Advisory Board has reviewed the draft budget. Mr. Ballantine said they are in the process of doing so and he expects they will request another version of a draft budget. Mr. Purple stated that the latest draft budget shows an increase of 4.4% instead of the 5.6% presented at last meeting. He added that the reduction to 4.4% is the best-case scenario.

Ms. Braccio stated the bigger problem is sustainability and said the residents cannot continue to be taxed at an additional 4.46% with little revenue increases. She said she understands there are needs and services that are expected but looking at next year when the town is already in the red, there must be more to potentially cut. Mr. Purple stated that in fiscal year 2022 there will no longer be levy a to address deficits and there had not been substantial building in Town since 2014, Southborough will be against the levy limit. He said fiscal year 2022 is when the bond rating could be in jeopardy due to the lack of levy capacity.

Mr. Kolenda asked if Mr. Ballantine reviewed the budget items that have stayed constant over the years and Mr. Ballantine said he had not but will. Mr. Kolenda requested the budget for the Open Space Preservation Committee be reduced from $2,000 to $1,500. He requested the $500 savings be allocated to Youth and Family Services. Ms. Braccio and Mr. Stivers disagreed. Ms. Braccio said she was not in favor of comparing the needs of boards and committees against each other but would like to hear their presentations and discuss.

Mr. Healey stated that an effective exercise used when he was on the Advisory Committee was to present a draft budget that showed no future in the red. He stated it was beneficial to the Town to understand it can be done and the concessions that may need to be made to execute. He requested Mr. Ballantine create a draft budget scenario that showed no budget or levy deficits. Ms. Braccio would also like to see this. Mr. Kolenda stated he felt it was irresponsible to defer capital expenses without analysis. He gave examples of how deferring projects or equipment could be more expensive in the future. Mr. Stivers agreed and highlighted the risk of putting off maintenance only for maintenance costs to increase the next year. He added that the Town has the ability to think about exclusions and overrides as a relief. He said it is an option and not something the Town should use often.

Mr. Healey stated it is important to know exactly what is driving these numbers in order to understand the best avenue to address the budget and requested a budget without any red line items. Chairman Shea agreed and said individually every request can have a strong case as to why they need additional funds. He added that he does not want to be in a situation where jobs are added now but need to be cut in the near future due to deficits. He stated the decisions being made for the budget need to be sustainable. Mr. Purple stated the timeline for posting the final signed warrant at the February 18th meeting. Mr. Healey asked when the Board will be sitting with the Advisory Committee to review the budget. Mr. Purple said he will send a scheduling email to set a date. Mr. Kolenda stated there will be scheduling issues during February vacation. Mr. Purple stated the February meetings will be held on the 11th and the 25th.

Ms. Braccio left the meeting at 8:03 P.M.

IV. Reports

Chairman's Report

Chairman Shea facilitated a discussion regarding proposed dates and it was decided that office hours will be held January 14th and 18th, February 18th and March 10th and 24th. Chairman Shea requested the Board send their hours of availability to Ms. Hale.

Chairman Shea stated that at the January 21st meeting, the Board would need to start finalizing language on the proposed Accessibility Committee for the Town Meeting Warrant. He asked that members with comments on the latest version send them to Mr. Purple by the close of business Wednesday of next week. Mr. Purple agreed to compile comments and suggestions from Board members for the January 21st meeting packet. Mr. Purple added that he has reached out to those who have submitted articles for the town meeting warrant to have their draft language sent to him by Friday for review by Town Counsel.

Chairman Shea asked Mr. Kolenda to speak about his suggestion to honor and recognize former selectman Brian Shifrin. Mr. Kolenda stated that Mr. Shifrin was a wonderful person who dedicated his personal time the benefit of Southborough. He reiterated his thoughts shared from a previous meeting that the Shifrin Family is the profile of courage and he felt it appropriate to honor Mr. Shifrin. He noted Mr. Shifrin's love and dedication to the men's softball league and suggested Mr. Purple speak to the Choate Trustees for approval to dedicate the softball diamond in Mr. Shifrin's name. He added that the Board reach out to his family for ideas and approval. Mr. Purple agreed to do so.

Chairman Shea gave condolences to the family of John Bartolini who was a twenty-three-year veteran, a World War II Veteran, and a member of the Board of Health who passed away this week.

Member's Report

Mr. Stivers stated that at the Planning Board meeting the previous night, they approved the St. Mark's dormitory. He said it was a great example of collaboration and both the Planning Board and St. Mark's School commented on the value of collaborating with the Open Space Preservation Committee.

Mr. Stivers invited residents to attend the Public Works Planning Board meeting scheduled for Monday, January 27, to participate in a discussion regarding the Complete Streets Policy. He described the discussion as a comprehensive look at roadways, trails, transit systems and more which could open the door for grant funds for transportation in Southborough. Mr. Stivers stated that he will request that the draft policy be made available before the meeting. Mr. Stivers also commented that the Master Plan Committee will be meeting on Wednesday, January 15, and Representative Dykema and Senator Eldridge will be present to discuss regional transportation issues.

Town Administrator's Report

Mr. Purple commended Brian Ballantine and Tom LaFlamme for their work in receiving two grants for the Town. The first is a Community Compact IT Grant for $17,000 for new budgeting software. He noted that this was a budget item that has been removed since being awarded the grant. Mr. Purple praised Mr. LaFlamme for applying for and receiving an $81,000 IT grant from the State to expand the Town's fiber network. He stated that with these funds, the fiber network has been extended to the Arts Center, DPW, and Cemetery buildings.

Mr. Purple informed the Board that the State closed out fiscal year 2019 and added an additional $20 million to Chapter 90 appropriations. He added that the new appropriations for fiscal year 2020 is $478,599 which is an increase in funds available to the Town for roads and transportation improvement.

Mr. Purple informed the Board he received a letter from Attorney Robert Cohen addressed to the Board requesting they join the litigation and opine on the challenging of Framingham's decision to site a marijuana cultivation and processing facility at 1062 Edmands Road, Framingham. Attorney Cohen wrote that his office represents abutters to and other landowners in the Town of Southborough in opposition to this project. Mr. Kolenda stated he had no interest involving the Board in another town's politics. Mr. Healey stated he was interested in the opinions of the Southborough residents. Mr. Stivers stated that this could be related to the traffic issue already discussed at Pine Hill Road. Mr. Healey stated that if the issues are outside of that, he would like to hear from the residents. Chairman Shea stated that because the Board was not part of the conversation or privy to any presentations, he does not want to get involved. Mr. Healey agreed but would like to hear the concerns from the Southborough residents. Mr. Purple stated he will follow up with Attorney Cohen.

Mr. Purple stated that Karen Wheeler (9 Darlene Drive) reached out to request the resurrection of the Green Technology Committee. He stated that once the committee received Green Community Status for Southborough, it ceased its work. Ms. Wheeler would like the Board to opine if there is interest in reconstituting the committee. Chairman Shea and Mr. Healey stated it was worth pursuing. Mr. Stivers stated he thought it was a good idea but could be challenging to find volunteers and suggested Ms. Wheeler look into whether there will be interest amongst the residents. Mr. Purple agreed to work with Ms. Wheeler to pursue resurrecting the committee.

V. Consent Agenda

a. Chairman Shea made a motion to approve of Regular Session minutes: December 17, 2019. Mr. Healey seconded. The motion passed all in favor (4-0-0).
b. Chairman Shea made a motion to approve of Executive Session minutes: December 17, 2019. Mr. Healey seconded. The motion passed all in favor (4-0-0).

c. Chairman Shea made a motion to approve the Cultural Council Appointments: Susan E. Beland and Catharine G. Byrne, terms 1/8/2020-1/7/2022. Mr. Healey seconded. The motion passed all in favor (4-0-0).

VI. Other Matters Properly Before the Board

Consideration of draft policy for Small Cell Wireless Installations (5G)

Mr. Purple reminded the Board that this issue was brought to the Board's attention from a resident a year ago and since the Board has engaged with Attorney Laughman from KP Law to draft a policy that would help preserve and protect the aesthetics and health of residents. He said the draft policy should lay out rules to protect the Town while being cognizant of the FCC regulations that govern the process. He added that the material provided to the Board to education and give background on the proposals was not easy to understand and added that he sent out additional materials today that could make the drafts clearer to read. Mr. Purple suggested the Board review the new documents and review the draft policy written by Attorney Laughman and the policy from the Town of Burlington and send feedback and questions directly to him. Mr. Healey stated that every week another community in Massachusetts is being exposed to installations for small cell wireless and through his research he was surprised to see that the FCC has left little control to towns and cities. He agreed to add this topic to the January 21st meeting and he would like to have a conversation with Attorney Laughman for clarity on the draft she created and to review the Town of Burlington's policy. Chairman Shea stated that feedback from residents included suggestions to restrict these installations from school and town structures. Mr. Healey replied that the FCC has federally preempted health concerns and concerns of the proximity to schools and public facilities. Mr. Kolenda stated he would like to hear the advice from Counsel. Mr. Stivers stated he feels that it is better for the Town to have a policy in place sooner rather than take the time to try and perfect it. He asked Mr. Purple to include the application form, license agreement, and the listed fees from the Burlington policy. Mr. Purple agreed to do so and stated the Planning Board suggested the policy not become a bylaw in order for flexibility as the Town gains more experience with this matter. The Board agreed to forward their questions to Mr. Purple and he agreed to setup a meeting with Attorney Laughman for more information on this topic and to bring back more refined documents to the January 21st meeting.

VII. Executive Session: At 8:42 P.M. the Board entered into Executive Session per M.G.L. Chapter 30A §21 (Exemption 2) to prepare for negotiations with the Police Chief on a successor employment agreement; the Board will not be returning to Open Session at the conclusion of Executive Session. Roll Call: Shea, aye; Healey, aye; Kolenda, aye; Stivers, aye.

Upcoming Meetings
January 21, 2020
February 4, 2020

Respectfully submitted,

Kathleen Barry, Recording Secretary

List of Documents referred to at the January 7, 2020 BOS Meeting:

- Legal Advertising Proof dated 12/23/19 – Community Newspaper Co.

- Application for a License to Buy, Sell, Exchange or Assemble Second Hand Motor Vehicles or Parts Thereof
- Business Certificate for Direct Auto Mall.com dated 12/17/19
- Payment Confirmation for Southborough Auto Sales, Inc. – State Corporations Division dated 12/17/19
- Hours of Operation, Southborough Auto Sales, Inc.
- Google Map of 251 Turnpike Road, Southborough, MA
- Letter from Chief Paulhus to BOS re: Sergeant Recommendation dated 12/23/19
- FY2021 Estimated Recap
- Letter from Mark Purple to Brian Ballantine and Vanessa Hale re: FW: Perspective dated 12/31/19
- Regular Session minutes: December 17, 2019
- Citizen Activity Form, Susan E. Beland
- Citizen Activity Form, Catharine Byrne
- Letter from Mark Purple to BOS re: Small cell policy dated 1/2/20
- Letter from Marnie Hoolahan to Karina Quinn and Sarah Hoeker re: Feedback on 5G Technology dated 11/10/19
- Letter to Karina Quinn from Jesse Stein re: 5G Policy Review dated 10/31/19
- Letter from Andre Fortin to Mark Purple, Karina Quinn and Donald Morris re: Adoption of 5G small cell policy dated 10/21/19
- Letter from Michele Pierce to Mark Purple and Karina Quinn re: 5G Policy dated 10/21/19
- Letter from Ted Davis to Mark Purple and Karina Quinn re: Small Cell Document Review dated 10/21/19
- Letter from Ted Davis to Karina Quinn and Planning Board re: Agenda Tonight dated 11/18/19
- Draft Policy for Small Cell Wireless Installations (5G)
- Town of Burlington Policy Applications for Small Cell Wireless Installations
- Town of Burlington Small Wireless Facility and similar structures Design Rules and Regulations
- TOS Small Cell Application Form DRAFT 200106
- TOS Small Cell Application Form DRAFT 200106
- TOS Design Criteria for Small Cell installations DRAFT 200107
- Letter from Karen Wheeler to Vanessa Haled dated 1/6/20 re: Southborough Energy and Sustainability Committee
- Taxation Aide Committee Presentation
- Letter from Deerfoot Road Residents to Multiple Boards and Committees dated 8.12.19
- Letter from Attorney Robert Cohen to Brian Shea dated 1/2/20

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BOARD OF SELECTMEN Meeting Minutes

Meeting Date: Tuesday, January 21, 2020, 6:30 P.M.
Location: McAuliffe Hearing Room, 17 Common Street, Southborough, MA
Present: Brian Shea, Marty Healey, Lisa Braccio, Sam Stivers and Town Administrator Mark Purple
Absent: Daniel Kolenda

I. Chairman Shea called the meeting to order at 6:30 P.M.

II. **Public Comment**
None

III. **Scheduled Appointments**
Cultural Council Update: Mary Piekarz, Chair
Ms. Piekarz introduced Ms. Davis to the Board and gave a background of the charge of the Council. She stated the Council is allocated money from the Mass Cultural Council yearly and give about $5,000 worth of grants to fund activities for Southborough residents. She described the recent art exhibits sponsored by the Council and one currently on display in the Library. Ms. Piekarz added that they funded the music at the food truck event, an arts and crafts fair on Heritage Day and helped Sophia Brady host an open mic night that was attended by about 150 people for her Scouts Gold Award. She added that the greatest challenge is a lack of space for meetings and art display.

Ms. Davis stated she had attended some Cultural Council meetings and their goal is to identify artist in Town, advertise more and get more people involved in the arts. She reiterated the need for more space and urged the Town to think about dedicated space for the Council and art display. Ms. Piekarz added that they have had to turn an artist away because the space available, mainly the Library, was inadequate for her work. Ms. Davis stressed the need for arts and culture to revitalize the Town.

Mr. Healey said he has attended some of the Cultural Council's events and commented on the talent of the artists and the palpable energy. He suggested they reach out to the EDC to as the arts can be part of economic development. Ms. Davis replied they would like to part of the economic development in Southborough and would like to present their ideas for arts and culture to increase business in Town. He requested the Council continue to update the Board about space and suggested tying in local businesses to display artwork. Ms. Braccio commended the Council for their work and suggested they work with the schools to integrate programs to inspire youth and use their display space. Ms. Piekarz stated that some grants are awarded to the Library to host classes for the youth but survey responses indicated residents wanted more classes and events for adults. She stated the challenge is lack of space and the ability to charge and therefore pay for events. She added that Denise Johnson is a member and a teacher at Neary.

Mr. Stivers thanked them for their work and suggested the Council reach out to St. Mark's and Fay Schools to utilize their display space. He that the Master Plan Committee has a goal to create a sense of community and generate places where residents could gather and interact. Mr. Stivers said the Cultural Council is a key element to reaching that goal. He added that hiring a

part-time grant writer for the Town could assist the Council find and apply for grants. He asked Ms. Piekarz to talk about some of the grants the Council has provided. Ms. Piekarz stated they have funded events for the Interboroughs Band, Summer Concert Series, classes at the Library and the Messiah Concert at Pilgrim Church. Mr. Stivers asked how those interested in these grants could apply. Ms. Piekarz replied that any group or individual can apply and applications are due in October and are available on the website.

Volunteer Interview for appointment: Lynn Davis, Cultural Council; term 1/22/20-1/21/22
Chairman Shea told Ms. Piekarz that it was a benefit to have the applicant present with her to illustrate the applicant's knowledge and passion for the Cultural Council. Chairman Shea made a motion to appoint Lynn Davis, Cultural Council; term 1/22/20-1/21/22. Mr. Stivers seconded. The motion passed all in favor (4-0-0).

Police Chief Paulhus

i. Appoint Student Officer Austin Chapski to Probationary Officer effective 2/15/2020
Chief Paulhus requested the Board approve the appointment of Student Officer Austin Chapski to Probationary Officer effective February 15, 2020 upon a successful graduation from the MPTC Police Academy on February 14, 2020. He said Mr. Chapski will then enroll in the FTO Program and his pay status will change from $700 per week to $969.69 per week per the Union contract. Chief Paulhus stated the Mr. Chapski is a resident of Southborough and has been a dispatcher for the department. Ms. Braccio made a motion to appoint Student Officer Austin Chapski to Probationary Officer effective 2/15/2020. Mr. Healey seconded. The motion passed all in favor (4-0-0).

ii. Appoint Jeffrey Norton as Full-Time Student Police Officer effective 2/24/2020
Chief Paulhus asked the Board to consider the appoint of Jeffrey Norton as a Full-Time Student Police Officer effect 2/24/2020 when the Boylston Police Academy will begin. He gave a background of Mr. Norton's experience and stated his employment history, background check and interview skills reflect a high level of communication skills. Chief Paulhus added that Mr. Norton worked for St. Mark's School and has familiarity with Southborough. He was hired as a part-time dispatcher last May and has been successful in that role. Chief Paulhus stated Mr. Norton will step down from his current role as part-time communications officer and will receive a salary of $700 per week as a full-time Student Officer per the Union contract. Upon graduation from the MPTC Academy in Boylston, he will transition to a full-time Probationary Officer per the Union contract. Ms. Braccio made a motion to appoint Jeffrey Norton as a Full-Time Student Police Officer effective 2/24/2020. Mr. Healey seconded. The motion passed all in favor (4-0-0).

iii. Appoint Stephanie Fontaine as Part-Time Communications Officer start date TBD
Chief Paulhus explained the need for more part-time dispatchers and asked the Board to consider his recommendation of Stephanie Fontaine as Part-Time Communications Officer. He said Ms. Fontaine has a long history of employment in customer service and has certifications in NextGen 9-1-1 and the Association of Public-Safety Communication Officials. He asked for the Board's approval pending a successful passing of background checks. Mr. Stivers asked if Ms. Fontaine had any connections or experience in Southborough. Chief Paulhus replied that she did not but having the certifications will make for a smooth transition. Ms. Braccio made a motion to appoint Stephanie Fontaine as Part-Time Communications Officer with a start date TBD. Mr. Healey seconded. The motion passed all in favor (4-0-0).

iv. Approve Citizens Police Academy with Northborough and Westborough

Chief Paulhus explained the program and its success from 2018. He stated the Citizens Police Academy runs for eight weeks and they will be partnering with Northborough and Westborough for the first ever BORO's CPA. He told the Board that the Department currently partner with Northborough and Westborough for the Junior Police Academy, the Jail Diversion Counselor and other resources. He said Southborough will host the 2020 CPA in the training room of the Public Safety Building and will be under the direction of Officer John Woodford and Officer Stephen Neivert. Chief Paulhus recommended the program to all residents. Mr. Healey asked how many people could enroll. Chief Paulhus said because of the larger size of the training room in the new building, the program could accept up to 35 people. He added that the Academy would be held Wednesdays from 6:00 P.M. to 9:00 P.M. beginning in late March or early April. The registration will be split evenly between the three towns. Ms. Braccio made a motion to approve the Citizens Police Academy with Northborough and Westborough. Mr. Healey seconded. The motion passed all in favor (4-0-0).

Brian Ballantine, Finance Director – Continued discussion of FY2021 budget

Mr. Ballantine told the Board he created a five-year budget estimate without going into a deficit. He requested the Board vote on a budget concept this evening. Mr. Ballantine gave an overview of the five-year projection and listed the assumptions used to maintain in the positive. These included operational and school budgets remaining at 3.5%, the inclusion of a meals tax, removing placeholder requests for future years, extending bond terms further into the future, placing a cap from fiscal year 2021 to 2026, and replacing the hopper at the Transfer Station instead of a full renovation. The latter would save the town $3 million in the capital plan and debt paying forward. Mr. Ballantine informed the Board that Norfolk Academy has two applicants this year which adds $89,000 to the budget. He said this could almost be offset by the revenue updates for the ambulance fund. He requested the Board decide tonight on additional items they may want to include in the budget.

Mr. Stivers said he felt there are items that are the right thing to do for the Town and wanted them included in the budget. He listed his support for the ADA budget, Building Department hours, Conservation Commission administrative support, Municipal Technology Committee support, Police budget and Southborough Youth and Family Services support. He stated that these items would be an increase of $200,000 and listed assumptions that could be in the favor of the Town such as a smaller school budget.

Ms. Braccio stated she agreed with the support Mr. Stivers spoke to but felt that if the Board decided to add items to the budget, they needed to find where to take the funds from for the purpose of sustainability. Mr. Healey agreed. He suggested that if there were a fall town meeting, there is a possibility that some expenditures could be delayed until then for a clearer view of the financial standpoint of the Town. Chairman Shea stated he asked Mr. Ballantine to present a scenario to add a part-time employee for Youth and Family Services and a full-time Police Officer for fiscal year 2021 into the budget projection. He said these additions would put the Town in the negative financially but felt these positions should be a priority. There was discussion on the ramifications of adding a part-time employee for Youth and Family Services. Mr. Purple added that in order to stay under the cap for fiscal year 2024, the Board will have to cut approximately $70,000 barring all assumptions hold true. He asked the Board to decide if there were any additions they wanted to put back into the budget. He added that fiscal year 2022 will be tight and the Board now has a preview into the next five years in terms of debt issues. Mr. Stivers countered that assumptions could be favorable for the Town as well and said

that the Board should fund what is right for the Town and reassess the financial impact throughout the process.

Kathy Cook, Chair of the Advisory Board, told the Board that fiscal year 2022 will be the most challenging year as the tax rate increase is estimated at 8%. She stated that Advisory had not voted on the budget yet, but speaking as the Chair, she believes there should be a special town meeting in the fall. She would like the Capital Budget Committee to be reinvigorated and stated Jason Malinowski was open to being Chair. She said the focus of the committee would be on capital and coming up with creative ways to lower the expenses and increase revenue while also supporting services. Ms. Cook said the Advisory Board had heard a presentation from the Economic Development Committee regarding their proposed zoning bylaw change and she felt they would not be ready for town meeting in March. She stated they would most likely benefit from more preparation time and they could be on the agenda for a fall town meeting as well.

Mr. Purple asked the Board to support the concept of no new hours or positions in fiscal year 2022 due to the lack of any sustainable revenue to support these items. There was discussion and Ms. Braccio reminded the Board that in the future, they could vote to change this decision. Mr. Healey made a motion to support a plan of no additional hours or positions in fiscal year 2022 unless there is a clearly identifiable new revenue stream that could support those items. Ms. Braccio seconded. Mr. Stivers said it was a great concept but there are items that should be supported and a need to find new ways to fund them. He said, with that caveat, he will support the motion. The motion passed all in favor (4-0-0).

There was continued discussion regarding adding new positions for fiscal year 2021 and Ms. Braccio asked if a police officer position was not included into this budget if the overtime budget would increase. She indicated that if the cost of overtime evened out the cost for additional officer, the position should be added. Mr. Purple replied that if an officer were not included in this budget, the Police Chief would most likely not be giving back overtime as he usually does. Ms. Braccio requested the number of overtime hours expected for fiscal year 2021 if there are no additional officers. Mr. Purple agreed to work on those numbers with the Chief for next meeting. The Board agreed to add a meeting on February 4th dedicated solely to the budget and requested the Advisory Board attend. Ms. Cook confirmed that the Advisory Board could attend the February 4th meeting.

IV. Reports

Town Administrator's Report

- Update on 2020 Annual Town Meeting Warrant

Mr. Purple said he distributed an update on the Town Warrant and there are 35 articles with a possibility of an additional article from a citizen petition. He said the potential article is being reviewed by the Town Clerk to certify signatures for a noise bylaw. He added that more information is needed for the project at Kallander Field and St. Mark's Bell Tower and therefore the list of bonds has not been completed. He said article sixteen is being reviewed by Bond Counsel for borrowing and the four articles before the Planning Board are being reviewed by Town Counsel.

Mr. Purple stated he received a letter from Town Counsel that he distributed to the Board regarding the process the EDC has taken to bring their proposed bylaw to the Planning Board. He stated that because it was received so late, he will not make any comments this evening.

Chairman Shea said that Ms. Cook identified that the proposed zoning bylaw change should have been acted on by the Board before going to the Planning Board. He continued that the letter outlines a number of ways in which the document could have gone before the Planning Board and none were properly met. Chairman Shea stated he was unsure the Board had the time to work on this article in time for the signing of the warrant. He suggested this may be an article that could come before the Board for a fall town meeting.

Mr. Purple suggested the Board consider deferring the reinstating of the Capital Committee to a fall meeting. He added he had not heard back from National Grid regarding parcel 54-40. He said National Grid was checking the parcel to determine the status of the land. He has reached out to National Grid and will update the Board when he receives a response.

Chairman's Report

Chairman Shea told the Board that he has requested a meeting with the DPW Superintendent and the Conservation Agent to understand the actions taken on Deerfoot Road regarding the tree removal. He has also requested an opinion from Town Counsel regarding the authority of the DPW for tree removal of sick and diseased trees. He will reach out to the Deerfoot Road residents once he has more information.

Chairman Shea stated that the memo on the naming of space for the Public Safety Building has been sent to the Board. He asked the Board to review and send any questions or comments to Mr. Purple.

Members' Reports

- Update on PILOT discussions

Mr. Healey updated the Board on his PILOT discussions with St. Mark's and Fay Schools. He said both were productive and receptive to his ideas. Mr. Healey spoke with both schools about how they view the roll of non-profits in communities and expressed interest in continuing to be good neighbors. He gave an example of a policy the City of Boston created that billed their non-profits for 25% of the tax they would be responsible for had they not been non-profit institutions and the unsuccessful result. He stated having discussions were much more productive and noted that the Board of Trustees from both schools had no interest in a contractual relationship with the Town. He said they felt the most favorable route would be as an ad-hoc and continual discussion of expenditures tied to their mission and the Town. Mr. Healey stated he will continue his discussions with St. Mark's and Fay Schools and believes they will be positive for both parties.

Ms. Braccio extended condolences to the family of Donald Banks who had recently passed. Mr. Banks was a Southborough Reserve Police Officer and a Water Specialist with the Southborough DPW.

Mr. Stivers reported that the Master Plan Committee met last week with Representative Dykema and Senator Eldridge with a focus on transportation issues. They had shared that the State and Mass DOT are interested in undertaking projects to address transportation issues in the Metrowest. He said there could be potential funding for projects that are ready to begin. Mr. Stivers said they talked about sidewalks, causeways and pedestrian and local bus transportation. He recommended creating a group to reach out to the Town to compile a list of projects residents would want that could potentially be a candidate for this funding. He added that Representative Dykema was very supportive of finding more parking at the T-Station. Mr. Stivers

suggested the possibility of the Planning Board, EDC and/or Trails Committee working together for specific project ideas.

Mr. Stivers stated the Public Works Planning Board meets Monday evening to review the Complete Streets Program. He added that the Board will need to vote on this in the future. He said he hopes the draft policy is posted with the agenda for the public to review prior to the meeting.

Mr. Stivers stated with the current process gaps with the EDC and their zoning amendment proposal, it is a good opportunity for the Board to discuss options for revitalizing the downtown. He commended the EDC for creating traction on this topic and he would like to work on the initiative in the future.

V. Consent Agenda

a. Approval of Regular Session minutes from January 7, 2020
Mr. Stivers held consent agenda item "a." Mr. Stivers stated the dates for the Mater Plan Committee and Public Works Planning Board were incorrectly noted in the January 7, 2020 Regular Session meeting minutes. He sent Mr. Purple his corrections and requested the Board accept the changes for accuracy. Chairman Shea made a motion to approve the Regular Session minutes from January 7, 2020 as amended. Mr. Healey seconded. The motion passed all in favor (4-0-0).

b. Accept resignation of Lou Palecki from Golf Course Committee
Ms. Braccio held consent agenda item "b." Ms. Braccio thanked Mr. Palecki for the work he had done on the Golf Course Committee including the renovation of the course, working with the CPC and assisting in the successful opening of the course to the public during the construction of the Public Safety Building. Chairman Shea agreed and made a motion to accept the resignation of Lou Palecki from the Golf Course Committee. Mr. Healey seconded. The motion passed all in favor (4-0-0).

c. Chairman Shea made a motion to accept the donation of $100.00 from M. Hasbrouck and J. Gibbons for the Fire Department Ambulance Fund. Mr. Healey seconded. The motion passed all in favor (4-0-0).

d. Chairman Shea made a motion to sign the warrant for the March 3, 2020 Presidential Primaries. Mr. Healey seconded. The motion passed all in favor (4-0-0).

e. Chairman Shea made a motion to appoint Keith L. Ackley to Board of Registrars of Voters, term 6/30/20. Mr. Healey seconded. The motion passed all in favor (4-0-0).

f. Clerk notice to BOS regarding hours of Early Voting for the Presidential Primary
Chairman Shea held agenda item "f." Chairman Shea invited the Town Clerk to speak. Mr. Hegarty explained that early voting is available to all residents starting Monday, February 24th from 8:00 A.M. to 7:00 P.M. through Thursday, February 27th and Friday, February 28th from 8:00 A.M. to noon. He added that parents who will be requesting absentee ballots for their children in college should call and provide the email address and phone number of their children in order for the Town Clerk's Office to send a reminder to return their ballot. Mr. Purple suggested the Board meet at 7:00 P.M. instead of 6:30 P.M. on February 25th in order for the Town Clerk's Office to conduct early voting. The Board agreed. Chairman Shea made a motion to accept early voting for the Presidential Primary. Mr. Healey seconded. The motion passed all in favor (4-0-0).

g. Chairman Shea made a motion to approve the Executive Session minutes from January 7, 2020. Mr. Healey seconded. The motion passed all in favor (4-0-0).

VI. Other Matters Properly Before the Board

Review of proposed Accessibility Compliance Committee bylaw article

Mr. Purple stated that Chairman Shea, Mr. Healey and Mr. Stivers submitted suggested changes to the proposed charge of Accessibility Compliance Committee and distributed it during the meeting. Mr. Healey stated he changed the name of the committee to the Southborough Public Accessibility Committee because he felt it was more welcoming and more in line with their functions. The Board agreed to the change and Mr. Purple agreed to incorporate it in the next draft. Mr. Stivers stated that most of his proposed changes was wordsmithing for clarity. Mr. Healey stated his proposed changes had the same function for better clarity. There was discussion on changes throughout the document; specifically, the role of "coordinator" listed in section 9.34.A. It was agreed that Mr. Purple would take on this role but would not report to the Committee.

Mr. Stivers added he incorporated definitions and language regarding quorum for clarity. Ms. Braccio, Mr. Healey and Chairman Shea agreed to the changes. Mr. Purple affirmed he would add this language to the draft document. Mr. Healey pointed out his changes to Section 9.35 and there was discussion on the final proposed language. Mr. Healey agreed to update the draft document with all the changes agreed to by the Board and send it to Mr. Purple. Mr. Purple agreed to distribute it to the Board and the ADA Committee for review.

VII. Executive Session

At 8:50 P.M. the Board entered into Executive Session per M.G.L. Chapter 30A §2 I (exemption 2) for negotiations with the Police Chief on a successor employment agreement; the Board will not be returning to Open Session at the conclusion of Executive Session. Roll Call: Shea, aye; Healey, aye; Braccio, aye; Stivers, aye.

Upcoming Meetings
February 11, 2020
February 25, 2020

Respectfully submitted,

Kathleen Barry, Recording Secretary

List of Documents referred to at the January 21, 2020 BOS Meeting:

- Citizen's Activity Form, Lynn Davis
- Letter from Chief Paulhus to BOS re: Officer Austin Chapski dated 1.8.20
- Letter from Chief Paulhus to BOS re: Full-Time Student Officer Appointment dated 1.8.20
- Letter from Chief Paulhus to BOS re: Part-Time Telecommunications Officer/Dispatcher dated 1.13.20
- Southborough Police Department Personnel Order dated 1.13.20
- Letter from Chief Paulhus to BOS re: BORO'S Citizens Police Academy dated 1.13.20
- FY21 Budget presentation for 1.21.20 BOS Meeting
- Regular Session Minutes: January 7, 2020

- Letter of Resignation, Lou Palecki
- Letter of Donation Receipt, Southborough Fire Department dated 11.21.19
- Warrant for 2020 Presidential Primaries
- Letter from Town Clerk Hegarty to BOS re: Appointment of Mr. Keith L. Ackley to Board of Registrars of Voters dated 1.14.20
- Early Voting Notice, Presidential Primary Election
- Draft of Article IX Accessibility Compliance Committee
- Annual Town Meeting Record, March 28, 2020
- Draft Accessibility Compliance Committee Article with Marty Healey's edits
- Draft Accessibility Compliance Committee Article with Sam Stiver's edits
- Draft Accessibility Compliance Committee Article with Brian Shea's edits
- Draft Annual Warrant 2020
- Letter from Town Counsel to BOS re_Legal Opinion Request TCO No. 20-3089 dated 1.21.20

Annual Town Meeting Record

Article #	Article Description	Sponsor	Amount	Funding Source	Motion	Quantum of Vote	BOS	Advisory	3/28/2020 Town Meeting Action	Date
1	Hear Committee Reports	Selectmen				Majority				
2	Acceptance of PILOT Payments	Selectmen				Majority				
3	Annual Borrowing authorization	Selectmen				Majority				
4	Authorization of contracts in excess of 3 yrs.	Selectmen				Majority				
5	Salary Administration Plan	Personnel Board				Majority				
6	Fiscal Year 2020 budget adjustments	Selectmen	TBD	General Fund		Majority				
7	Amend borrowing authorization for PSB	Selectmen	TBD							
8	Fiscal Year 2021 budget	Selectmen	TBD	GF, Water, Ambulance, etc.		Majority				
9	Fiscal Year 2021 Water Enterprise budget	Selectmen	TBD	Enterprise						
10	Water capital	Selectmen	TBD	Enterprise						
11	Capital Budget (Non-borrowing)	Selectmen	TBD	GF, Water, Ambulance		Majority				
12	Capital Budget (Borrowing)	Selectmen	TBD	Borrowing		Two-thirds				
13	Payment to Retirees for Accrued Vacation and Sick Time	Selectmen	$28,000	General Fund		Majority				
14	Insurance Deductible account	Selectmen	$10,000	General Fund		Majority				
15	Capital maintenance fund	Selectmen	$100,000	General Fund		Majority				
16	MSBA project for Finn School boiler	School Committee	TBD	Borrowing		Two-thirds				
17	Annual authorization of revolving funds	Selectmen				Majority				
18	CPA - Administrative	CPA				Majority				
19	CPA - Burnett House bond	CPA	TBD	CPA funds		Majority				
20	CPA - Library façade bond	CPA	TBD	CPA funds		Majority				
21	CPA - Kallander Field project	CPA	TBD	CPA funds						
22	CPA - St. Mark's Church Bell Tower project	CPA	TBD	CPA funds						
23	Adopt Local Option for veteran's benefits	Selectmen				Majority				
24	Bylaw - Increase qualification period for appointments	Selectmen				Majority				
25	Adopt MGL for speed limit in thickly settled areas	Selectmen				Majority				
26	Adopt MGL to designate safety zones	Selectmen				Majority				
27	Adopt MGL to implement Local Meals Tax	Selectmen				Majority				
28	Bylaw - Accessibility Compliance Committee	Selectmen				Majority				
29	Acquisition of Parcel 54-40	Selectmen	$257,100.00	General Fund		Majority				
30	Zoning bylaw - Miscellaneous provisions (special permits, extensions, alterations)	Zoning Board of Appeals				Two-thirds				
31	Adopt MGL for Saturday office hours	Town Clerk				Majority				
32	Zoning bylaw - Downtown overlay district	Selectmen				Two-thirds				
33	Zoning bylaw - Outdoor illumination	Planning Board				Two-thirds				
34	Zoning bylaw - Site Plan review	Planning Board				Two-thirds				
35	Amend funding article for Dipietri Field repairs	Recreation Commission	$50,000.00	General Fund		Majority				
36	Citizen petition - Noise Bylaw	Peter Lapine, et al.				Majority				

Southborough, MA
17 Common Street

Phone: 508-485-0710

RECEIVED
JAN - 7 2020
Southborough Selectmen's Office

Citizen Activity Form

Good Government Starts with You

Date Submitted:	January 6, 2020
Name:	Lynn M Davis
Home Address:	14 Red Gate Lane Southborough, MA 01772
Mailing Address:	14 Red Gate Lane Southborough, MA 01772
Phone Number(s):	
Email Address:	
Current Occupation/Employer:	Consultant / self employed
Narrative:	I have been involved with the Arts for years as a member and supporter. Examples of the numerous cultural institutions with which I am or have been affiliated with include the MFA, Worcester Arts and Crafts Center, Isabella Stewart Gardner Museum, Tower Hill Botanical Garden, Worcester Art Museum, Peabody Essex Museum, Danforth Museum. I hold a master's degree in Communications Management from Clark University which will serve the Council in its public relations and marketing endeavors.
Board(s) / Committee(s):	___AMERICANS WITH DISABILITIES ACT COMMITTEE ___CULTURAL ARTS COUNCIL

Article TBD: To see if the Town will vote to adopt as Chapter 9, Article IX 1 through 2 of the Town bylaws, the following:

Article IX Accessibility Compliance Committee

§9.34 Purpose

Numerous laws, statutes, policies and regulations require and/or encourage access to facilities, programs and services for all members of the public, whether or not having a disability. These include, but are not limited to:

- The Americans with Disabilities Act of 1990 - 42 U.S.C. ch. 126 § 12101 et seq
- Regulations promulgated by the Massachusetts Architectural Access Board (521 CMR)
- The Voting Accessibility for the Elderly and Handicapped Act of 1984 - P.L. 98-435, 42 U.S.C. §§ 1973ee–1973ee-6
- The Individuals with Disabilities Education Act – 20 U.S.C. §§ 1400 et seq.
- The Rehabilitation Act of 1973 – USC 31-41c, 29 U.S.C. § 701 et seq
- The Architectural Barriers Act - 42 U.S.C. §§ 4151 et seq.
- Massachusetts Employment Law MGL ch 151B
- Massachusetts Public Accommodation Law - MGL ch 272
- Massachusetts Equal Rights Act - MGL Ch. 93 §§ 102
- Massachusetts Constitution Article CXIV (114)
- Massachusetts Service Animals Law – MGL Ch. 272 § 98A

These requirements, which are increasingly important due to demographic changes and public awareness, necessitate a coordinated approach to monitoring and increasing the Town of Southborough's compliance. In addition, it is desirable to encourage property owners to consider adopting optional policies that increase accessibility. As more fully described in the remainder of this Article IX, this article establishes a committee that will be responsible for developing and implementing this coordination. It will report on status and progress to the Board of Selectmen and the Town Meeting.

§9.34.A Establishment; Membership; Qualifications

There shall be an Accessibility Compliance Committee ("ACC"), which shall consist of five voting members appointed by the Board of Selectmen, and the non-voting ex-officio members identified below.

Each voting member shall be a registered voter in the Town and shall not be a Town officer or employee.

The Board of Selectmen shall appoint an Accessibility Compliance Coordinator ("Coordinator"), in consultation with the ACC. The Coordinator, under the direction of the ACC, shall be responsible for accepting and recording concerns, coordinating reviews, and such other duties as may be assigned. The Coordinator may be a Town officer or employee and need not be a resident.

The Building Commissioner and Coordinator shall be ex-officio members of the ACC.

Commented [Brian1]: Is this term defined anywhere?

Commented [Brian2]: This introduces justification for increased compensation/stipend for additional work beyond that currently included in that person's job description. Is a coordinator required? What other committees have coordinators – is one necessary for this group?

Commented [Brian3]: This conflicts with this person being an appointee of the BOS.

§9.34.B Appointments; Terms

Voting members shall be appointed for two-year terms. The initial appointments shall be divided among one and two year terms, so as to establish overlapping terms.

§9.34.C Organization

The members shall select, from among themselves, a Chairman and a Secretary.

§9.34.D Funding

The ACC shall have a budget for consultants and other expenses. It shall submit its projected expenses as part of the Town's regular budget process. Any expenditures from its budget shall require a majority vote of the ACC, and be subject to the Town's policies for such expenditures.

§9.35 Functions

The duty of the ACC shall be to monitor and increase the Town of Southborough's compliance with laws, statutes, policies, and regulations that require (or encourage) access to facilities, programs, services, and projects for all members of the public, whether or not having a disability.

In consort with town officers, departments, and other government entities: the ACC shall endeavor to assure that all town citizens, whether or not having any disability, have equal access to:

- Town Government offices and communications
- Public and commercial buildings
- Programs
- Goods and Services
- Transportation
- Telecommunications, including the Internet
- Recreational programs

The ACC shall review existing and proposed facilities, services, programs, and projects undertaken by the Town of Southborough, and shall notify the responsible official or entity of its findings. The ACC may request other Town officials, committees, departments, and/or entities to provide input to these reviews.

The ACC may undertake public outreach and advocacy for accessibility in the Town.

From time to time, the ACC shall report to the Board of Selectmen and the Town Meeting on its activities and findings.

The ACC shall provide a mechanism for the public and/or any Town employee to raise concerns about the accessibility of any Town facility, service, program, or project. The ACC shall maintain records of such concerns and their dispositions. To the extent permissible by law, the identities of persons raising concerns shall be confidential, unless confidentiality is waived by such person.

Subject to available funding, the ACC shall have the authority to engage consultants to evaluate existing and proposed facilities, services, programs, and projects.

or act or do anything in relation thereto.

Proposed by: The Accessibility Compliance Committee (Formerly "ADA Committee")
Board of Selectmen Recommendation: TBD
Advisory Committee Recommendation: TBD
Summary: *This article replaces the current ad-hoc Accessibility Compliance Committee with a standing committee. The existing committee was established to address the issues raised by the 1990 Americans with Disabilities Act, and was thought to be needed for a short time. In the time since, regulations in this area have increased and public demand for accessibility has increased. Since the need has persisted for several decades, a standing committee that is not limited to the ADA is the more appropriate construct.*

Commented [Brian4]: Not sure why these words are necessary All members of the public mean all members of the public.

Commented [Brian5]: Same comment as above.

Commented [Brian6]: Is this listing necessary? The problem with lists is making sure everything fits within one of these categories. Modification of the list will then require TM action, if this is part of the bylaw. Could the ACC create a policy that includes this listing, rather than include it in a bylaw?

Article TBD: To see if the Town will vote to adopt as Chapter 9, Article IX 1 through 2 of the Town bylaws, the following:

Article IX Southborough Public Accessibility Committee

§9.34 Purpose

Numerous laws, statutes, policies and regulations require and/or encourage access to facilities, programs and services for all members of the public, particularly for those having a disability. These include, but are not limited to:

- The Americans with Disabilities Act of 1990 - 42 U.S.C. ch. 126 § 12101 et seq
- Regulations promulgated by the Massachusetts Architectural Access Board (521 CMR)
- The Voting Accessibility for the Elderly and Handicapped Act of 1984 - P.L. 98-435, 42 U.S.C. §§ 1973ee–1973ee-6
- The Individuals with Disabilities Education Act – 20 U.S.C. §§ 1400 et seq.
- The Rehabilitation Act of 1973 – USC 31-41c, 29 U.S.C. § 701 et seq
- The Architectural Barriers Act - 42 U.S.C. §§ 4151 et seq.
- Massachusetts Employment Law MGL ch 151B
- Massachusetts Public Accommodation Law - MGL ch 272
- Massachusetts Equal Rights Act - MGL Ch. 93 §§ 102
- Massachusetts Constitution Article CXIV (114)
- Massachusetts Service Animals Law – MGL Ch. 272 §§ 98A

Southborough supports a coordinated approach to monitoring and enhancing public accessibility and ensuring compliance with local, state and federal requirements. In addition, it is desirable to encourage property owners to consider adopting optional policies that increase accessibility. As more fully described in the remainder of this Article IX, this article establishes a committee that will be responsible for developing and implementing this coordination. It will report on status and progress to the Board of Selectmen and the Town Meeting.

§9.34.A Establishment; Membership; Qualifications

There shall be a Southborough Public Accessibility Committee (SPAC) which shall consist of no more than five voting members appointed by the Board of Selectmen, and the non-voting ex-officio members identified below.

Each voting member shall be a registered voter in the Town and shall not be a Town officer or employee. [Note: what's the reason for this restriction? Does it mean someone who is on another committee couldn't be on this one? Why disqualifying if a town employee?]

The Board of Selectmen shall designate an Public Accessibility Coordinator ("Coordinator"), in consultation with the SPAC. The Coordinator[note: I'm assuming the coordinator would be a town employee – really shouldn't have a committee directing a town employee] shall be responsible for accepting and recording concerns, coordinating reviews, and such other duties as may be assigned. [note: I'd just leave this out. It negates a restriction that doesn't exist]

The Building Commissioner and Coordinator shall be non-voting, ex-officio members of the SPAC.

§9.34.B Appointments; Terms

Voting members of the SPAC shall be appointed for two-year terms. The initial appointments shall be divided among one and two year terms, so as to establish overlapping terms.

§9.34.C Organization

The members shall select, from among themselves, a Chairman and a Secretary.

§9.34.D Funding

The SPAC shall have a budget. [note: there may or may not be a need for consultants – I'd don't see a need to bake it into the warrant article] It shall submit its projected expenses to the Town's regular budget process. Any expenditures from its budget shall require a majority vote of the SPAC, and be subject to the Town's policies for such expenditures.

§9.35 Powers and Duties

- To monitor and enhance [note – enhance and increase are almost synonyms, but increase sounds like we're lacking; enhance sounds like we want to improve] the Town of Southborough's compliance with all laws, statutes, policies, and regulations that require (or encourage) access to facilities, programs and services for all members of the public, whether or not having a disability.
- In consort with town officers, departments, and other government entities to endeavor to assure that all town citizens, whether or not having any disability, have equal access to:
- Town Government offices and communications
- Public and commercial buildings
- Programs
- Goods and Services
- Transportation
- Telecommunications, including the Internet
- Recreational programs
- To review existing and proposed facilities, programs, and projects undertaken by the Town of Southborough, and shall notify the responsible official or entity of any inadequacies. The SPAC may request other Town officials, committees, departments, and/or entities to provide input to these reviews.
- To undertake public outreach and advocacy for accessibility in the Town.
- To periodically, but no less than once per calendar year, report to the Board of Selectmen and the Town Meeting on its activities and findings.
- To provide a mechanism for the public and/or any Town employee to raise concerns about the accessibility of any Town facility, service or program. [note: I don't think this needs to be in the warrant article. Too granular.]

[note: same. Too granular for warrant article.]*or act or do anything in relation thereto.*

Proposed by: The Accessibility Compliance Committee (Formerly "ADA Committee")
Board of Selectmen Recommendation: TBD
Advisory Committee Recommendation: TBD
Summary: *This article replaces the current ad-hoc Accessibility Compliance Committee with a standing committee. The existing committee was established to address the issues raised by the 1990 Americans with Disabilities Act, and was thought to be needed for a short time. In the time since, regulations in this area have increased and public demand for accessibility has increased. Since the need has persisted for several decades, a standing committee that is not limited to the ADA is the more appropriate construct.*

§9.34 Purpose

Numerous laws, statutes, policies and regulations require and/or encourage access to facilities, programs and services for all members of the public, regardless of ~~whether~~if ~~they~~ they do or do not have~~ing~~ a disability. These include, but are not limited to:

- The Americans with Disabilities Act of 1990 - 42 U.S.C. ch. 126 § 12101 et seq
- Regulations promulgated by the Massachusetts Architectural Access Board (521 CMR)
- The Voting Accessibility for the Elderly and Handicapped Act of 1984 - P.L. 98-435, 42 U.S.C. §§ 1973ee–1973ee-6
- The Individuals with Disabilities Education Act – 20 U.S.C. §§ 1400 et seq.
- The Rehabilitation Act of 1973 – USC 31-41c, 29 U.S.C. § 701 et seq
- The Architectural Barriers Act - 42 U.S.C. §§ 4151 et seq.
- Massachusetts Employment Law MGL ch 151B
- Massachusetts Public Accommodation Law - MGL ch 272
- Massachusetts Equal Rights Act - MGL Ch. 93 §§ 102
- Massachusetts Constitution Article CXIV (114)
- Massachusetts Service Animals Law – MGL Ch. 272 §§ 98A

These requirements, which are increasingly important due to demographic changes and public awareness, ~~necessitate~~ reinforce the value of a coordinated approach to monitoring and increasing compliance for the Town of Southborough~~'s~~ (the "Town") ~~compliance~~. In addition, it is desirable to encourage property owners to consider adopting optional policies that increase accessibility. ~~As more fully described in the remainder of this Article IX,~~ Tthis article establishes a committee that will be responsible for developing and implementing this coordination. This committee~~It~~ will report on status and progress to the Board of Selectmen and to ~~the~~ Town Meeting.

§9.34.A Establishment; Membership; Qualifications

There shall be an Accessibility Compliance Committee ("ACC"), which shall consist of no more than five voting members appointed by the Board of Selectmen, ~~and~~ plus the non-voting, ex-officio members identified below. Any non-voting, ex-officio member shall not count toward the calculation of a quorum number for the ACC for voting purposes.

Each voting member shall be a registered voter in the Town and shall not be a Town officer (where a "Town officer" means a Town official who serves in an elected position) or a Town employee (where a "Town employee" means an individual who serves in a Town position established through the Town's Salary Administration Plan, but provided that this exclusion specifically does not apply to individuals who are not serving in a position established through the Town's Salary Administration Plan but who are considered "Municipal Employees" or "Special Municipal Employees" through their service as a volunteer on another Town board, committee or commission).

The Board of Selectmen shall appoint an Accessibility Compliance Coordinator ("Coordinator"), in consultation with the ACC. The Coordinator, under the direction of the ACC, shall be responsible for accepting and recording concerns, coordinating reviews, and such other duties as may be assigned by the ACC. The Coordinator may be a Town officer or employee and need not be a resident of the Town.

The Building Commissioner and the Coordinator shall be ex-officio, non-voting members of the ACC.

§9.34.B Appointments; Terms

Voting members shall be appointed for two-year terms. The initial appointments shall be divided ~~among~~ between one and two year terms, so as to establish overlapping terms.

§9.34.C Organization

The voting ACC members shall select annually, from among themselves by majority vote, a Chairman and a Secretary.

§9.34.D Funding

The ACC shall have a budget, as may be approved through the Town's regular budget process, for consultants and other expenses. The ACC~~It~~ shall submit its projected expenses annually as input to the Town's regular budget process. Any expenditures from the ACC~~its~~ budget shall require a majority vote of the ACC, and shall be subject to the Town's policies for such expenditures.

§9.35 Functions

The duty of the ACC shall be to monitor and increase the Town ~~of Southborough~~'s compliance with all applicable laws, statutes, policies, and regulations that require (or encourage) access to facilities, programs and services for all members of the public, regardless of whether or not they have~~ing~~ a disability.

In consort with T~~t~~own officers, departments, and other government entities, and to the extent that the Town has reasonable ability to influence any such enhanced access: the ACC shall endeavor to assure that all T~~t~~own ~~citizens~~residents, whether or not having any disability, have equal and appropriate access to resources including, but not limited to, the following:

- Town Government offices and communications
- Public and commercial buildings
- Programs
- Goods and Services
- Transportation
- Telecommunications, including the Internet
- Recreational programs

The ACC shall review existing and proposed facilities, programs, and projects ~~undertaken~~ supported by the Town ~~of Southborough~~, and shall notify the responsible official(s) or entity(ies) of any inadequacies that such review may identify. The ACC may request ~~other~~ that any Town officials, committees, departments, and/or entities ~~to~~ provide input to these reviews.

The ACC may undertake public outreach and advocacy for accessibility in the Town.

From time to time, and no less frequently than annually, the ACC shall report on its activities and findings to the Board of Selectmen and ~~the~~ to Town Meeting ~~on its activities and findings~~.

The ACC shall provide a mechanism for the public and/or any Town employee to raise concerns about the accessibility of any Town facility, service or program. The ACC (or its designee) shall maintain records of such concerns and their dispositions. To the extent permissible by law, the identity~~ies~~ of any person~~s~~ raising such concerns shall be confidential, unless confidentiality is waived by such person.

Subject to available funding and compliance with applicable Town and other procurement regulations, the ACC shall have the authority to engage consultants to evaluate the technical aspects of facilities and/or projects.

ANNUAL WARRANT

of the

TOWN OF SOUTHBOROUGH

MASSACHUSETTS

For the Annual Town Meeting
on

March 28, 2020
1:00 – 5:00 p.m.
7:00 – 11:00 p.m.

TOWN WARRANT
COMMONWEALTH OF MASSACHUSETTS

ANNUAL TOWN MEETING

Worcester, ss. February 18, 2020

In the name of the Commonwealth of Massachusetts you are hereby directed to notify and warn the Inhabitants of the Town of Southborough qualified to vote in town affairs, to meet in the P. Brent Trottier Middle School, 49 Parkerville Road, in said Southborough, on

Saturday, March 28, 2020

at ***1:00 p.m.***, then and there to take action on the following Articles:

ARTICLE 1: To hear reports of the various Town Officers and Committees and to take such action thereon as the Town may vote.

Proposed by: BOARD OF SELECTMEN
Board of Selectmen Recommendation:
Advisory Committee Recommendation:
Summary: *To hear reports of Town Boards, Committees or Commissions.*

ARTICLE 2: To see if the Town will vote to accept any sum of money from St. Mark's School, Fay School, Harvard Medical School, L'Abri Fellowship, The New England Center for Children, and any other contributor and deposit same amount in Estimated Receipts Account, and determine what disposition shall be made of the same, if accepted, or do or act anything in relation thereto.

Proposed by: BOARD OF SELECTMEN
Board of Selectmen Recommendation:
Advisory Committee Recommendation:
Summary: *To allow the Board of Selectmen to accept donations from Tax Exempt organizations and determine the disposition of funds.*

ARTICLE 3: To see if the Town will vote to authorize the Town Treasurer, with the approval of the Selectmen, to borrow from time to time in anticipation of revenue of the financial year beginning July 1, 2019 in accordance with the provisions of Massachusetts General Laws, Chapter 44, and to issue a note or notes as may be given for a period of less than one year in accordance with Massachusetts General Laws, Chapter 44, Section 17 as amended, or do or act anything in relation thereto.

Proposed by: BOARD OF SELECTMEN
Board of Selectmen Recommendation:
Advisory Committee Recommendation:
Summary: *This article allows the Town Treasurer to short-term borrow in anticipation of revenue.*

ARTICLE 4: To see if the Town will vote in accordance with the provisions of Massachusetts General Laws Chapter 30B, Section 12(b), to authorize the Board of Selectmen or the Superintendent of Schools to solicit and award contracts for terms exceeding three years, including any renewal, extension or option, provided in each instance the

longer term is determined to be in the best interest of the Town by a vote of the Board of Selectmen or the School Committee, as appropriate, or do or act anything in relation thereto.

Proposed by: BOARD OF SELECTMEN
Board of Selectmen Recommendation:
Advisory Board Recommendation:
Summary: *This article allows the Selectmen and/or the School Committee to enter into contracts in excess of three years, if deemed in the best interest of the Town to do so. This has been an annual article, and the exemption has been limited to contracts of no more than seven years.*

ARTICLE 5: To see if the Town will vote to accept the following changes, as noted in BOLD in the Personnel Salary Administration Plan, as specified in Chapter 31 of the Code of the Town of Southborough, entitled: PERSONNEL.

, or do or act anything in relation thereto.

Proposed by: PERSONNEL BOARD
Board of Selectmen Recommendation:
Advisory Committee Recommendation:
Summary: *The Personnel By-Law governs policies and pay structures for non-union employees. The changes are noted in* ***bold.***

ARTICLE 6: To see if the Town will vote to transfer a sum of money between and among various accounts for the fiscal year ending June 30, 2020, or do or act anything in relation thereto.

Proposed by: BOARD OF SELECTMEN
Board of Selectmen Recommendation:
Advisory Committee Recommendation:
Summary: *This article is intended to address any unexpected or unusual funding needs for the current fiscal year via transfers between accounts.*

ARTICLE 7: To see if the Town will vote to rescind the authorized, but unissued debt of the Town originally appropriated for acquiring real estate from St. Mark's School of Southborough, Inc., approved by a vote of Town Meeting under Article 1 on March 8, 2017, which borrowing authority is no longer required for the purposes for which it was originally approved; or do or act anything in relation thereto.

Proposed by: BOARD OF SELECTMEN
Board of Selectmen Recommendation:
Advisory Committee Recommendation:
Summary: *The Public Safety Building Committee completed the new Public Safety Facility, nearly on time and well under budget. As a result of their efforts, the total cost of the project, including land purchase, has been reduced from $27.1M to $24.1M, a reduction of $3,000,000. As those funds have not been borrowed yet, and are not needed to complete the project, the Town is seeking approval to rescind that amount of borrowing authority approved by Town Meeting under Article 1 on March 8, 2017.*

ARTICLE 8: To see if the Town will vote to raise a sum of money as may be necessary for the Town's use for Fiscal Year 2021, and make appropriations of the same, as detailed following, or do or act anything in relation thereto.

SEE BUDGETS ON THE FOLLOWING PAGES

Proposed by: BOARD OF SELECTMEN

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Summary: *See budget report including Advisory Committee and Board of Selectmen's FY21 recommendations. If the Advisory Committee recommendation differs from that of the Board of Selectmen, it shall be noted in that departmental budget.*

ARTICLE 9: To see if the Town will vote to raise a sum of money as may be necessary for the Water Enterprise Fund's use for Fiscal Year 2020, and make appropriations of the same, as detailed following, or do or act anything in relation thereto.

SEE BUDGET ON THE FOLLOWING PAGE

Proposed by: BOARD OF SELECTMEN

Summary: *See budget report including Advisory Committee and Board of Selectmen's FY21 recommendations. If the Advisory Committee recommendation differs from that of the Board of Selectmen, it shall be noted in that departmental budget.*

ARTICLE 10: To see if the Town will vote to raise and appropriate, or transfer from available funds a sum of money for Water Enterprise Fund capital items for the following purposes:

	DESCRIPTION	REQUEST	LEVY	OTHER FUNDS
A.	DPW – Hook Lift Truck	$60,000		$60,000
B.				

, or do or act anything in relation thereto.

Proposed by: BOARD OF SELECTMEN
Board of Selectmen Recommendation:
Advisory Committee Recommendation:
Summary:
A. This is the portion of the Hook Truck that is assigned to the Water Enterprise funding. The total cost of the vehicle is $225,000.
B.
C.

ARTICLE 11: To see if the Town will vote to raise and appropriate, or transfer from available funds a sum of money for General Government capital items for the following purposes:

	DESCRIPTION	REQUEST	LEVY	OTHER FUNDS
A.	DPW – Transfer Station E&D for renovation	$ 35,000	$ 35,000	
B.	DPW – Hook Lift Truck	$165,000	$165,000	
C.	DPW – Large Truck & Equipment Body Work	$ 12,000	$ 12,000	
D.	DPW – Diesel Pickup with Service Body	$ 70,000	$ 70,000	
E.	DPW – Road Maintenance	$325,000	$325,000	
F.	Fire – Lucas Devices (Mechanical CPR)	$ 30,000	$ 30,000	
G.	Fire/Police – Repeaters for Radio System	$ 45,000	$ 45,000	
H.	Library – Interior Painting and Flooring	$115,000	$115,000	
I.	Library – Replacement Boiler	$ 85,000	$ 85,000	
J.	Library – Energy Management System	$ 75,000	$ 75,000	
K.	Town House – Generator Switch	$ 65,000	$ 65,000	

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, or do or act anything in relation thereto.

Proposed by: BOARD OF SELECTMEN
Board of Selectmen Recommendation:
Advisory Committee Recommendation:
Summary:
A.
B.
C.
D.
E.
F.
G.
H.
I.
J.

ARTICLE 12: To see if the Town will appropriate a sum of money to pay costs of the projects listed below, and for the payment of costs incidental or related thereto, and to determine whether this amount shall be raised by borrowing, transfer from available funds, or otherwise:

	DESCRIPTION	REQUEST	LEVY	WATER AND OTHER FUNDS
A.	Cordaville Hall Renovations	$375,000	$375,000	
B.	Town House Windows	$675,000	$675,000	

, or do or act anything in relation thereto.

Proposed by: BOARD OF SELECTMEN
Board of Selectmen Recommendation:
Advisory Committee Recommendation:
Summary:
A.
B.

ARTICLE 13: To see if the Town will vote to raise and appropriate or transfer from any available funds the sum of $28,000 for the purpose of paying to retirees the amount due for accrued vacation and sick time, or do or act anything in relation thereto.

Proposed by: BOARD OF SELECTMEN
Board of Selectmen Recommendation:
Advisory Committee Recommendation:
Summary: *This article will fund any vacation and sick pay due to employees upon their retirement.*

ARTICLE 14: To see if the Town will vote to raise and appropriate the sum of $10,000 for the purpose of paying the Town's share of casualty and other losses incurred to Town property and equipment which are not covered by insurance policies, or do or act anything in relation thereto.

Proposed by: BOARD OF SELECTMEN
Board of Selectmen Recommendation:
Advisory Committee Recommendation:

Summary: *This article will provide funds to be used to pay the deductible for property damage which is not covered by insurance.*

ARTICLE 15: To see if the Town will vote to raise and appropriate, borrow and appropriate or transfer from available funds the sum of $100,000 for the ongoing maintenance of capital equipment and systems associated with town buildings and facilities. The Town Facilities Manager shall recommend appropriate projects to the Town Administrator. The Town Administrator shall approve all expenditures under this article. The Town Facilities Manager shall report all funded projects to the Advisory Committee as requested, or do or act anything in relation thereto.

Proposed by: BOARD OF SELECTMEN
Board of Selectmen Recommendation:
Advisory Committee Recommendation:
Summary: *This article will provide for the maintenance and repair of capital equipment and systems associated with the Town's buildings and facilities.*

ARTICLE 16: To see if the Town will vote to appropriate, borrow or transfer from available funds, an amount of money to be expended under the direction of the School Committee for replacement of the boiler at the Mary E. Finn Elementary School, 60 Richards Road, Southborough, which proposed repair project would materially extend the useful life of the school and preserve an asset that otherwise is capable of supporting the required educational program and for which the Town has applied for a school construction grant from the Massachusetts School Building Authority ("MSBA"). The Town acknowledges that the MSBA's grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and if the MSBA's Board of Directors votes to invite the Town to collaborate with the MSBA on this proposed repair project, any project costs the Town incurs in excess of any grant that may be approved by and received from the MSBA shall be the sole responsibility of the Town, or do or act anything in relation thereto.

Proposed by: SCHOOL COMMITTEE
Board of Selectmen Recommendation:
Advisory Committee Recommendation:
Summary:

ARTICLE 17: To see if the Town will vote pursuant to Massachusetts General Laws, Chapter 44 § 53E ½ to authorize the following spending limits for Fiscal Year 2021:

1.	Immunization/emergency dispensing clinic; $12,000.
2.	Inspectional services; $100,000.
3.	9-11 Field Maintenance; $100,000.
4.	Wetland Protection; $30,000.
5.	Hazardous materials; $75,000.
6.	CPR classes; $6,500.
7.	Community garden; $2,500.
8.	Recreation programs; $350,000.
9.	Tobacco Control Program; $4,000.
10.	Golf Course maintenance; $30,000.

, or do or act anything in relation thereto.

Proposed by: BOARD OF HEALTH, BOARD OF SELECTMEN, RECREATION COMMISSION, AND CONSERVATION COMMISSION

Board of Selectmen Recommendation:
Advisory Committee Recommendation:
Summary: *This article approves the annual spending limits for revolving funds that are now authorized by Town by-law.*

ARTICLE 18: To see if the Town will vote to accept the report of the Community Preservation Committee for the FY 2020 Community Preservation Projected Receipts and act upon the recommendations of the Community Preservation Committee and to set aside for later expenditure, certain sums of money from the Community Preservation Fund established pursuant to Chapter 44B of the General Laws, as follows:

Estimated Surcharge Receipts (based on Town Treasurer's projections): $
State Match (projected State match)..... $
Total Projected Revenue..... $

Set Aside- Open Space

$ to be set aside, held in the Community Preservation Fund, and spent in FY2021 or later years for acquisition, creation or preservation of open space, and for the rehabilitation and/or restoration of open space acquired under the Community Preservation Act.

Set Aside – Historic Preservation

$ to be set aside, held in the Community Preservation Fund, and spent in FY2021 or later years for the acquisition, preservation, rehabilitation and restoration of historic resources.

Set Aside – Community Housing

$ to be set aside, held in the Community Preservation Fund, and spent in FY2021 or later years for the creation, preservation and support of community housing, and for the rehabilitation and/or restoration of community housing acquired under the Community Preservation Act.

Administrative Costs – Community Preservation Committee

$ to defray the administrative and operating expenses of the Community Preservation Committee in FY2021 for the Community Preservation Fund (discretionary)

Set Aside -Budgeted Reserve/Discretionary

Reserved For FY21 CPF (Budgeted Reserve/Discretionary) $

, or do or act anything in relation thereto.

Proposed by: COMMUNITY PRESERVATION COMMITTEE
Board of Selectmen Recommendation:
Advisory Committee Recommendation:
Summary: *These set asides are an annual requirement under the Community Preservation Act.*

ARTICLE 19: To see if the Town will vote to appropriate $ from the CPA Historic Preservation Reserve Fund to be applied towards the bond for the Perpetual Preservation Restriction on 84 Main Street also known as the Burnett House for the purpose of Historic Preservation. Said funds to be expended under the direction of the Community Preservation Committee and the Town Treasurer; or do or act anything in relation thereto.

Proposed by: COMMUNITY PRESERVATION COMMITTEE
Board of Selectmen Recommendation: Support
Advisory Committee Recommendation: Support
Summary: *This article is the Community Preservation Fund payment towards the FY2021 debt funding for the Preservation Restriction of 84 Main Street.*

ARTICLE 20: To see if the Town will vote to appropriate $ for the bond on the Southborough Library Façade Restoration Project from the CPA General Unreserved Fund. Said funds to be expended under the direction of the Community Preservation Committee and the Town Treasurer; or do or act anything in relation thereto.

Proposed by: COMMUNITY PRESERVATION COMMITTEE
Board of Selectmen Recommendation:
Advisory Committee Recommendation:
Summary: *This article is the Community Preservation Fund payment toward the FY2021 debt funding for the Southborough Library Façade Restoration Project.*

ARTICLE 21: CPA project (Recreation – Kallander Field)

; or do or act anything in relation thereto.

Proposed by: COMMUNITY PRESERVATION COMMITTEE
Board of Selectmen Recommendation:
Advisory Committee Recommendation:
Summary:

ARTICLE 22: CPA project (St. Mark's Church Bell Tower)

; or do or act anything in relation thereto.

Proposed by: COMMUNITY PRESERVATION COMMITTEE
Board of Selectmen Recommendation:
Advisory Committee Recommendation:
Summary:

ARTICLE 23: To see if the Town will vote to allow, by local option, property tax abatements for service connected disabled military veterans of Southborough who are currently eligible or become eligible equal to the amount currently received and established in accordance with Massachusetts General Laws Chapter 59, Section 5, Clauses 22, 22a, 22b, 22c, 22e, or do or act anything in relation thereto.

	Current	Proposed
Clause 22	$400	$800
Clause 22a	$750	$1500
Clause 22b	$1250	$2500
Clause 22e	$1000	$2000

Proposed by: BOARD OF SELECTMEN
Board of Selectmen Recommendation:
Advisory Committee Recommendation:
Summary: *Military Veterans are individuals who served on active duty in the Armed Forces of the United States for certain time periods during peace or wartime eras and were discharged from military*

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service. Their last discharge or release must have been under other than dishonorable conditions. Approval of this local option will allow disabled Southborough veterans to receive additional funds through the tax abatement process, based on eligibility. Based on the current number of qualified recipients, the cost to implement this local option is $16,000.

ARTICLE 24: To see if the Town will vote to amend Section 9-24 "Qualification of elected and appointed officials" of the Town Code, by deleting the text in its entirety, and replacing with the following:

"All elected and appointed officials shall be qualified by the Town Clerk within 30 days of their election except where a different period is specified in the General Laws. If an appointed official is not qualified in this period, his/her appointment shall terminate, and the appointing authority shall be so notified by the Town Clerk."

; or do or act anything in relation thereto.

Proposed by: BOARD OF SELECTMEN
Board of Selectmen Recommendation:
Advisory Committee Recommendation:
Summary:

ARTICLE 25: To see if the Town will vote to adopt MGL c.90, Section 17C to allow the Board of Selectmen to reduce the statutory speed limit from 30MPH to 25MPH on any or all town-owned roadways in thickly settled or business district areas, or do or act anything in relation thereto.

Proposed by: BOARD OF SELECTMEN
Board of Selectmen Recommendation:
Advisory Committee Recommendation:
Summary:

ARTICLE 26: To see if the Town will vote to adopt MGL c.90, Section 18B to allow the Board of Selectmen to establish regulatory 20MPH safety zones on public streets within the Town of Southborough, or do or act anything in relation thereto.

Proposed by: BOARD OF SELECTMEN
Board of Selectmen Recommendation:
Advisory Committee Recommendation:
Summary:

ARTICLE 27: To see if the Town will vote to impose a .75% meals tax on the sales of restaurant meals by accepting Massachusetts General Laws, Chapter 64L, Section 2(a), or do or act anything in relation thereto.

Proposed by: BOARD OF SELECTMEN
Board of Selectmen Recommendation:
Advisory Committee Recommendation:
Summary:

ARTICLE 28: To see if the Town will vote to adopt as Chapter 9, Article IX 10 through 11 of the Town bylaws, the following:

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9. Article IX Accessibility Compliance Committee

§9.34 Purpose

Numerous laws, statutes, policies and regulations require and/or encourage access to facilities, programs and services for all members of the public, whether or not having a disability. These include, but are not limited to:

- The Americans with Disabilities Act of 1990 - 42 U.S.C. ch. 126 § 12101 et seq
- Regulations promulgated by the Massachusetts Architectural Access Board (521 CMR)
- The Voting Accessibility for the Elderly and Handicapped Act of 1984 - P.L. 98-435, 42 U.S.C. §§ 1973ee–1973ee-6
- The Individuals with Disabilities Education Act – 20 U.S.C. §§ 1400 et seq.
- The Rehabilitation Act of 1973 – USC 31-41c, 29 U.S.C. § 701 et seq
- The Architectural Barriers Act - 42 U.S.C. §§ 4151 et seq.
- Massachusetts Employment Law MGL ch 151B
- Massachusetts Public Accommodation Law - MGL ch 272
- Massachusetts Equal Rights Act - MGL Ch. 93 §§ 102
- Massachusetts Constitution Article CXIV (114)
- Massachusetts Service Animals Law – MGL Ch. 272 §§ 98A

These requirements, which are increasingly important due to demographic changes and public awareness, necessitate a coordinated approach to monitoring and increasing the Town of Southborough's compliance. In addition, it is desirable to encourage property owners to consider adopting optional policies that increase accessibility. As more fully described in the remainder of this Article IX, this article establishes a committee that will be responsible for developing and implementing this coordination. It will report on status and progress to the Board of Selectmen and the Town Meeting.

§9.34.A Establishment; Membership; Qualifications

There shall be an Accessibility Compliance Committee ("ACC"), which shall consist of no more than five voting members appointed by the Board of Selectmen, and the non-voting ex-officio members identified below.

Each voting member shall be a registered voter in the Town and shall not be a Town officer or employee.

The Board of Selectmen shall appoint an Accessibility Compliance Coordinator ("Coordinator"), in consultation with the ACC. The Coordinator, under the direction of the ACC, shall be responsible for accepting and recording concerns, coordinating reviews, and such other duties as may be assigned. The Coordinator may be a Town officer or employee and need not be a resident.

The Building Commissioner and Coordinator shall be ex-officio members of the ACC.

§9.34.B Appointments; Terms

Voting members shall be appointed for two-year terms. The initial appointments shall be divided among one and two year terms, so as to establish overlapping terms.

§9.34.C Organization

The members shall select, from among themselves, a Chairman and a Secretary.

§9.34.D Funding

The ACC shall have a budget for consultants and other expenses. It shall submit its projected expenses to the Town's regular budget process. Any expenditures from its budget shall require a majority vote of the ACC, and be subject to the Town's policies for such expenditures.

§9.35 Functions

The duty of the ACC shall be to monitor and increase the Town of Southborough's compliance with all laws, statutes, policies, and regulations that require (or encourage) access to facilities, programs and services for all members of the public, whether or not having a disability.

In consort with town officers, departments, and other government entities: the ACC shall endeavor to assure that all town citizens, whether or not having any disability, have equal access to:

- Town Government offices and communications
- Public and commercial buildings
- Programs
- Goods and Services
- Transportation
- Telecommunications, including the Internet
- Recreational programs

The ACC shall review existing and proposed facilities, programs, and projects undertaken by the Town of Southborough, and shall notify the responsible official or entity of any inadequacies. The ACC may request other Town officials, committees, departments, and/or entities to provide input to these reviews.

The ACC may undertake public outreach and advocacy for accessibility in the Town.

From time to time, the ACC shall report to the Board of Selectmen and the Town Meeting on its activities and findings.

The ACC shall provide a mechanism for the public and/or any Town employee to raise concerns about the accessibility of any Town facility, service or program. The ACC (or its designee) shall maintain records of such concerns and their dispositions. To the extent permissible by law, the identities of persons raising concerns shall be confidential, unless confidentiality is waived by such person.

Subject to available funding, the ACC shall have the authority to engage consultants to evaluate the technical aspects of facilities and/or projects.

; or do or act anything in relation thereto.

Proposed by: BOARD OF SELECTMEN
Board of Selectmen Recommendation:
Advisory Committee Recommendation:
Summary:

ARTICLE 29: To see if the Town will vote to borrow and appropriate the sums of $257,100.00 to authorize the Board of Selectmen to acquire a parcel of land located off of Main Street, identified as Parcel 54-40 by the Town of Southborough Assessor records, consisting of 1.67 acres ± owned by Massachusetts Electric Company d/b/a National Grid, title reference the Worcester Registry of Deeds Book 3320, Page 151, subject to and with the benefit of any easements or rights that may exist of record. and to enter into all agreements and execute any and all instruments as may be necessary to effect said purchase.

; or do or act anything in relation thereto.

Proposed by: BOARD OF SELECTMEN
Board of Selectmen Recommendation:
Advisory Committee Recommendation:
Summary:

ARTICLE 30: To see if the Town will vote to amend Section 174-9 Special Permit Requirements, and Section 174-19 Extensions or Alterations to reflect current case law, as marked below (changes in red):

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Article I: Miscellaneous Provisions

§ 174-9 **Special permit requirements.**
[Amended 4-14-1986 ATM by Art. 46]

E. Nonconforming uses, lots and structures. Special permits may be issued for the extension, alteration, reconstruction or otherwise structure change of legally nonconforming uses, structures and lots, including a change in the nonconforming use to another nonconforming use, provided that the Board of Appeals finds that such extension, alteration, reconstruction or otherwise structural change shall not be substantially more detrimental to the neighborhood, will not increase the extent of nonconformance in size or in impact and that the cost thereof shall not exceed 50% of the assessed value of the nonconforming structure at the time of application, and further provided that the estimate of the cost of any extension or alteration utilized by the Board of Appeals in evaluating the above specified 50% requirement of the assessed value shall not be less than a cost estimate of such extension or alteration based on a nationally recognized building cost estimate manual or system acceptable to the Zoning Board of Appeals.
[Amended 4-15-2008 ATM by Art. 38]

§ 174-19 **Extensions, alterations, reconstruction or structural changes.**
[Amended 4-10-2000 ATM by Art. 55]

A. Nonconforming structures or uses shall not be extended, reconstructed or structural changes made, except to make them conforming, unless the Board of Appeals authorizes such extension or alteration by special permit upon making findings as provided in § **174-9E**. Any alteration, extension, reconstruction or structural change not listed in subsection B (1) (2) (3) or (4) will require an application to the Board of Appeals.

B. Single-family and two-family residential structures. In the following circumstances, alterations, reconstruction, extension or structural change to a single-family or two-family residential structure shall not be considered an increase in the nonconforming nature of the structure and shall be permitted as of right:
[Amended 10-7-2013 STM by Art. 9]

(1) Alteration, extension, reconstruction or structural change to a structure which complies with all current setbacks, lot coverage and building height requirements but is located on a lot with insufficient area, where the alteration will also comply with all of said current requirements;

(2) Alteration, extension, reconstruction or structural change to a structure which complies with all current setbacks, lot coverage and building height requirements but is located on a lot with insufficient frontage, where the alteration will also comply with all of said current requirements;

(3) Alteration, extension, reconstruction or structural change to a structure which encroaches upon one or more required setbacks, where the alteration will comply with all current setbacks, open lot coverage and building height requirements. The provisions of this Subsection **B(3)** shall apply regardless of whether the lot complies with current area and frontage requirements.

(4) Alteration, reconstruction, extension or structural change as proposed and constructed does not intensify any existing nonconformities or result in any additional nonconformities.

; or do or act anything in relation thereto.

Proposed by: TBD
Board of Selectmen Recommendation:
Advisory Committee Recommendation:
Summary:

ARTICLE 31: To see if the Town will accept the provisions of Chapter 41, Sec. 110A of the Massachusetts General Laws "Office hours on Saturday": "Any public office in any city or town may remain closed on any or all Saturdays as may be determined from time to time, in a city by the city council, subject to the provisions of the city charter, or, in a town, by vote of the town at a special or regular town meeting, and the provisions of section nine of chapter four shall apply in the case of such closing of any such office on any Saturday to the same extent as if such Saturday were a legal holiday."

;or do or act anything in relation thereto.

Proposed by: TOWN CLERK
Board of Selectmen Recommendation:
Advisory Committee Recommendation:
Summary: *Acceptance of this provision of the General Law would extend a voter registration deadline which occurs on a Saturday to the following Monday.*

ARTICLE 32: To see if the Town will vote to amend the Zoning Bylaw to establish a downtown overlay district as follows:

SECTION XX – VILLAGE MIXED USE DISTRICT (VMUD)

XX.1 Purpose
a) Promote revitalization of Southborough's Downtown to encourage a mixed-use environment.
b) Encourage a diverse mix of business, commercial, office, residential, recreational uses for workers, visitors and residents that are pedestrian/bike friendly.
c) Update the range of commercial uses allowed thereby creating local jobs, provide more diverse local housing opportunities (within mixed use development), and modify dimensional requirements to encourage village-style streetscapes and uses.
d) Increase the town's tax base by creating a thriving small business environment, attracting new enterprises, helping existing businesses, thus promoting economic development.
e) Permit uses that promote conversion of existing buildings in a manner that maintains the visual character and architectural scale of existing development within the district.
f) Encourage live/work/play and create pedestrian friendly walking where the community can gather.

XX.2 Applicability and Administration

XX.2.1
The Village Mixed Use District (VMUD) is hereby established as a zoning overlay for the Downtown Business Village District (DBVD) as shown on the Town of Southborough Zoning Map on file with the Town Clerk. The District boundaries are as indicated on the Map.

XX.2.2
The site and design guideline criteria within this Section shall be applicable to all residential buildings with two or more units and non-residential developments within the district. This includes any new building construction; a change in building use (adaptive reuse of an existing building) or a significant alteration of the existing building facades; work which results in the increase of floor area through either an addition to the principal structure; addition of a new accessory structure, or significant change to an existing accessory structure; or any activity requiring a new curb cut.

XX.2.3
The Planning Board shall be the permit granting authority for the Village Mixed Use District.

XX.2.4
Affordability: For projects greater than eight residential units, projects must include affordable housing units as specified below:

XX.2.4.1 Ownership Units. For all Projects where the Affordable Units proposed are Homeownership Units, not less than twenty percent (20%) of the total housing units constructed in a Project shall be Affordable Housing.

XX.2.4.2 For all Projects where the Affordable Units proposed are Rental Units not less than twenty five percent (25%) of total housing units in any building containing rental units shall be Affordable Housing;

XX.2.4.3 For purposes of calculating the number of units of Affordable Housing required within a Project, any fractional unit of 0.5 or greater shall be deemed to constitute a whole unit.

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XX.2.4.4 Affordable Units shall comply with the requirements of Massachusetts Executive Office of Housing and Economic Development requirements for counting towards the Town's Subsidized Housing Inventory.

XX.3 Definitions
Mixed Use Development - A development of two or more compatible land uses, such as residential, office, retail, recreational, and light industrial.

XX.4 Permitted and Prohibited Uses

XX.4.1 Allowed Uses
The following uses are allowed as of right in the Village Mixed Use District:
1) Mixed-use developments
2) Multi-family dwelling up to 9 units per acre only in mixed-use development on the upper floors
3) Community and/or neighborhood centers
4) Retail up to 8,000 sq. ft.
5) Personal and consumer services up to 8,000 sq. ft.
6) Restaurants (no drive-up window)
7) Medical/dental offices
8) Offices
9) Banks (no drive-up window)
10) Bed and breakfast
11) Indoor recreation
12) Artist Live/Work/Gallery

XX.4.2 Allowed Uses by Special Permit
1) Retail over 8,000 sq. ft.,
2) Personal and consumer services over 8,000 sq. ft.,
3) Multi-family dwelling without a mixed-use component, where it can be demonstrated that a commercial component is not financially viable or where such a use would be inconsistent with adjacent uses.
4) Multi-family dwelling in excess of 9 units per acre for parcels less than 2 acres in size and within an existing structure(s), where redevelopment of a structure or structures can accommodate greater than 9 units per acre, not to exceed 16 units per acre, and would be consistent with the architecture of the building(s) and intent of the district.

XX.4.3 Prohibited Uses
1) Retail, personal/consumer services, banks, etc. with drive-up windows
2) Gas stations
3) National chain restaurants and retail stores

XX.5 Restrictions

XX.5.1
Location and Distribution of Uses. The ground floor of a commercial building or mixed-use building (any combination of retail, office, and residential) shall be occupied by commercial uses only. For projects consisting of multiple buildings, commercial use shall be required for the principal building and residential may be permitted on the first floor of secondary buildings upon issuance of a special permit.

XX.5.2
Maximum residential density shall be nine dwelling units per acre, unless allowed through the issuance of a special permit.

XX.6 Intensity of Use
a.) Minimum lot size – 10,000 square feet.
b.) Minimum frontage – 50 ft.
c.) Minimum yards:

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- Front – none
- Side – 5 ft.
- Rear – 10 ft.

d.) Maximum building coverage – 75%
e.) Maximum building height – 40 ft.

XX.7 Parking

The following guidelines are included to ensure that new and renovated off-street parking areas are constructed in accordance with the district's desired design character, the provisions of this bylaw, and other town bylaws pertaining to parking.

1) Parking lots for new construction shall be located to the side and rear of the lot unless such a location is not feasible. Parking is prohibited within the front yard. Parking lots that abut public rights of way or grade parking under the building shall be screened with one or a combination of the following:

i. A low wall made of concrete, masonry or other suitable material not exceeding a height of 3 feet.

ii. Raised planters planted with a minimum of 80% evergreen shrubs not to exceed a total height of 6 feet (including planter).

iii. Landscaping consisting of a mix of trees and shrubs provided that 80% of the shrub plantings are evergreen.

2) Walls, fencing and architectural details shall complement the materials of adjacent architectural styles.

3) Where walls are provided, planting areas shall be a minimum width of 4 feet and should be located adjacent to the public right of way.

4) Where possible, parking areas shall be interconnected in a manner that allows the unobstructed flow of pedestrians between uses and parking areas.

5) In large parking lots (10 or more spaces) provision for bicycle racks shall be provided in locations that are safely segregated from automobile traffic and parking.

XX.7.1 Shared parking

Shared parking is the approved use of the same off-street parking spaces for two or more uses where peak parking demand of the different uses occurs at different times of the day, or, where various uses are visited without moving the automobile; and, where the division of parking spaces is a net decrease from the combined total of each use's individual off-street parking requirements, if required separately.

XX.7.1.1 Requirements and Criteria.

Shared parking arrangements are subject to review and approval by the Planning Board subject to the following requirements and criteria:

a) Submission of a reciprocal agreement executed by the owners and operators of the different sources or uses ensuring the long-term joint use of such shared parking, and defining the terms upon which the parking is shared;

b) If required by the Planning Board information concerning the following may be requested:

   a. the hours of operation and parking demand for each use;
   b. the hours of peak demand for parking;
   c. a description of the character of the land use and the parking patterns of adjacent uses;
   d. an estimate of the anticipated turnover in parking space use over a 24 hour period of time;
   e. a site plan showing all proposed parking spaces, including the shared use spaces in the lot and the walking distance to the uses sharing the lot; and
   f. any other information concerning parking deemed necessary by the Planning Board to render a decision.

c) In the event that the conditions for shared parking change, or if the shared parking arrangement is discontinued, the applicant shall notify the Planning Board within 10 days. The Planning Board shall then require the applicant to meet the applicable parking requirements found in Section 4.2.2 Off-Street Parking Schedule

XX.7.2 Decision

A determination shall be made by the Planning Board that the shared parking:

a) is no more than 500 feet from each use sharing the parking facility;

b) hours of operation and peak demand of the uses involved shall not conflict; and

c) will provide an adequate number of spaces for the applicable uses.

XX.7.3 Off-Street Parking Schedule
Multi-family dwelling:
a) Studio and 1 bedroom – 1 space per unit
b) 2 bedroom – 1.5 spaces per unit
c) 3 or more bedrooms – 2 spaces per unit

XX.8 Curb Cuts
Developments shall be designed in a manner that minimizes the number of curb cuts. To the extent feasible, access to businesses shall be provided through one of the following methods:
(a) from an existing side or rear street thus avoiding the principal thoroughfare or (b) from a common driveway serving one or more adjacent properties.

The Planning Board may deny a curb cut if the proposed development is inconsistent with the following guidelines:
i. Curb cuts shall be limited to one unless the Board feels that due to large parcel size an additional cut is justified.
ii. When access is available from a public side or rear street the Board may deny a curb cut from a primary street.
iii. Shared drives are encouraged between adjacent parcels when appropriate.

XX.9 Performance Standards

XX.9.1 Pedestrian and Bicycle Access
Provision for safe and convenient pedestrian access shall be incorporated into plans for new construction of buildings and parking areas and should be designed in concert with landscaping plans noted below. Site plans in the Village Mixed Use District (VMUD) should provide for continuity from sidewalks in public streets to all pedestrian entrances on the site, and walkability should be given primary importance over road speed and other access criteria. New construction should improve pedestrian access to buildings, sidewalks and parking areas and should be completed with consideration of pedestrian safety, handicapped access and visual quality. Where appropriate, applicants are encouraged to provide pedestrian and/or bicycle paths connecting the site with abutting areas in order to promote pedestrian and bicycle circulation and safety in the VMUD. When parking is located in the rear, pedestrian access via a pedestrian-oriented alley or walkway through to the primary street is encouraged.

XX.9.2 Landscaping
Landscaping shall be incorporated into new and redeveloped properties in such a way as to create visual relief and interest, provide shade for pedestrian areas and to screen parking and loading areas. Landscape plans shall be prepared by a registered landscape architect. Landscape plans shall show the location, type, and size of all proposed plantings.

XX.9.2.1 Side Yard Treatment
a.) Where the distance between structures on adjacent lots is 10 feet or less the side yard shall be screened by a solid fence, wall or landscape treatment of evergreen plantings at a height not to exceed 3 feet.
b.) Where the distance between structures on adjacent lots is greater than 10 feet landscaping shall consist of a combination of materials sufficient to break up the view into the side yard but, for safety reasons, in no case should this planting be impermeable.
c.) Side yards may, in the alternative, be established as pedestrian walkways to access parking areas to the rear of the building. Such walkways shall be landscaped and lighted for safety.

XX.9.2.2 Parking Areas
a.) Large parking areas shall be relieved by landscaped islands of a minimum of 8 feet in width, equal in depth to the depth of a typical parking space and located such that there is one island per 10 continuous spaces.
b.) Alternatively, at least 5% of the interior area of the lot shall be devoted to landscaping. Areas described in the above shall have at a minimum one shade tree with a minimum caliper of 2 ½ inches diameter breast height (DBH). Trees planted in such locations shall be planted in protected pervious areas which have a minimum dimension of 5 feet.
c.) Where lots abut public rights of way, shade trees with a minimum caliper of 2 ½ inches, shall be provided within a planting strip no less than 4 feet in width and at a rate of one tree per every 6 continuous spaces.

XX.9.2.3 Trash and Service Areas

a.) All service, loading and trash storage areas visable from a public right of way or from an adjacent residential area shall be screened by one or a combination of masonry, a wood screen, or evergreen plantings to reduce their visual impact.

b.) Loading and service areas shall not face any residential area unless no other location is possible. Loading areas shall be subject to screening requirements stated herein.

c.) Garage doors and loading spaces are prohibited on the front façade of any building unless no other location is feasible.

XX.9.3 Design Regulations

XX.9.3.1 Orientation

Buildings shall be oriented parallel to the front setback line to preserve a consistent façade line with the street. Primary building entrances should easily be identified and be oriented to the street. The primary entry should be clearly visible from the public street which provides the building's main orientation.

XX.9.3.2 Articulation

New and redeveloped buildings should reinforce the character of the existing streetscape by creating visual interest and reinforcing pedestrian scale. The apparent bulk and large wall expanses of multi-story buildings as well as single story buildings of 15' height or more should be minimized by incorporating one or preferably a combination of the following:

i. Windows
ii. Architectural Details
iii. Canopies
iv. Overhangs
v. Indented Bays
vi. Change of Building Materials

The top of such buildings should display a distinct profile or outline incorporating such elements as a projecting parapet, cornice, upper level setback or pitched roofline. When immediately adjacent a building with such articulation, new and redeveloped buildings should provide a treatment that is respectful, such as providing a consistent cornice line where possible.

Large expanses of blank walls are prohibited for commercial and mixed use buildings. The ground floor facade along the primary street shall have continuous storefront windows, with the exception of necessary piers, columns, pilasters, etc.

XX.9.3.3 Transparency

For commercial and mixed- use buildings, a minimum of 60% of the building façade oriented to the street must be comprised of clear windows that provide views to indoor retail space, dining space or product areas when applicable. Where parking occupies the ground floor the same solid to void ratio must be achieved utilizing techniques such as half-walls, grillwork, or landscaped trelliswork or their equal.

XX.9.3.4 Doors and Entrances

a) Buildings must have a primary entrance facing a public street or way and should be visually prominent.

b) In buildings with multiple ground floor tenants' entries should provide a coordinated design theme i.e. a common canopy, architectural projection or awning design.

12.9.3.5 Pedestrian Spaces and Comfort For the purpose of providing a pedestrian friendly environment in the VMUD, new and redeveloped buildings should provide for outdoor seating areas, scaled to the size and demands of the proposed use, where feasible. For example, a large, multi-story project should provide a patio or small plaza area located near the front entry with multiple benches and landscaping. A mixed use project with ground floor retail such as a restaurant may provide an area for outdoor dining which extends the indoor dining space for seasonal use. A ground floor use may provide a sidewalk bench where there is sufficient width.

The following guidelines should be considered in the design and location of pedestrian spaces:

a.) Flexible design to allow for flexible use
b.) Buffering from major vehicular areas such as parking lots or main traffic ways
c.) Lighting for nighttime comfort and safety
d.) Appropriate street furnishing…i.e. benches, trash receptacles
e.) A focal element where appropriate such as a water feature, special landscape feature or public art installation
f.) Decorative paving and seasonal planting
g.) South facing locations
h.) Visual connectivity, especially to important views such as an historic structure
i.) Appropriately scaled to the development

XX.9.3.7 Lighting
Site lighting, security lighting and architectural/landscape lighting should provide the user with illumination levels appropriate for the designed activity (i.e. parking, walking, outdoor dining) while meeting minimum requirements. Illumination levels should also be reasonably uniform throughout the site and strive to minimize glare. Provide adequate lighting levels in all pedestrian areas, including building entries, along walkways, parking areas, and other public areas. Provide the following in lighting plans:
a.) An overlapping pattern of light at a height of about 10-15 feet in lighted pedestrian areas and 20 – 24 feet in parking areas.
b.) Lighting at consistent lumens with a gradual transition to unlighted areas. Highly contrasting pools of light and dark can be temporarily blinding and should be avoided.
c.) In each lighted area, design lighting levels that will allow pedestrians to identify a face 15 yards away (generally, a minimum of 4 foot-candles). Adequate lighting reduces anonymity and gives pedestrians an opportunity to choose another route.
d.) Adequate lighting at all building entrances, exits and corridors between buildings, at least 4 foot candles during active use, especially where doors are recessed.
e.) Confine site lighting to the project site; use shields or other methods to eliminate glare on adjacent properties.
f.) Place light posts and standards so that they do not create hazards for pedestrians or vehicles.
g.) Indicate specific lighting levels in each lighted area.

XX.9.3.8 Quality of site furnishings
Provide for the following site plan elements:
a.) High-quality materials in site furnishings and features, such as durable and easily maintained walls and paving.
b.) Site features and furnishings that discourage vandalism. Furnishings that are easily removed or do not convey an image of care invite misuse.
c.) Safety materials, such as non-slip walkway surfaces.

XX.9.3.9 Signs
a.) It is encouraged that signs that project from the building are to be designed in such a way that they are compatible with the nature of Village District (e.g. wooden "antique-style" signs).
b.) Sign materials in the Village District for hanging signs: Traditional-looking materials such as wood, brass, bronze, or others are encouraged, as they are most appropriate. Wooden signs should be constructed of dense wood that will accept paint readily.

XX.9.3.10 Water Supply Performance Standards
a.) All stormwater runoff generated from development and land use conversion activities shall not discharge untreated stormwater runoff directly to a wetland, local water body, municipal drainage system, or abutting property, without adequate treatment.
b.) Annual groundwater recharge rates shall be maintained, by promoting infiltration and recharge through the use of structural and non-structural methods. At a minimum, annual recharge from the post development site shall equal the annual recharge from pre-development site conditions.
c.) The storm water runoff volume to be recharged to groundwater should be determined using the methods prescribed in the latest version of the Massachusetts DEP Storm Water Management Manual. The recharge requirements shall apply to all activities within the jurisdiction of this by-law except as noted, and unless specifically waived by the Planning Board.

d.) All structural stormwater management facilities shall be selected and designed using the appropriate criteria from the most recent version of the Massachusetts DEP Stormwater Management Manual. For other structural stormwater controls not included in the Massachusetts Stormwater Management Manual, or for which pollutant removal rates have not been provided, the effectiveness and pollutant removal of the structural control must be documented through prior studies, literature reviews, or other means and receive approval from the Planning Board before being included in the design of a Stormwater Management system.

; or do or act anything in relation thereto.

Proposed by: BOARD OF SELECTMEN
Board of Selectmen Recommendation:
Advisory Committee Recommendation:
Summary:

ARTICLE 33: To see if the Town will vote to amend the Code of the Town of Southborough, Zoning Article III, by replacing thereto Section § 174-12.1, entitled Outdoor illumination as presented below.

A. Purpose. This section recognizes the benefits of outdoor lighting and provides clear guidelines for its installation, to help maintain and complement Southborough's character. The intent of this section is to:

[1] Encourage lighting that provides night-time safety, utility, security, productivity, enjoyment, and commerce;
[2] Prevent glare on public roadways;
[3] Protect the privacy of residents;
[4] Promote energy-efficient outdoor lighting;
[5] Limit the total allowable illumination of lots located in the Town of Southborough;
[6] Minimize adverse offsite impacts such as light trespass, and obtrusive light;
[7] Curtail light pollution and reduce skyglow to create a healthy night-time environment for residents of Southborough

Appropriately regulated, and properly installed, outdoor lighting will contribute to the safety and welfare of the residents.

B. Applicability. Outdoor illumination by flood or spot luminaries rated at 900 lumens or more (which is approximately equal to one sixty-watt incandescent light bulb) or by any other luminaires rated at 1,800 lumens or more (which is approximately equal to one one-hundred-twenty-watt incandescent light bulb) shall be subject to the provisions of this section, with the following exceptions:

[1] Emergency lighting;
[2] Hazard warning;
[3] Temporary decorative or holiday lighting;
[4] Public roadway illumination

It shall also not apply to any luminaire intended solely to illuminate any freestanding sign, flag or the walls of any building, but such luminaire shall be shielded so that its direct light is confined to the surface of such sign, flag or building.

[1] The replacement of existing fixtures shall be subject to the provisions of this section. Outdoor illumination that exists at the time of bylaw acceptance will be provided a grace period of five (5) years from date of inception to comply with this bylaw as described herein.
[2] The Planning Board, in performing review pursuant to § 174-10, Site plan approval, may determine that special circumstances of the site, context or design make an alternative lighting design at least equally effective in meeting the purposes of this section and, in such cases, may modify the requirements of this section.

C. Definitions. For the purposes of this section, the following terms shall be defined as indicated below. Although set forth here for convenience, the terms shall have the same effect as if in § 174-2 of this Bylaw.
BACKLIGHT - For an exterior luminaire is the 90-degree quarter-sphere located behind and below the light source. For luminaires with symmetric distribution, backlight will be the same as front light.

BUG RATING – A luminaire classification system that classifies backlight (B), uplight (U), and glare (G) per IES TM-15-11.
CORRELATED COLOR TEMPERATURE – A specification of the color appearance of the light emitted by a lamp, relating its color to the color of light from a reference source when heated to a particular temperature, measured in degrees Kelvin (K).
FIXTURE — The assembly that houses a lamp or lamps, and which may include a housing, a mounting bracket or pole socket, a lamp holder, a ballast, a reflector or mirror, and/or a refractor, lens or diffuser lens.
FRONTLIGHT – For an exterior luminaire is the 90-degree quarter-sphere located in front and below the luminaire.
FULL CUTOFF – A luminaire designed with an opaque shield surrounding and extending below the lamp, such that no direct light is emitted above a horizontal plane.
FULLY SHIELDED LUMINAIRE — A luminaire constructed and installed in such a manner that all light emitted by the luminaire, either directly from the lamp or a diffusing element, or indirectly by reflection or refraction from any part of the luminaire, is projected below the horizontal plane through the luminaire's lowest light-emitting part.
GLARE — Light entering the eye directly from luminaires or indirectly from reflective surfaces that causes visual discomfort or reduced visibility.
HARDSCAPE – Permanent hardscape improvements to the site including parking lots, drives, entrances, curbs, ramps, stairs, steps, medians, walkways and non-vegetated landscaping that is 100 feet or less in width. Materials may include concrete, asphalt, stone, gravel etc.
LAMP — The component of a luminaire that produces the actual light.
LED LAMP– (Light Emitting Diode) An electric lamp with a much longer lifespan than incandescent lighting and low energy consumption.
INDIRECT LIGHT – Light scatter caused by direct light being redirected from a surface.
LIGHT TRESPASS — The shining of direct or indirect light produced by a luminaire beyond the boundaries of the lot on which it is located.
LUMEN — A measure of light energy generated by a light source. One footcandle is one lumen per square foot. For purposes of this bylaw, the lumen output shall be the initial lumen output of a lamp, as rated by the manufacturer.
LUMINAIRE — A complete lighting unit (fixture), consisting of a lamp, or lamps and ballast(s) (when applicable), together with the parts designed to distribute the light (reflector, lens, diffuser), to position and protect the lamps, and to connect the lamps to the power supply
LUMINAIRE LUMENS - For luminaires with relative photometry per IES, it is calculated as the sum of the initial lamp lumens for all lamps within an individual luminaire, multiplied by the luminaire efficiency. If the efficiency is not known for a residential luminaire, assume 70%. For luminaires with absolute photometry per IES LM-79, it is the total luminaire lumens. The lumen rating of a luminaire assumes the lamp or luminaire is new and has not depreciated in light output.
MOUNTING HEIGHT - The height of the photometric center of a luminaire above grade level.
UPLIGHT - For an exterior luminaire is all of the light escaping above the luminaire.

D. Lighting Zones. The Lighting Zone shall determine the limitations for lighting as specified in this section.
LZ0: No ambient lighting
Areas where the natural environment will be seriously and adversely affected by lighting. Impacts include disturbing the biological cycles of flora and fauna and/or detracting from human enjoyment and appreciation of the natural environment. Human activity is subordinate in importance to nature. The vision of human residents and users is adapted to the darkness, and they expect to see little or no lighting. When not needed, lighting should be extinguished.

Zoning Districts: Conservation and Research, Scientific & Professional
LZ1: Low ambient lighting
Areas where lighting might adversely affect flora and fauna or disturb the character of the area. The vision of human residents and users is adapted to low light levels. Lighting may be used for safety and convenience but it is not necessarily uniform or continuous. After curfew, most lighting should be extinguished or reduced as activity levels decline.

Zoning Districts: Residence A and Residence B
LZ2: Moderate ambient lighting

Areas of human activity where the vision of human residents and users is adapted to moderate light levels. Lighting may typically be used for safety and convenience, but it is not necessarily uniform or continuous. After curfew, lighting may be extinguished or reduced as activity levels decline.
Zoning Districts: Business Village

LZ3: Moderately high ambient lighting
Areas of human activity where the vision of human residents and users is adapted to moderately high light levels. Lighting is generally desired for safety, security and/or convenience and it is often uniform and/or continuous. After curfew, lighting may be extinguished or reduced in most areas as activity levels decline.
Zoning Districts: Business Highway, Industrial and Industrial Park

E. Total Site Lumen Limit. The total installed initial luminaire lumens of all outdoor lighting shall not exceed the total site lumen limit. The total site lumen limit shall be determined using the hardscape area and table below. For sites with existing lighting, existing lighting shall be included in the calculation of total installed lumens. The total installed initial luminaire lumens are calculated as the sum of the initial luminaire lumens for all luminaires.

Table 1: Allowed Total Initial Lumens Per Site for Outdoor Lighting by Hardscape Method

LZ-0	LZ-1	LZ-2	LZ-3
Conservation and Research, Scientific & Professional	Residential A and Residential B	Business Village	Business Highway and Industrial and Industrial Park
0.5 lumens per SF of hardscape	1.25 lumens per SF of hardscape	2.5 lumens per SF of hardscape	5.0 lumens per SF of hardscape

F. Correlated Color Temperature (CCT). All proposed LED shall have a correlated color temperature (CCT) between 2200K and 3000K.

G. Exterior lighting plan. Applications subject to the provisions of § 174-10, Site plan approval, shall submit a lighting plan which shall include the following information, except to the extent waived by the Planning Board. All other lighting not subject to the provisions of said § 174-10 does not require a lighting plan but shall meet the standards as set forth in this section, unless as may otherwise be provided herein. The lighting plan shall include the following information and comply with the regulations adopted pursuant to this bylaw:
[1] Location, orientation and type of outdoor luminaire, including the height of the luminaire, both existing and proposed;
[2] Type of lamp, such as metal halide, compact fluorescent, high pressure sodium, LED;
[3] Luminaire manufacturer's specification data, including lumen output, and other photometric data showing cutoff angles, as well as a description of all illuminating devices, fixtures, lamps, supports, reflectors, both existing and proposed; this may include, but is not limited to, catalog cuts and illustrations by manufacturers;
[4] Complete report of BUG rating data for all luminaires (if not already included in the manufacturer's specification data) calculated from photometric data (as per IES TM-15-11) showing compliance with the Planning Board Rules and Regulations for Outdoor Illumination;
[5] Photometric plan at ground level within the interior of the property and at the property boundaries that includes the Total Site Lumen Limit, Limits to Off Site Impact, Light Shielding, and for LED lighting, and the Correlated Color Temperature according to adopted regulations

H. Lighting Control Requirements. Automatic Switching Requirements Controls shall be provided that automatically extinguish all outdoor lighting when sufficient daylight is available using a control device or system such as a photoelectric switch, astronomic time switch or equivalent functions from a programmable lighting controller, building automation system or lighting energy management system, all with battery or similar backup

power or device. The Exterior Lighting Plan shall establish curfew time(s) after which total outdoor lighting lumens shall be reduced by at least 30% or extinguished. Lighting reductions are not required for any of the following:
[1] With the exception of landscape lighting, lighting for residential properties including multiple residential properties not having common areas.
[2] When the outdoor lighting consists of only one luminaire.
[3] Code required lighting for steps, stairs, walkways, and building entrances.
[4] Lighting under canopies, in tunnels, parking garages, and similar conditions.
[5] When in the opinion of the Planning Board, lighting levels must be maintained.
[6] Motion activated lighting.
[7] Lighting governed by special use permit in which times of operation are specifically identified.
[8] Businesses that operate on a 24-hour basis.

I. Community outdoor sports/recreational lighting requirements. These requirements are an exemption from the total site lumen limit based on hardscape metrics. Community outdoor sports or recreational facilities will be held to the IDA, IES criteria for outdoor sports lighting. On-field illuminance values will be determined by current IDA, IES set forth in the regulations adopted to implement the intent and purpose of this bylaw. Standard regulations include:

[1] Color, luminaire correlated color temperature (CCT) may not exceed 4000K;
[2] Other lighting, parking and concession area lighting will be considered a separate luminaire system and must meet the applicable lighting standards for the relevant lighting zones;
[3] Shut-off, curfew time shall be no later than 10:00PM (2200 hrs.)

J. Light Shielding for Parking Lot Illumination.
All parking lot lighting shall have no light emitted above 90 degrees from the installed vertical axis.

K. Flickering and flashing lights. No Flickering or flashing lights shall be permitted. Processes, such as arc welding, which create light flashes shall be confine within buildings or shielded to prevent either direct glare or flashing.

L. Absolute height. A luminaire attached to the exterior wall of a building or structure used for area lighting shall be mounted no higher than 15 feet above grade and shall be shielded to control glare. "Wall-pac" lighting fixtures are prohibited. Pole-mounted luminaires shall not exceed 20 feet in height.

M. Pole-mounted fixtures height limitation. Pole mounted fixtures shall not exceed the applicable pole-mounted height limitation of 20 feet for an approved fixture.

N. Lighting levels. Any luminaire with a lamp or lamps rated at a total of 1.800 lumens or more (which is approximately equal to one one-hundred-twenty-watt incandescent light bulb) and all flood or spot luminaires rated at 900 lumens or more (which is approximately equal to one 60-watt incandescent light bulb) shall not emit any direct light above a horizontal plane through the lowest direct-light-emitting part of the luminaire. If any spot or flood luminaire rated 900 lumens or less is directed or focused such as to cause direct light from the luminaire to be cast toward residential buildings on adjacent or nearby land, or to create glare perceptible to persons operating motor vehicles on public ways, the luminaire shall be redirected or its light output controlled as necessary to eliminate such conditions. The Planning Board reserves the right to limit and regulate the amount of illumination on a project site between the hours of 10:00 p.m. and 6:00 as, while understanding the need for safety and security lighting.

O. Light trespass limitations. There shall be no light trespass by a luminaire beyond the property boundaries of the lot on which it is located, except as within a street right-of-way for which there shall be no limit.

; or do or act anything in relation thereto

Proposed by: PLANNING BOARD
Board of Selectmen Recommendation:
Advisory Committee Recommendation:

Summary: *The article proposes to replace the current language in Section § 174-12.1 Outdoor illumination with new language to reduce blue lighting and increase public health based on recommendations from the American Medical Association and the International Dark-sky Association.*

ARTICLE 34: To see if the Town will vote to amend the Code of the Town of Southborough, Zoning Article III, by amending thereto Section § 174-10, entitled Site plan approval as marked below.

§ 174-10

Site plan approval.

[Amended 4-8-1985 ATM by Art. 39; 4-14-1986 ATM by Art. 48; 4-13-1987 ATM by Art. 43; 4-11-1988 STM
by Art. 4; 4-26-1990 ATM by Art. 41]

A. The purpose of the site plan review procedure is to encourage a desirable and compatible character of development within the Town of Southborough and to assure safety, promote logic, imagination and innovation in the design process while complying with all zoning requirements. The requirements of this section shall be applicable to the following:

(1) Any nonresidential development that results in an increase in on-site parking.

(2) All modifications to existing development projects which fall within the applicability of the Town's regulations for parking and loading (§ 174-12) or landscaping (§ 174-13).

(3) Any change in use or reactivation of a facility that has not been in use for a period of two years.

[Added 4-8-1996 ATM by Art. 51]

(4) Multifamily housing for the elderly. [Added 4-15-1997 ATM by Art. 56]

(5) Adaptive reuse of historic buildings. [Added 4-25-2017 ATM by Art. 30]

B. Site plan review will be processed by one of the following means:

(1) Minor plan review. Any new development, or expansion in use other than a single-family or two-family residence which adds less than 2,000 square feet of floor area or which would require at least five but fewer than 20 parking spaces regardless of the number of parking spaces existing on the premises, or any change of use of a facility that totals less than 2,000 square feet shall be subject to minor plan review by the Planning Board ~~Site Plan Review Committee. The Site Plan Review Committee shall be chaired by the Town Planner and will consist of a Selectmen or its designee, Building Inspector, Highway Superintendent, Board of Health Agent, Superintendent of the Water Department, Police Chief and Fire Chief or their designee, who will meet at a regularly scheduled time and place to review plans.~~ The Planning Board ~~Committee~~ shall also seek the advice of the Conservation Commission in the review of all minor plan submissions.

[Amended 4-8-1996 ATM by Art. 51]

(a) ~~Minor plan review will require 10 copies of the site plan to be submitted to the office of the Planning Board, together with an application form and filing fee~~. A complete application form, filing fee and multiple copies of all submission documents shall be submitted to the office of the Planning Board according to the instructions on the application form. All plans will be prepared at a scale no greater than one inch equals 40 feet on standard twenty-four-by-thirty-six-inch sheets and shall show, as a minimum:

[1] All existing and proposed buildings, including setbacks.

[2] Existing and proposed parking.

[3] Driveway openings.

[4] All property and street lines.

[5] Existing and proposed landscaping.

[6] Existing and proposed signs.

[7] Surfacing, indicating treatment of all surfaces.

[8] Location of all wetlands.

[9] Method of sewage disposal.

[10] Water supply.

[11] Stormwater drainage.

[12] Such other information as the Site Plan Review Committee may reasonably request.

(b) ~~Any dispute arising from the minor plan review process or any plan not receiving unanimous approval from the Site Plan Review Committee shall be referred to the Planning Board for action. The Committee may also refer any site plan that, due to unusual circumstances or a unique situation, it feels should be approved by the Planning Board. All site plans sent to the Planning Board by the Site Plan Review Committee for action will be handled through the minor plan review process.~~

~~[Amended 4-8-1996 ATM by Art. 51]~~

(c) Minor site plan review is not a public hearing. The Planning Board ~~Site Plan Review Committee~~ shall approve, or disapprove ~~or refer to the Planning Board~~ all submittals for minor plan review within 30 days of a completed application to the office of the Planning Board.

(d) Where applicable, all other criteria and conditions of this section will govern minor plan review.

(2) Major plan review. Any new development, or expansion in use other than a single-family or two-family residence which adds 2,000 square feet or more of floor area or which would require 20 or more parking spaces, regardless of the number of parking spaces existing on the premises, or any change of use of a facility that totals 2,000 square feet or more shall be subject to major plan review by the Planning Board. The major site plan submission shall consist of the following elements:

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[Amended 4-8-1996 ATM by Art. 51]

(a) Ownership, zoning, use and the general location of structure and topography within 300 feet of the property lines of the site or adjacent land contiguously owned with the site.

(b) ~~All site features, existing or proposed, including but not limited to the following~~ All plans will be prepared at a scale no greater than one inch equals 40 feet on standard twenty-four-by-thirty- six-inch sheets and shall show, as a minimum, all site features, existing or proposed, including but not limited to the following:

[1] Driveways, including widths.

[2] Parking facilities, including dimensions thereof.

[3] Loading facilities.

[4] Service areas.

[5] Street line, including widths.

[6] Roadways, including widths.

[7] Pedestrian walks, including widths and types of surface.

[8] Landscaping designation, specific plantings.

[9] Screening.

[10] Signs, including proposed sizes, mounting heights, types and drafted design.

[11] Lighting, including plan location and detail information, size, type and wattage.

[12] Surfacing, indicating treatment of all surfaces.

[13] Existing trees on the site which are a caliper of six inches or larger.

[14] Wetlands.

[15] Drainage, including detailed design data, pipe sizing, etc.

[16] Stone walls.

[17] Topography at two-foot contour intervals.

[18] Sewage disposal, including detailed design information.

[19] Water supply.

[20] Curbing.

[21] Such other information as the Planning Board may reasonably request.

(c) The construction of the work as detailed on the site plan shall not deviate from the work shown

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on the approved site plan. Accordingly, the site plan shall contain a sufficient level of detail to ensure the constructability of the project. Supporting details and documentation shall be presented as part of the site plan submission

(3) Incomplete applications for both the minor and major review shall not be accepted by the Planning Board. Following submission of a site plan to the Planning Board, the Board or its designee shall review the plan for completeness within three business days of the submission. Completeness shall be based on the requirements of the ~~this~~ respective subsections ~~for according to minor or major review~~. If the submission is determined incomplete by the Planning Board or its agent, notice will be provided ~~mailed~~ to the applicant ~~by certified mail~~ within three business days of the submission specifying the deficiencies.

C. The plans for minor or major site plan approval shall be prepared by a professional engineer, land surveyor, architect or landscape architect registered to practice in the Commonwealth of Massachusetts. A complete application form, filing fee and multiple copies of all submission documents shall be submitted to the office of the Planning Board according to the instructions on the application form. ~~and shall be submitted with 11 copies to the office of the Planning Board, together with an application form and a filing fee, if any.~~

D. Approval required.

(1) Site plan approval shall be granted upon determination by the Planning Board that the following are complied with. Any new building construction or other site alteration shall provide adequate access to each structure for fire and service equipment, ~~shall provide and~~ adequate provision for utilities and stormwater drainage consistent with the functional requirements of the Southborough Planning Board's Rules and Regulations for the Subdivision of Land, ~~and~~ shall be so designed that for the given location, ~~and~~ type and extent of land use, the design of building form, building location, egress points, grading and other elements of the development shall be so as to:

(a) Minimize the volume of cut and fill, the number of removed trees six inches in caliper and larger, the length of removed stone walls, the area of wetland vegetation displaced, the extent of stormwater flow increase from the site, soil erosion and the threat of air or water pollution.

(b) Maximize pedestrian and vehicular safety and convenience within the site and egressing from it.

(c) Minimize obstruction of scenic views from publicly accessible locations.

(d) Minimize visual intrusion by minimizing the visibility of parking, storage or other outdoor service areas viewed from public ways or premises residentially used or zoned; minimizing glare from headlights through plantings or other screening; minimizing lighting intrusion through use of such devices as cutoff luminaires confining direct rays to the site; fixture mounting height not higher than 20 feet except adjacent to Route 9; and avoiding unreasonable departure from the character of buildings in the vicinity.

(2) The Planning Board shall adopt and from time to time amend reasonable regulations for the administration of these guidelines.

E. The Planning Board shall hold a public hearing on the application for major site plan approval, with a written notice of the time and place of said hearing being given the applicant and the Board of Selectmen. The applicant is responsible for sending this notice to the certified abutters by certified mail return receipt requested, at least 10 days before the scheduled hearing. The Planning Board shall not act on the

application until it has received and given due consideration to the recommendations of the Board of Selectmen or until 10 days have elapsed after the public hearing without receipt of the Selectmen's comments.

F. The Planning Board shall act on ~~an~~ complete application for major site plan approval and shall notify, in writing, the applicant, the Board of Selectmen and the Building Inspector of its action within 60 days of the receipt of the complete application. Failure of the Planning Board to so act and to notify the applicant within said 60 days shall constitute approval of the site plan. The actions allowed by the site plan approval are authorized for a one-year period from the date of grant thereof. The applicant shall be granted a single one-year extension by applying to the Planning Board, in writing, prior to the date of expiration. If the actions permitted are not exercised or the approval not extended, they shall lapse, and a new application notice and hearing will be required.

G. Any person aggrieved by the action of the Planning Board on a site plan approval application may appeal said action to a Court of competent jurisdiction in accordance with M.G.L. c.40A, Section 17.

[Amended 5-22-2018 STM by Art. 3]

H. Minor departures from the site plan as approved, may be authorized by the Building Inspector after approval of the Planning Board ~~Site Plan Review Committee~~ if required by engineering or other circumstances not foreseen at the time of plan approval. Any change increasing the size of any building or structure, changing the location of any building, parking or access road by more than 10 feet or reducing landscaping or screening may be made only through review by the Planning Board following the same procedures as for an original submittal. Any departure must be requested, in writing, with the basis for the change given. Any change authorized shall be recorded on the file copy of the site plan with the Building Inspector's signature and the date.

I. The removal, fill or change of grade of earth materials, including soil, loam, sand or gravel, undertaken in order to construct or locate buildings, structures and such features accessory thereto as ways, driveways, areaways, walks or parking areas, and therefore exempt from regulations under Chapter 85 of this Code, is a part of construction and development process regulated by the Zoning Chapter. Except as necessary for the construction of detached one- or two-family dwellings and of features accessory thereto, the removal, fill or change of grade of earth materials for the purposes defined above shall be subject to approval under this section. Where the commencement of removal, fill or change of grade of earth materials precedes construction by three months or more, the submission and approval of the site plan may be undertaken in two stages, with the information for the first stage limited to property boundaries, existing and proposed topography at two-foot or lesser contour intervals, the character of the soil to be removed, added or relocated, the location and depth of any service and drainage conduits or pipes and the approximate location of any existing or proposed buildings, structures or physical features accessory thereto. Each stage shall be treated as a separate site plan for the purposes of this section, and the approval of Stage 1 of a site plan shall not be construed to assure the subsequent approval of Stage 2.

J. Compliance. The issuance of an occupancy permit will not be given prior to the satisfactory completion of all elements and conditions of the approved site plan. A temporary occupancy permit may be issued after the satisfactory completion of all items essential to public health and safety and sufficient bonding acceptable to the Planning Board is provided to the Town to cover all outstanding items.

; or do or act anything in relation thereto.

Proposed by: PLANNING BOARD
Board of Selectmen Recommendation:
Advisory Committee Recommendation:

Summary: *This article proposes to amend the Site Plan Approval bylaw by bringing minor site plan approval under the purview of the Planning Board, as opposed to the Site Plan Review Committee and further clarify steps for minor and major site plan approval.*

ARTICLE 35: Increase FY18 article appropriation for Dipietri Field Repairs by $50,000

, or do or act anything in relation thereto.

Proposed by: RECREATION COMMISSION
Board of Selectmen Recommendation:
Advisory Committee Recommendation:
Summary:

ARTICLE 36: To see if the Town of Southborough will vote to approve the Southborough Noise Bylaw proposal attached to this document, as amended, or do or act anything in relation thereto.

SOUTHBOROUGH NOISE BYLAW

1.1 Declaration of Policy

Whereas excessive sound can be a serious hazard to the public health and welfare and safety and the quality of life; and whereas a substantial body of science and technology exists by which excessive sound may be substantially abated; and whereas the citizens of Southborough have a right to and should be ensured an environment free from excessive sound that may jeopardize their health or welfare or safety or degrade the quality of life; now, therefore, it is the policy of the Town of Southborough (the "Town") to prevent excessive sound which may jeopardize the health and welfare or safety of its citizens and/or degrade the quality of life.

It shall be unlawful for any person to make, continue to make, permit or cause to be made or continued, any loud, excessive, unnecessary or unusually loud noise or any noise which either annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of reasonable persons of normal sensitivities. Furthermore, it shall be unlawful for any person who has custody and control of the premises to allow or permit another person to make, continue or permit to be made or continued any loud, excessive, unnecessary or unusually loud noise or any noise which either annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of reasonable persons of normal sensitivities within the limits of the Town of Southborough.

1.2 Definitions

Except as may be specified herein, acoustical terminology used throughout this Bylaw is that approved as American National Standard Acoustical Terminology [ANSI S1.1-1994] by the American National Standards Institute (ANSI). The following words, phrases and terms as used in this Bylaw shall have the meanings as indicated below:

A. BACKGROUND SOUND LEVEL shall mean the sound level associated with a given environment, being a composite of sounds from all sources excluding the alleged offensive noise, at the location and approximate time at which a comparison with the alleged offensive noise is to be made.

B. CONSTRUCTION shall mean those activities requiring a building permit, and shall also include any site preparation, cemetery burial and caretaking operations, seismic surveys grading, assembly, erection, substantial repair, alteration, or similar action, including demolition, for or of public or private rights-of-way, structures, utilities or similar property.

C. The abbreviation dBA shall mean the A-weighted sound pressure level expressed in decibels and referenced to 20 Micropascals. The abbreviation dBC shall mean the C-weighted sound pressure level expressed in decibels and referenced to 20 Micropascals.

D. EMERGENCY VEHICLE: shall mean any vehicle operated in an effort to protect, provide or restore public safety, including, but not limited to, ambulances, police vehicles and fire vehicles.

E. EMERGENCY WORK: shall mean any work performed in an effort to protect, provide or restore public safety, or work by private or public utilities when restoring utility service or any work performed for the purpose of preventing or alleviating the physical trauma or physical damage threatened or caused by an emergence – an occurrence or set of circumstances involving actual or imminent physical trauma or property damage.

F. ENFORCING PERSON: shall mean any police officer, building official or public health official of the Town or any other Town employee designated by the Town Manager for this purpose.

G. IMPACT DEVICE: shall mean a construction device in which or by which a hammer, meaning a moving mass of hard solid material, is mechanically by means of a working fluid or compressed air caused to repetitively impact upon and transmit kinetic energy to a tool. The tool may be included as a part of the device, as in the case of a moil on a paving breaker or the drill steel of a jackhammer, or it may be a mass to which the impact device is temporarily connected as in the case of a pile and pile driver. Examples of impact devices are pile drivers, paving breakers, power impact hammers, impact wrenches, riveters and stud drivers.

H. INTRUDING NOISE: shall mean the total sound level created, caused, maintained by, or originating from an alleged offensive source at a specified location while the alleged offensive source is in operation.

I. PERSON: shall mean a person, firm, association, co-partnership, joint venture, corporation or any entity recognized by applicable law, public or private in nature.

J. SOUND LEVEL: shall mean the instantaneous A-weighted sound pressure level, in decibels, (dBA) as measured with a sound level meter set to the "A" weighting scale, slow response. On the decibel scale a sound level increase of 10 means the sound is 10 times more intense or powerful.

Decibel levels of some common activities are listed below:

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Sound Level - dB	Source
50 - 65	normal conversation
60 - 65	laughter
70	hair dryer, vacuum
V Increasing risk of hearing loss V	
80	garbage disposal
85 - 90	lawnmower
100	garbage truck
120	walk behind leaf blower
130	jet takeoff/landing
145	fireworks

K. SOUND LEVEL METER: shall mean an instrument meeting American National Standard Institute's (ANSI) Standard S1.4-1983 for Type 1 or Type 2 sound level meters or an instrument and the associated recording and analyzing equipment, which will provide equivalent data.

1.3 **Designated Noise Zones**

The properties hereinafter described are hereby assigned to the following noise zones:

NOISE ZONE I: All properties utilized as residential uses in accordance with the Town of Southborough Zoning Bylaws and the grounds of any school, hospital or similar health care institution, house of worship or library while the same is in use, and any Cemetery or Open Space.

NOISE ZONE II: All other property used in accordance with the Town's Zoning Bylaw.

1.4 **Exterior Noise Standards**

It shall be unlawful for any person at any location within the area of the Town to create any loud noise, or to allow the creation of any noise, on property owned, leased, occupied or otherwise controlled by such person, which causes the sound level when measured on complainant's property to exceed the greater of:

A. The maximum allowable exterior sound level outlined in Table I; or

B. Five dB over the background sound level.

Table 1. Maximum Allowable Exterior Sound Level		
Noise Level	Daytime level 7:00 AM to 10:00 PM	Nighttime level 10:00 PM to 7:00 AM
I	60 dBA	50 dBA

II	70 dBA	65 dBA

If the intruding noise source is continuous and cannot reasonably be discontinued or stopped for a time period whereby the background sound level can be determined, the measured sound level obtained while the source is in operation shall be compared directly to the maximum allowable exterior sound level outlined in Table I.

1.5 **Construction Noise Standards**

A. Noise associated with construction is permitted between 7:00 AM and 6:00 PM on weekdays and 9:00 AM and 5:00 PM Saturdays provided the sound level from:

1. Non-impact devices do not exceed 70 dBA as measured over a time interval of 1 minute with the sound meter set to slow located on any other property, but at least 50 feet from the construction activity;

2. Impact devices does not exceed 90 dBA as measured with a sound level meter set to slow response located on any other property, but at least 30 feet from the construction activity.

B. Between the hours of 6:00 PM and 7:00 AM on weekdays and Saturday, noise associated with construction, shall be limited by the standards of Section 1.4.

C. Construction activities shall not be allowed on Sundays or legal holidays.

1.6 **Maintenance Noise Standards**

A. Noise associated with maintenance is permitted between 7:00 AM and 6:00 PM on weekdays, 8:00 AM and 6:00 PM on Saturdays and between the hours of 9:00 AM and 6:00 PM on Sunday, provided the sound level does not exceed 70 dBA as measured with a sound level meter set to slow response on any other property, but at least 50 feet from the maintenance;

B. Between the hours of 6:00 PM and 7:00 AM on weekdays, 6:00 PM and 8:00 AM on Saturday and between the hours of 6:00 PM and 9:00 AM on Sunday or a legal holiday, noise associated with maintenance, shall be limited by the standards of Section 1.4.

1.7 **Commercial Trash Collection and Deliveries or Pick-up**

A. The operation of commercial trash compactors or collection of trash, rubbish, refuse or debris, which generates noise in excess of the criteria given in Section 1.4 at any point of public or common pass-by between the hours of 7:00 PM and 7:00 AM is prohibited.

B. Deliveries or pick-ups for commercial or business purposes between 10:00 PM and 6:00 AM are prohibited unless the noise level of such deliveries or pick-ups in nearby residential areas does not exceed the noise criteria listed in Section 1.4.

1.8 **Motor Vehicles or Motorcycles**

Motor vehicles or motorcycles operated on public ways in the Town of Southborough or in any place where the public has the right of access as invitees or licensees may not exceed a maximum sound level of

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85 dBA. It is also in violation of the Bylaw to operate a motor vehicle or motorcycle without a sound-limiting device connected to the exhaust system. This prohibits so-called "straight pipe" exhaust systems. This section shall not include screeching sounds emitted from emergency braking. Measurement for the purposes of this Section shall be at a distance of 36 inches from the noise source.

1.9 **Special Provisions**

Noise associated with the following activities shall be exempted from the provisions of this Bylaw:

A. Emergency work or emergency vehicles.

B. The operation of any vehicular alarm provided it terminates within 15 minutes of the initially recorded complaint.

C. Occasional outdoor gatherings, public dances, shows, and sporting and entertainment events provided said events are conducted pursuant to a permit or license issued by the appropriate jurisdiction relative to the staging of said events.

D. The intermittent or occasional use, during the daytime, of homeowners' light residential outdoor equipment

E. Snow removal performed by snow blowers, snow throwers or snow plows when appropriately outfitted with a muffler.

F. Any activity to the extent regulation thereof has been preempted by Town, State or Federal Law or by agreement between Town, State or the Federal Government.

1.10 **Prima Facie Violations**

Any measured noise exceeding the sound level standards as specified in Sections 1.4 through 1.10 may be deemed by the enforcing person to be prima facie evidence of a violation of the provisions of this Bylaw.

1.11 **Penalties for Violations**

A. Violations under Article 1, in the discretion of the enforcing person, may be enforced by non-criminal disposition as provided in MGL Chapter 40, Section 21D.

B. The penalty for a violation under this Bylaw shall be $100 for a first offense, $250 for a second offense, $500 for a third offense, and for each succeeding offense each day or part thereof shall constitute a separate offense.

Proposed by: PETER LAPINE, et al.
Board of Selectmen Recommendation:
Advisory Committee Recommendation:
Summary:

And you are to give notice hereby by posting true and attested copies of the Warrant on the Town website, the Southborough Town House, 17 Common Street, Southborough Senior Center, 9 Cordaville Road, Southborough

Library, 25 Main Street, and Southborough Transfer Station, 147 Cordaville Road; seven (7) days at least before the time appointed for such meeting.

Given under our hand this twenty-fifth (25th) day of February, 2020.

_____

Brian E. Shea, Chairman

_____

Martin F. Healey, Vice-Chairman

_____

Daniel L. Kolenda

_____

Lisa M. Braccio

_____

Sam Stivers

BOARD OF SELECTMEN OF THE TOWN OF SOUTHBOROUGH

Attest:

_____

Kenneth M. Paulhus, Constable

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Article TBD: To see if the Town will vote to adopt as Chapter 9, Article IX 1 through 2 of the Town bylaws, the following:

Article IX Accessibility Compliance Committee

§9.34 Purpose

Numerous laws, statutes, policies and regulations require and/or encourage access to facilities, programs and services for all members of the public, whether or not having a disability. These include, but are not limited to:

- The Americans with Disabilities Act of 1990 - 42 U.S.C. ch. 126 § 12101 et seq
- Regulations promulgated by the Massachusetts Architectural Access Board (521 CMR)
- The Voting Accessibility for the Elderly and Handicapped Act of 1984 - P.L. 98-435, 42 U.S.C. §§ 1973ee–1973ee-6
- The Individuals with Disabilities Education Act – 20 U.S.C. §§ 1400 et seq.
- The Rehabilitation Act of 1973 – USC 31-41c, 29 U.S.C. § 701 et seq
- The Architectural Barriers Act - 42 U.S.C. §§ 4151 et seq.
- Massachusetts Employment Law MGL ch 151B
- Massachusetts Public Accommodation Law - MGL ch 272
- Massachusetts Equal Rights Act - MGL Ch. 93 §§ 102
- Massachusetts Constitution Article CXIV (114)
- Massachusetts Service Animals Law – MGL Ch. 272 §§ 98A

These requirements, which are increasingly important due to demographic changes and public awareness, necessitate a coordinated approach to monitoring and increasing the Town of Southborough's compliance. In addition, it is desirable to encourage property owners to consider adopting optional policies that increase accessibility. As more fully described in the remainder of this Article IX, this article establishes a committee that will be responsible for developing and implementing this coordination. It will report on status and progress to the Board of Selectmen and the Town Meeting.

§9.34.A Establishment; Membership; Qualifications

There shall be an Accessibility Compliance Committee ("ACC"), which shall consist of no more than five voting members appointed by the Board of Selectmen, and the non-voting ex-officio members identified below.

Each voting member shall be a registered voter in the Town and shall not be a Town officer or employee.

The Board of Selectmen shall appoint an Accessibility Compliance Coordinator ("Coordinator"), in consultation with the ACC. The Coordinator, under the direction of the ACC, shall be responsible for accepting and recording concerns, coordinating reviews, and such other duties as may be assigned. The Coordinator may be a Town officer or employee and need not be a resident.

The Building Commissioner and Coordinator shall be ex-officio members of the ACC.

§9.34.B Appointments; Terms

Voting members shall be appointed for two-year terms. The initial appointments shall be divided among one and two year terms, so as to establish overlapping terms.

§9.34.C Organization

The members shall select, from among themselves, a Chairman and a Secretary.

§9.34.D Funding

The ACC shall have a budget for consultants and other expenses. It shall submit its projected expenses to the Town's regular budget process. Any expenditures from its budget shall require a majority vote of the ACC, and be subject to the Town's policies for such expenditures.

§9.35 Functions

The duty of the ACC shall be to monitor and increase the Town of Southborough's compliance with all laws, statutes, policies, and regulations that require (or encourage) access to facilities, programs and services for all members of the public, whether or not having a disability.

In consort with town officers, departments, and other government entities: the ACC shall endeavor to assure that all town citizens, whether or not having any disability, have equal access to:

- Town Government offices and communications
- Public and commercial buildings
- Programs
- Goods and Services
- Transportation
- Telecommunications, including the Internet
- Recreational programs

The ACC shall review existing and proposed facilities, programs, and projects undertaken by the Town of Southborough, and shall notify the responsible official or entity of any inadequacies. The ACC may request other Town officials, committees, departments, and/or entities to provide input to these reviews.

The ACC may undertake public outreach and advocacy for accessibility in the Town.

From time to time, the ACC shall report to the Board of Selectmen and the Town Meeting on its activities and findings.

The ACC shall provide a mechanism for the public and/or any Town employee to raise concerns about the accessibility of any Town facility, service or program. The ACC (or its designee) shall maintain records of such concerns and their dispositions. To the extent permissible by law, the identities of persons raising concerns shall be confidential, unless confidentiality is waived by such person.

Subject to available funding, the ACC shall have the authority to engage consultants to evaluate the technical aspects of facilities and/or projects.

or act or do anything in relation thereto.

Proposed by: The Accessibility Compliance Committee (Formerly "ADA Committee")
Board of Selectmen Recommendation: TBD
Advisory Committee Recommendation: TBD
Summary: *This article replaces the current ad-hoc Accessibility Compliance Committee with a standing committee. The existing committee was established to address the issues raised by the 1990 Americans with Disabilities Act, and was thought to be needed for a short time. In the time since, regulations in this area have increased and public demand for accessibility has increased. Since the need has persisted for several decades, a standing committee that is not limited to the ADA is the more appropriate construct.*

TOWN OF SOUTHBOROUGH

OFFICE OF THE TOWN CLERK

EARLY VOTING NOTICE

Presidential Primary Election
March 3, 2020

Early Voting for the Presidential Primary Election will be held at the Southborough Town House, 17 Common Street, Southborough, MA during the following times:

February 24	8:00 AM - 7:00 PM
February 25	8:00 AM - 7:00 PM
February 26	8:00 AM - 7:00 PM
February 27	8:00 AM - 7:00 PM
February 28	8:00 AM - 12:00 PM

Voters unable to vote during Early Voting or at the election on may request an absent ballot be mailed to them.

Please contact Town Clerk Jim Hegarty if you have any questions.

James F. Hegarty
Southborough Town Clerk

TOWN HOUSE · 17 COMMON STREET · SOUTHBOROUGH, MASSACHUSETTS 01772-1662
(508) 485-0710 EXT 3005 · FAX (508) 480-0161 · townclerk@southboroughma.com

FY2021 - ESTIMATED RECAP TA VERSION

1/14/2020	FY2018	FY2019	FY2020	FY2021	
Fiscal Year	2018 RECAP	2019 RECAP	2020 RECAP	2021 RECAP	
LEVY	39,350,305	40,989,147	42,637,551	44,598,741	4.6%
2 1/2	983,758	1,024,729	1,065,939	1,114,969	4.6%
NEW GROWTH	655,085	623,675	895,251	450,000	-49.7%
LEVY	40,989,147	42,637,551	44,598,741	46,163,709	3.5%
DEBT-CAP EXEMPT	3,386,612	3,525,637	2,948,030	3,251,229	10.3%
SBAB PAYMENTS	(2,228,022)	(2,204,304)	(920,943)	(920,943)	0.0%
TOTAL LEVY LIMIT	42,147,737	43,958,884	46,625,828	48,493,995	4.0%
TAX RATE	16.14	16.74	16.66	17.25	3.56%
ASSESSED VALUE	2,441,258	2,517,550	2,625,449	2,651,376	1.0%
CERTIFIED FREE CASH	1,553,963	1,201,684	1,489,172	1,878,069	26.1%
LOCAL RECEIPTS	3,413,000	3,443,400	3,743,400	3,818,400	2.0%
COMM. PRESERV. FUNDS	979,050	1,195,559	716,474	70,999	-90.1%
LOCAL AID	3,423,342	3,468,768	3,520,576	3,520,576	0.0%
SBAB PAYMENTS	2,204,304	2,204,304	920,943	920,943	0.0%
OTHER AVAILABLE	902,586	1,185,101	1,408,084	801,348	-43.1%
TOTAL OTHER REVENUES	12,476,245	12,698,816	11,798,649	11,010,335	-6.7%
TOTAL REVENUE	54,623,982	56,657,700	58,424,477	59,504,331	1.8%
	2018 RECAP	2019 RECAP	2020 RECAP	2021 RECAP	
OTHER	1,147,037	1,332,532	952,039	90,260	-90.5%
STATE & COUNTY CHARGES	197,212	195,253	258,489	258,500	0.0%
OVERLAY	413,362	383,086	401,991	400,000	-0.5%
TOTAL CHARGES	1,757,611	1,910,871	1,612,519	748,760	-53.6%
TOWN					
100-299,400-699 TOWN BUDGET	10,791,100	11,208,534	11,337,797	12,207,246	7.7%
910 EMPLOYEE BENEFITS	3,193,498	3,423,107	3,592,766	3,765,827	4.8%
930 CAPITAL BUDGET	66,417	326,515	282,420	175,583	-37.8%
945 GEN. LIABILITY INSURANCE	320,656	325,252	333,936	338,838	1.5%
BUDGET ARTICLES	35,500	52,000	164,560	78,000	-52.6%
700-799 DEBT & INTEREST	171,879	1,092,546	2,031,970	2,125,161	4.6%
CAPITAL ARTICLES	588,400	1,130,000	987,925	1,122,000	13.6%
TOTAL TOWN	15,167,450	17,557,954	18,731,374	19,812,655	5.8%
SCHOOL					
300-399 SCHOOLS BUDGET	28,062,587	28,864,812	29,205,123	30,091,736	3.0%
910 EMPLOYEE BENEFITS	4,085,793	4,230,864	4,546,180	4,699,787	3.4%
945 GEN. LIABILITY INSURANCE	150,984	157,879	163,404	170,757	4.5%
700-799 DEBT & INTEREST	2,653,721	2,120,229	1,280,038	1,231,363	-3.8%
TOTAL SCHOOL	34,953,085	35,373,784	35,194,745	36,193,644	2.8%
TOTAL EXPENDITURES	51,878,146	54,842,609	55,538,638	56,755,059	2.2%
WITHIN (+) OR OVER (-) CAP	2,745,836	1,815,091	2,885,839	2,749,271	

634,419.00	Avg House Value FY20
10,569.42	FY20 Taxes
634,419.00	Avg House Value FY21
10,945.76	FY21 Taxes
376.34	Dollar increase
3.56%	% increase
450,000	New Growth Estimate
0.01725	Tax Rate
26,082	Value Added

FY20 ANNUAL TOWN MEETING March 2019	FY 20 BUDGET	FY 21 REQUESTED	% Chg From FY20
100-119 GENERAL GOVERNMENT			
114 MODERATOR	75	75	0.00%
121-129 Executive			
121 ELECTED SELECTMEN SALARIES	4,000	4,000	0.00%
122 BOARD OF SELECTMEN	440,355	464,185	5.41%
131-149 Financial Administration			
131 ADVISORY COMMITTEE	2,500	2,500	0.00%
132 RESERVE FUND	180,000	180,000	0.00%
135 TOWN ACCOUNTANT	160,228	172,905	7.91%
136 AUDIT	34,450	28,010	-18.69%
140 ELECTED ASSESSORS SALARIES	2,250	2,250	0.00%
141 ASSESSORS	211,288	240,717	13.93%
145 TREASURER/COLLECTOR	224,814	252,854	12.47%
151-159 Operation Support			
151 TOWN COUNSEL	95,000	95,000	0.00%
152 PERSONNEL BOARD	16,435	62,000	277.24%
153 SPECIAL LEGAL COUNSEL	50,000	50,000	0.00%
154 MUNICIPAL TECH COMMITTEE	1,000	1,000	0.00%
155 MANAGEMENT INFORMATION SYS.	309,854	351,739	13.52%
159 OTHER OPERATION SUPPORT	359,895	455,728	26.63%
161-169 Licensing and Registration			
160 ELECTED CLERK	85,141	87,695	3.00%
161 TOWN CLERK	191,726	178,717	-6.79%
171-179 Land Use			
171 CONSERVATION COMMISSION	89,991	101,487	12.77%
175 PLANNING BOARD	158,606	171,409	8.07%
176 ZONING BOARD OF APPEALS	28,950	23,876	-17.53%
177 OPEN SPACE	2,000	2,000	0.00%
191-199 Other			
ADA COMMITTEE	0	2,500	100.00%
182 ECONOMIC DEVELOPMENT	38,735	49,463	27.70%
192 PUBLIC BLDGS. & PROPERTY MAINT.	518,391	555,165	7.09%
TOTAL GENERAL GOVERNMENT	**3,205,884**	**3,535,275**	**10.28%**
200-299 Public Safety			
210 POLICE DEPARTMENT	2,142,763	2,275,548	6.20%
220 FIRE DEPARTMENT	2,163,324	2,313,728	6.95%
241 BUILDING DEPARTMENT	131,003	159,789	21.97%
291 CIVIL DEFENSE	12,150	10,151	-16.45%
292 ANIMAL CONTROL OFFICER	28,490	28,490	0.00%
TOTAL PUBLIC SAFETY	**4,477,730**	**4,787,708**	**6.92%**
400-499 Public Works			
420,430,490 DPW (HIGHWAY, CEMETERY, TREE)	2,235,309	2,400,925	7.41%
TOTAL PUBLIC WORKS	**2,235,309**	**2,400,925**	**7.41%**
500-599 Human Services			
510 ELECTED BOARD OF HEALTH SALARIES	450	450	0.00%
512 BOARD OF HEALTH	165,422	170,717	3.20%
541 COUNCIL ON AGING	327,953	341,082	4.00%
542 YOUTH COMMISSION	183,600	218,600	19.06%
543 VETERANS SERVICES	50,120	35,845	-28.48%
TOTAL HUMAN SERVICES	**727,545**	**766,694**	**5.38%**
600-699 Culture and Recreation			
610 LIBRARY	540,165	562,884	4.21%
630 RECREATION	145,714	148,262	1.75%
691 HISTORICAL COMMISSION	2,500	2,500	0.00%
692 MEMORIAL DAY	3,150	3,000	-4.76%
TOTAL CULTURE & RECREATION	**691,529**	**716,646**	**3.63%**
TOTAL TOWN	**11,337,797**	**12,207,248**	**7.67%**
300-399 Education			
300 ELECTED SCHOOL COMM	500	500	0.00%
301 SOUTHBOROUGH SCHOOLS	20,820,874	21,657,873	4.02%
302 ALGONQUIN	7,631,929	7,631,929	0.00%
ALGONQUIN EXEMPT DEBT	421,058	421,058	0.00%
304 ASSABET	330,762	380,376	15.00%
305 NORFOLK COUNTY AGRICULTURE	0	0	100.00%
TOTAL EDUCATION	**29,205,123**	**30,091,736**	**3.04%**
TOWN 900-999 Unclassifed			
910 EMPLOYEE BENEFITS-Town	3,592,766	3,765,827	4.82%
910 EMPLOYEE BENEFITS-School	4,546,180	4,699,787	3.38%
TOTAL UNCLASSIFIED BENEFITS	**8,138,946**	**8,465,614**	**4.01%**
930 CAPITAL BUDGET REQUESTS	282,420	175,583	-37.83%
TOTAL UNCLASSIFIED CAPITAL	**282,420**	**175,583**	**-37.83%**
941 LEGAL SETTLEMENT REGIONAL	225,000	225,000	0.00%
945 GENERAL LIABILITY INS.-Town	108,936	113,838	4.50%
945 GENERAL LIABILITY INS.-School	163,404	170,757	4.50%
TOTAL UNCLASSIFIED INSURANCE	**497,340**	**509,595**	**2.46%**
710 RETIREMENT OF DEBT-Town	1,272,976	1,232,547	-3.18%
710 RETIREMENT OF DEBT-School	1,125,000	1,120,000	-0.44%
751 INTEREST ON DEBT-Town	758,994	892,614	17.60%
751 INTEREST ON DEBT-School	155,038	111,363	-28.17%
TOTAL DEBT SERVICE GENERAL FUND	**3,312,008**	**3,356,524**	**1.34%**
GRAND TOTAL	**52,773,634**	**54,806,299**	**3.85%**
1/14/20 8:40 AM			

TM REQUEST - FY21 MONEY ARTICLES

General Fund

Department	Description	Amount	BOS Recomm	
Dept of Public Works	TRANSFER STATION ENG. & DESIGN FOR RENOVATION	35,000	35,000	
Dept of Public Works	HOOK LIFT TRUCK (25K IN WATER BUDGET)	165,000	165,000	Reduced from 200,000 (water shift)
Dept of Public Works	LARGE TRUCK & EQUIPMENT BODY WORK (STRIP, PRIME, PAINT)	12,000	12,000	
Dept of Public Works	ROAD MAINTENANCE	325,000	325,000	
Dept of Public Works	DPW: DIESEL PICK UP (SERVICE BODY) - HIGHWAY	70,000	70,000	
Fire Department	LUCAS DEVICES (MECHANICAL CPR DEVICES) 17K for new and	30,000	30,000	
Fire Department	DEPUTY CAR 26	-	-	Reduced from 60,000
Police & Fire	ANTENNAE MAINTENANCE AND PURCHASE	45,000	45,000	
Facilities	FACILITIES - ANNUAL BUILDING MAINT FUND	100,000	100,000	
Facilities	LIBRARY - INTERIOR RENO. FLOOR/PAINTING	115,000	115,000	
Facilities	LIBRARY - NEW BOILER (ENGINEERING & INSTALL)	85,000	85,000	
Facilities	LIBRARY - NEW EMS (ENGINEERING & INSTALL)	75,000	75,000	
Facilities	SOUTH UNION SCHOOL: EXT. PAINTING & MAINT/REPAIRS	-	-	Reduced from 50,000
Facilities	CORD. HALL - WINDOWS & SIDING MAINTENANCE	-	-	Reduced from 175,000
Facilities	DPW OFFICE - NEW FLOOR COVERINGS	-	-	Reduced from 15,500
Facilities	TOWN HOUSE - GENERATOR SWITCH	65,000	65,000	
Recreation	DEPIETRI FIELD REPAIRS	-	-	Reduced from 50,000
		G-Fund	1,122,000	

Budget Articles

BOS	Retirement Fund	28,000	28,000	
BOS	Insurance Deductible Account	10,000	10,000	
BOS	ADA Title 2 Study	40,000	40,000	Reduced from 50,000
		G-Fund	78,000	
	TOTAL REQUEST		**1,200,000**	

Bond Requests

Fire Department	NEW ENGINE E22	600,000	600,000	
BOS	BREACKNECK HILL REMEDIATION	-	-	1 YEAR
School Department	FINN BOILER REPLACEMENT	767,600	767,600	
Facilities	CORD. HALL - BUILDING ADDS/RENO/SYSTEM UPGRADES	375,000	375,000	Reduced from 525,000
Facilities	TOWN HOUSE - WINDOWS	675,000	675,000	
BOS	Purchase of Land (National Grid)	257,100	257,100	

BUDGET 930

FY21

ANNUAL TOWN MEETING March 2020

1/14/2020

	DESCRIPTION	REQUEST	BOS SUPPORT
	POLICE: PISTOLS - GLOCK (24)	10,226	10,226
	POLICE: TASER PROGRAM	10,857	10,857
	POLICE: CHIEF VEHICLE	38,650	38,650
	FIRE: CHIEF VEHICLE C20	55,000	55,000
	DPW: TREE MAINT FUNDING	8,850	8,850
	DPW: REPLACE 3 PLOWS	40,000	40,000
	DPW: EQUIPMENT TRAILER 2006 REPLACEMENT	12,000	12,000
		175,583.00	**175,583.00**

Town of Southborough
New Hours Programs
FY21 Budget

In the TA Recommendation (Updated for 1/21/20):		Original Request:	Difference:	NOTES:
ADA COMMITTEE New Budget	**2,500**	**5,000**	(2,500)	
BUILDING DEPARTMENT PT Hours	**-**	**10,894**	(10,894)	
CONSERVATION DEPARTMENT PT Hours (19 week)	**3,000**	**19,760**	(16,760)	Maintains recording secretary funding
COUNCIL ON AGING Postage within Budget/Minimal Admin Hours	**3,725**	**3,725**	-	
FIRE DEPARTMENT FT Salaries (1) w/ Benefits Admin Hours (4 hours weekly)	**4,815**	**65,662**	(60,847)	Maintains PT Admin Hours
LIBRARY DEPARTMENT Additional Programming/ Page and PT Hours	**17,449**	**17,449**	-	
MIS PT Tech Specialist	**26,283**	**26,283**	-	
MUNICIPAL TECH COMMITTEE Additional Funding Request	**-**	**1,964**	(1,964)	
POLICE DEPARTMENT FT Salaries (2) w/ Benefits	**-**	**142,966**	(142,966)	
TREASURER/COLLECTOR FT Salaries (1) w/ Benefits	**23,180**	**61,668**	(38,488)	Maintains (1) 19 Hour/week Admin
YOUTH & FAMILY PT Salaries (2) Clinical Supervision	**21,120**	**39,840**	(18,720)	Maintains (1) 19 Hour/week Admin

Adding One Police Officer W/ Benefits	**62,976**	*Year one - not full Year
Adding 1 PT Youth/Family	**18,720**	
TOTAL	**81,696**	
Impact on Tax Rate:	**0.19%**	
New Increase	**3.75%**	

1/14/2020

Item or Project	Department/Board	Total Cost	Project Type	TM Approval	Bonded (B) or Future (F)	Bond Term If Applic.	Funding Source	2021	2022	2023	2024	2025	2026	2027
HOOK LIFT TRUCK	DPW	$ 225,000	REPLACEMENT	2020	N/A	N/A	General Fund	$ 165,000						
TRANSFER STATION ENG. & DESIGN	DPW	$ 35,000	REPAIR/MAINTENANCE	2020	N/A	N/A	General Fund	$ 35,000						
LARGE TRUCK & EQUIPMENT BODY	DPW	MULTIPLE	REPAIR/MAINTENANCE	2020	N/A	N/A	General Fund	$ 12,000	$ 12,000			$ 15,000		
EQUIPMENT TRAILER (2006 -	DPW	$ 12,000	REPAIR/MAINTENANCE	2020	N/A	N/A	General Fund	$ 12,000						
DIESEL PICK UP (SERVICE BODY) -	DPW	$ 65,000	REPLACEMENT	2020	N/A	N/A	General Fund	$ 70,000						
REPLACE 3 PLOWS (FY21) & 4 PLOWS	DPW	$ 45,000	REPLACEMENT	2020	N/A	N/A	General Fund	$ 40,000	$ 50,000					
NORTHBORO ROAD CULVERT	DPW	$ 50,000	REPAIR/MAINTENANCE	2020	N/A	N/A	General Fund			$ 35,000				
ROAD MAINTENANCE	DPW	MULTIPLE	REPAIR/MAINTENANCE	2020	N/A	N/A	General Fund	$ 325,000	$ 325,000					
UTILITY/SERVICE/DUMP & PLOW	DPW	$ 75,000	REPLACEMENT	2021	N/A	N/A	General Fund			$ 75,000				
UTILITY/SERVICE/DUMP & PLOW	DPW	$ 125,000	REPLACEMENT	2021	N/A	N/A	General Fund		$ 105,000					
SIDEWALK INSTALL AND	DPW	MULTIPLE	REPAIR/MAINTENANCE	2021	N/A	N/A	General Fund		$ 200,000		$ 200,000			
35,000 GVW CAB & CHASSIS USE OLD	DPW	$ 150,000	REPLACEMENT	2022	N/A	N/A	General Fund			$ 210,000				
UTILITY DUMP TRUCK & PLOW	DPW	$ 125,000	REPLACEMENT	2022	N/A	N/A	General Fund				$ 125,000			
SIDEWALK TRACTOR/SKID STEER W/	DPW	$ 160,000	REPLACEMENT	2023	N/A	N/A	General Fund				$ 160,000			
MINI EXCAVATOR GF (ADDTNL $ IN	DPW	$ 40,000	REPLACEMENT	2022	N/A	N/A	General Fund		$ 95,000					
ROAD MAINTENANCE	DPW	MULTIPLE	REPAIR/MAINTENANCE	2022	N/A	N/A	General Fund			$ 400,000	$ 400,000	$ 400,000	$ 400,000	$ 400,000
FRONT END LOADER	DPW	$ 215,000	REPLACEMENT	2023	N/A	N/A	General Fund					$ 215,000		
CHIPPER	DPW	$ 30,000	REPLACEMENT	2023	N/A	N/A	General Fund		$ 30,000					
35,000 GVW CAB & CHASSIS (42) (2013)	DPW	$ 210,000	REPLACEMENT	2025	N/A	N/A	General Fund						$ 210,000	
35,000 GVW CAB & CHASSIS (47) (2004)	DPW	$ 210,000	REPLACEMENT	2025	N/A	N/A	General Fund						$ 210,000	
SIDEWALK INSTALL AND	DPW	MULTIPLE	REPAIR/MAINTENANCE	2025	N/A	N/A	General Fund						$ 100,000	$ 100,000
CAT BACKHOE GF (ADDTNL $ IN	DPW	$ 225,000	REPLACEMENT	2026	N/A	N/A	General Fund							$ 225,000
LUCAS DEVICES (MECHANICAL CPR	FIRE DEPARTMENT	$ 40,000	NEW	2020	N/A	N/A	General Fund	$ 30,000						
THERMAL IMAGING CAMERAS	FIRE DEPARTMENT	$ 30,000	REPLACEMENT	2021	N/A	N/A	General Fund		$ 30,000					
CHIEF VEHICLE C20	FIRE DEPARTMENT	$ 55,000	REPLACEMENT	2020	N/A	N/A	General Fund	$ 55,000						
DEPUTY CAR 26	FIRE DEPARTMENT	$ 55,000	NEW	2020	N/A	N/A	General Fund							
PICK UP TRUCK	FIRE DEPARTMENT	$ 55,000	REPLACEMENT	2022	N/A	N/A	General Fund			$ 55,000				
PERSONAL PROTECTIVE EQUIPMENT -	FIRE DEPARTMENT	$ 270,000	REPLACEMENT	2022	N/A	N/A	General Fund			$ 270,000				
THERMAL IMAGING CAMERAS	FIRE DEPARTMENT	$ 15,000	REPLACEMENT	2025	N/A	N/A	General Fund						$ 15,000	
PREVENTION CAR 27	FIRE DEPARTMENT	$ 55,000	REPLACEMENT	2026	N/A	N/A	General Fund							$ 55,000
4" LARGE DIAMETER HOSE (5,400 FT)	FIRE DEPARTMENT	$ 40,000	REPLACEMENT	2027	N/A	N/A	General Fund							
BRUSH FIRE TRUCK (S-24)	FIRE DEPARTMENT	$ 250,000	REPLACEMENT	2029	N/A	N/A	General Fund							
ALL TERRAIN UTILITY VEHICLE	FIRE DEPARTMENT	$ 26,000	NEW	2020	N/A	N/A	General Fund		$ 26,000					
LIGHT TOWER/GENERATOR UNIT EM2	FIRE DEPARTMENT	$ 11,000	REPLACEMENT	2021	N/A	N/A	General Fund		$ 11,000					
PORTABLE RADIOS SEMA/EOC	FIRE DEPARTMENT	$ 13,500	REPLACEMENT	2024	N/A	N/A	General Fund			$ 13,500				
MOBILE RADIOS EOC	FIRE DEPARTMENT	$ 9,000	REPLACEMENT	2025	N/A	N/A	General Fund					$ 9,000		
COMMAND COMMUNICATIONS UNIT EM1	FIRE DEPARTMENT	$ 28,000	REPLACEMENT	2026	N/A	N/A	General Fund							$ 28,000
LIGHT TOWER/GENERATOR UNIT EM4	FIRE DEPARTMENT	$ 11,000	REPLACEMENT	2027	N/A	N/A	General Fund							
SHELTER OPERATIONS UNIT	FIRE DEPARTMENT	$ 26,000	REPLACEMENT	2030	N/A	N/A	General Fund							
60KW MOBILE GENERATOR UNIT	FIRE DEPARTMENT	$ 39,000	REPLACEMENT	2031	N/A	N/A	General Fund							
LIBRARY BUILDING ENGINEERING	LIBRARY	$ 125,000	NEW	2023	N/A	N/A	General Fund				$ 125,000			
PRIVATE FIBER EXT TO RADIOS ON	MANAGEMENT INFO. SYS.	$ 30,100	REPAIR/MAINTENANCE	2019	N/A	N/A	General Fund							
UPGRADE NETWORK WIRING AT TOWN	MANAGEMENT INFO. SYS.	$ 60,000	REPAIR/MAINTENANCE	2020	N/A	N/A	General Fund		$ 60,000					
PRIVATE FIBER TO DPW	MANAGEMENT INFO. SYS.	$ 30,000	NEW	2021	N/A	N/A	General Fund							
PRIVATE FIBER TO ARTS CENTER	MANAGEMENT INFO. SYS.	$ 30,000	NEW	2022	N/A	N/A	General Fund							
FUTURE IT CAPITAL TBD	MANAGEMENT INFO. SYS.	MULTIPLE	NEW	2023	N/A	N/A	General Fund							
CHIEF VEHICLE / CRUISERS MULTIPLE	POLICE DEPARTMENT	MULTIPLE	REPLACEMENT	2019	N/A	N/A	General Fund	$ 38,650	$ 113,252		$ 113,252		$ 113,252	
CHIEF VEHICLE / CRUISERS SINGLE	POLICE DEPARTMENT	MULTIPLE	REPLACEMENT	2019	N/A	N/A	General Fund			$ 56,626		$ 56,626		$ 56,626
CRUISER CAMERA SYSTEM	POLICE DEPARTMENT	$ 3,555	REPLACEMENT	2019	N/A	N/A	General Fund							
TASERS	POLICE DEPARTMENT	$ 9,892	REPLACEMENT	2020	N/A	N/A	General Fund	$ 10,857	$ 9,892	$ 9,892	$ 9,892	$ 9,892	$ 9,892	$ 9,892
PISTOLS - GLOCK (24)	POLICE DEPARTMENT	MULTIPLE	REPLACEMENT	2020	N/A	N/A	General Fund	$ 10,226						
PORTABLE RADIOS TEN YEAR	POLICE DEPARTMENT	$ 87,872	REPLACEMENT	2024	N/A	N/A	General Fund					$ 87,672		
FINGERPRINTING DEVICE	POLICE DEPARTMENT	$ 26,000	REPLACEMENT	2025	N/A	N/A	General Fund						$ 26,000	
WEAPONS (RIFLE REPLACEMENTS)	POLICE DEPARTMENT	$ 24,000	REPLACEMENT	2026	N/A	N/A	General Fund							$ 24,000
FACILITIES - ANNUAL BUILDING MAINT	FACILITIES	MULTIPLE	REPAIR/MAINTENANCE	2019	N/A	N/A	General Fund	$ 100,000	$ 100,000	$ 100,000	$ 100,000	$ 100,000	$ 100,000	$ 100,000
LIBRARY - INTERIOR RENO	FACILITIES	$ 115,000	REPAIR/MAINTENANCE	2020	N/A	N/A	General Fund	$ 115,000						
LIBRARY - NEW BOILER (ENGINEERING	FACILITIES	$ 85,000	REPLACEMENT	2020	N/A	N/A	General Fund	$ 85,000						
LIBRARY - NEW EMS (ENGINEERING &	FACILITIES	$ 75,000	REPLACEMENT	2020	N/A	N/A	General Fund	$ 75,000						
SOUTH UNION SCHOOL: EXT. PAINTING	FACILITIES	$ 50,000	REPAIR/MAINTENANCE	2020	N/A	N/A	General Fund	$ 50,000						
CORD. HALL - BUILDING	FACILITIES		NEW	2020	N/A	N/A	General Fund							
CORD. HALL - WINDOWS & SIDING	FACILITIES		REPAIR/MAINTENANCE	2020	N/A	N/A	General Fund							
CORD. HALL - REPLACE/UPGRADE FIRE	FACILITIES	$ 30,000	REPLACEMENT	2021	N/A	N/A	General Fund		$ 30,000					
DPW GARAGE - EPOXY MECHANIC'S &	FACILITIES	$ 50,000	REPAIR/MAINTENANCE	2021	N/A	N/A	General Fund		$ 50,000					
DPW OFFICE - NEW FLOOR COVERINGS	FACILITIES	$ 15,500	REPLACEMENT	2020	N/A	N/A	General Fund	$ 15,500						
DPW GARAGE - NEW OVERHEAD	FACILITIES	MULTIPLE	REPLACEMENT	2021	N/A	N/A	General Fund		$ 65,000	$ 65,000				
DPW OFFICE BUILDING - RECOAT ROOF	FACILITIES	$ 65,000	REPAIR/MAINTENANCE	2021	N/A	N/A	General Fund		$ 65,000					
TOWN HOUSE - GENERATOR	FACILITIES	$ 65,000	NEW	2020	N/A	N/A	General Fund	$ 65,000						
TOWN HOUSE - BATHROOM & INTERIOR	FACILITIES	$ 100,000	REPAIR/MAINTENANCE	2020	N/A	N/A	General Fund		$ 100,000					
PLAISTOW SCHOOL/HISTORIC MUSEUM - INSULATION REMOVAL	FACILITIES	$ 50,000	REPAIR/MAINTENANCE	2023	N/A	N/A	General Fund				$ 50,000			
CORD. HALL - MEETING ROOM SOUND	FACILITIES	$ 45,000	REPLACEMENT	2023	N/A	N/A	General Fund				$ 45,000			
SOUTH UNION SCHOOL - REBUILD	FACILITIES	$ 140,000	REPAIR/MAINTENANCE	2021	N/A	N/A	General Fund		$ 140,000					
DPW ANNEX - NEW ROOF	FACILITIES	$ 70,000	REPLACEMENT	2022	N/A	N/A	General Fund				$ 70,000			
DPW CEMETERY - NEW FURNACE ENG	FACILITIES	$ 15,500	REPLACEMENT	2023	N/A	N/A	General Fund				$ 15,500			
LIBRARY - INSTALLATION OF SECURITY	FACILITIES	$ 50,000	NEW	2022	N/A	N/A	General Fund			$ 50,000				
TOWN HOUSE - OFFICE FURNITURE	FACILITIES	$ 80,000	REPLACEMENT	2022	N/A	N/A	General Fund			$ 80,000				
TOWN HOUSE - NEW ROOF	FACILITIES	$ 160,000	REPLACEMENT	2023	N/A	N/A	General Fund				$ 160,000			

Item or Project	Department/Board	Total Cost	Project Type	TM Approval	Bonded (B) or Future (F)	Bond Term if Applic.	Funding Source	2021	2022	2023	2024	2025	2026	2027
SOUTH UNION SCHOOL - NEW ROOF	FACILITIES	$ 125,000	REPLACEMENT	2024	N/A	N/A	General Fund					$ 125,000		
LIBRARY - REPLACE WINDOWS: NEW	FACILITIES	$ 75,000	REPLACEMENT	2025	N/A	N/A	General Fund						$ 75,000	
TOWN HOUSE - NEW CARPETING	FACILITIES	$ 75,000	REPAIR/MAINTENANCE	2025	N/A	N/A	General Fund						$ 75,000	
CORDAVILLE HALL - NEW BOILERS	FACILITIES	$ 50,000	REPLACEMENT	2026	N/A	N/A	General Fund							$ 50,000
DPW OFFICE - REPLACE DUAL HEATING	FACILITIES	$ 20,000	REPLACEMENT	2026	N/A	N/A	General Fund							$ 20,000
DPW OFFICE - FLOOR COVERINGS	FACILITIES	$ 15,500	REPAIR/MAINTENANCE	2021	N/A	N/A	General Fund		$ 15,500					
SOUTH UNION SCHOOL: EXT. PAINTING	FACILITIES	$ 50,000	REPAIR/MAINTENANCE	2021	N/A	N/A	General Fund		$ 50,000					
FLAGG SCHOOL/HISTORIC MUSEUM -	FACILITIES	$ 20,000	REPLACEMENT	2026	N/A	N/A	General Fund							$ 20,000
FLAGG SCHOOL/HISTORIC MUSEUM -	FACILITIES	$ 15,000	REPAIR/MAINTENANCE	2026	N/A	N/A	General Fund							$ 15,000
FINN DESIGN (TM2021)	RECREATION	$ 54,000	NEW	2021	N/A	N/A	General Fund		$ 54,000					
TROTTIER - ROOFING REPLACEMENT	SCHOOLS	$ 75,000	REPLACEMENT	2018	N/A	N/A	General Fund	$ 15,000	$ 15,000					
FINN - SECURITY UPGRADES	SCHOOLS	$ 35,000	REPLACEMENT	2019	N/A	N/A	General Fund	$ 20,000						
WOODWARD - SECURITY UPGRADES	SCHOOLS	$ 35,000	REPLACEMENT	2019	N/A	N/A	General Fund	$ 20,000						
NEARY - SECURITY UPGRADES	SCHOOLS	$ 35,000	REPLACEMENT	2019	N/A	N/A	General Fund	$ 20,000						
TROTTIER - SECURITY UPGRADES	SCHOOLS	$ 45,000	REPLACEMENT	2020	N/A	N/A	General Fund	$ 20,000						
TROTTIER - PARKING LOT DRIVEWAY	SCHOOLS	$ 75,000	REPAIR/MAINTENANCE	2020	N/A	N/A	General Fund	$ 75,000						
FINN - MECHANICAL SYSTEMS	SCHOOLS	$ 100,000	NEW	2022	N/A	N/A	General Fund			$ 50,000				$ 50,000
NEARY - NEW CEILING UV'S IN HALLWAY	SCHOOLS	$ 40,000	REPLACEMENT	2022	N/A	N/A	General Fund			$ 40,000				
NEARY - REMOVAL & REPLACE	SCHOOLS	$ 40,000	REPLACEMENT	2022	N/A	N/A	General Fund			$ 40,000				
NEARY - REPLACE FLOORS	SCHOOLS	$ 175,000	REPAIR/MAINTENANCE	2023	N/A	N/A	General Fund				$ 175,000			
NEARY - PATCH AND REPAIR THE	SCHOOLS	$ 150,000	REPAIR/MAINTENANCE	2025	N/A	N/A	General Fund						$ 75,000	$ 75,000
TROTTIER - MECHANICAL SYSTEMS	SCHOOLS	$ 125,000	NEW	2026	N/A	N/A	General Fund							$ 125,000
	SCHOOLS						TOTAL GENERAL FUND DEBT	$ 1,479,233	$ 1,731,844	$ 1,550,019	$ 1,705,844	$ 1,218,100	$ 1,411,144	$ 1,353,519
PUBLIC SAFETY BUILDING AMOUNT	BOARD OF SELECTMEN	$ 14,015,000	REPLACEMENT	2017	B	25	General Fund	$ 828,919	$ 826,669	$ 828,669	$ 824,669	$ 824,919	$ 829,169	$ 827,169
PUBLIC SAFETY BUILDING AMOUNT	BOARD OF SELECTMEN	$ 7,311,000	REPLACEMENT	2017	B	29	General Fund	$ 517,713	$ 504,963	$ 492,213	$ 479,463	$ 466,713	$ 453,963	$ 441,213
PUBLIC SAFETY BUILDING AMOUNT	BOARD OF SELECTMEN	$ 449,000	NEW	2017	B	29	General Fund	$ 30,619	$ 29,869	$ 29,119	$ 28,369	$ 27,619	$ 26,869	$ 26,119
GOLF COURSE REPAIRS/ALTERATIONS	BOARD OF SELECTMEN	$ 250,000	REPAIR/MAINTENANCE	2018	B	5	General Fund	$ 58,500	$ 56,375	$ 54,250	$ 52,125			
DPW FUEL TANK	DPW	$ 525,000	REPLACEMENT	2016	B	4	General Fund	$ 143,000	$ 136,500					
FIRE DEPARTMENT FIRE TRUCK	FIRE DEPARTMENT	$ 550,000	REPLACEMENT	2015	B	5	General Fund	$ 128,500						
CHOATE FIELD LIGHTS	RECREATION	$ 180,000	NEW	2015	B	3	General Fund	$ 63,000						
RECREATION 911 FIELD	RECREATION	$ 800,000	REPLACEMENT	2014	B	5	Recreation Fund	$ 138,000	$ 132,000	$ 126,000				
TROTTIER/FINN/WOODWARD	SCHOOLS	$ 21,211,000	NEW	2001	B	20	General Fund	$ 1,154,200	$ 1,112,400	$ 1,060,900				
NEARY RENOVATIONS PHASE 2	SCHOOLS	$ 450,000	REPAIR/MAINTENANCE	2006	B	19	General Fund	$ 31,719	$ 30,719	$ 29,719	$ 28,703	$ 27,656	$ 26,594	
NEARY RENOVATIONS PHASE 3	SCHOOLS	$ 628,000	REPAIR/MAINTENANCE	2008	B	19	General Fund	$ 44,194	$ 42,794	$ 41,394	$ 39,972	$ 38,506	$ 37,019	
PUBLIC SAFETY BUILDING AMOUNT =	BOARD OF SELECTMEN	$ 24,199,700	REPLACEMENT	2017	B	1	General Fund	$ 49,863						
DEPIETRI FIELD REPAIRS	RECREATION	$ 197,400	REPAIR/MAINTENANCE	2018	B	5	General Fund	$ 47,750	$ 45,750	$ 43,750	$ 38,750			
TROTTIER TRACK	RECREATION	$ 279,500	REPLACEMENT	2018	B	5	General Fund	$ 66,000	$ 63,250	$ 60,500	$ 57,750			
LUNDBLAD DESIGN	RECREATION	$ 75,000	REPAIR/MAINTENANCE	2018	B	1	General Fund							
							TOTAL GENERAL FUND DEBT	$ 3,299,977	$ 2,981,289	$ 2,709,514	$ 1,547,991	$ 1,385,413	$ 1,373,614	$ 1,294,501
PUBLIC SAFETY BUILDING AMOUNT =	BOARD OF SELECTMEN	$ 350,000	REPLACEMENT	2017	F	5	General Fund		$ 84,875	$ 81,900	$ 78,925	$ 75,950	$ 72,975	
PUBLIC SAFETY BUILDING AMOUNT =	BOARD OF SELECTMEN	$ 1,450,000	REPLACEMENT	2017	F	15	General Fund		$ 158,292	$ 154,183	$ 150,075	$ 145,967	$ 141,858	$ 137,750
TRANSFER STATION HOPPER	DPW	$ 500,000	REPAIR/MAINTENANCE	2021	F	10	General Fund		$ 71,250	$ 69,125	$ 67,000	$ 64,875	$ 62,750	$ 60,625
CORDAVILLE ROAD PROJECT	DPW	$ 2,500,000	REPAIR/MAINTENANCE	2021	F	15	General Fund		$ 272,917	$ 265,833	$ 258,750	$ 251,667	$ 244,583	$ 237,500
TOWN HOUSE - WINDOWS	FACILITIES	$ 675,000	REPAIR/MAINTENANCE	2020	F	10	General Fund		$ 96,188	$ 93,319	$ 90,450	$ 87,581	$ 84,713	$ 81,844
TOWN HOUSE - HVAC SYSTEM	FACILITIES	$ 600,000	REPAIR/MAINTENANCE	2021	F	5	General Fund		$ 145,500	$ 140,400	$ 135,300	$ 130,200	$ 125,100	
CORDAVILLE HALL BATHROOMS and	FACILITIES	$ 375,000	REPAIR/MAINTENANCE	2021	F	5	General Fund		$ 90,938	$ 87,750	$ 84,563	$ 81,375	$ 78,188	
TOWN HOUSE - EXTERIOR RENOVATION	FACILITIES	$ 500,000	REPAIR/MAINTENANCE	2022	F	3	General Fund			$ 121,250	$ 117,000	$ 112,750	$ 108,500	$ 104,250
SCHOOL BOILER FINN	SCHOOLS	$ 777,047	REPLACEMENT	2021	F	10	General Fund		$ 110,729	$ 107,427	$ 104,124	$ 100,822	$ 97,519	$ 94,217
NEARY - REPLACE WINDOWS	SCHOOLS	$ 600,000	REPLACEMENT	2023	F	10	General Fund				$ 145,500	$ 140,400	$ 135,300	$ 130,200
LAND ACQUISITION	BOS	$ 257,100	NEW	2021	F	5	General Fund		$ 62,347	$ 60,161	$ 57,976	$ 55,791	$ 53,605	
KALLANDER REPAIRS	RECREATION	$ 267,400	REPAIR/MAINTENANCE	2022	F	3	General Fund			$ 100,496	$ 96,710	$ 92,922		
CHOATE TURF	RECREATION	$ 1,750,000	NEW	2022	F	15	General Fund			$ 191,042	$ 186,083	$ 181,025	$ 176,167	$ 171,208
NEARY REPAIRS	RECREATION	$ 326,000	REPAIR/MAINTENANCE	2022	F	3	General Fund			$ 122,522	$ 117,903	$ 113,285		
NEARY LIGHTS	RECREATION	$ 500,000	NEW	2022	F	10	General Fund			$ 72,500	$ 70,250	$ 68,000	$ 65,750	$ 63,500
							TOTAL FUTURE G FUND DEBT	$ -	$ 1,093,036	$ 1,087,910	$ 1,780,809	$ 1,702,619	$ 1,447,009	$ 1,091,094
							TOTAL CAPITAL OBLI	**4,779,210**	**5,825,969**	**5,984,442**	**5,077,054**	**4,106,213**	**4,231,766**	**3,729,113**
							Change in Funding		**1,046,759**	**158,473**	**(907,388)**	**(970,841)**	**125,553**	**(502,653)**

5 YEAR W/ EDITS TO CAPITAL AND OPERATIONAL BUDGETS

1/14/2020	FY2020	FY2021	FY2022	FY2023	FY2024	FY2025	FY2026	
Fiscal Year	2020 RECAP	2021 RECAP	2021 RECAP	2021 RECAP	2021 RECAP	2021 RECAP	2021 RECAP	
LEVY	42,637,551	44,598,741	46,163,709	47,817,802	49,513,247	51,251,078	53,032,355	
2 1/2	1,065,939	1,114,969	1,154,093	1,195,445	1,237,831	1,281,277	1,325,809	
NEW GROWTH	895,251	450,000	500,000	500,000	500,000	500,000	500,000	
LEVY	**44,598,741**	**46,163,709**	**47,817,802**	**49,513,247**	**51,251,078**	**53,032,355**	**54,858,164**	
DEBT & CAPITAL EXEMPTION-Voted	2,948,030	3,251,229	3,391,845	3,097,761	2,011,262	1,989,882	1,972,486	
SBAB PAYMENTS	(920,943)	(920,943)	(920,943)	(920,943)	0	0	0	
TOTAL LEVY LIMIT	**46,625,828**	**48,493,995**	**50,288,704**	**51,690,065**	**53,262,340**	**55,022,237**	**56,830,650**	
TAX RATE	**16.65**	**17.26**	**18.54**	**19.28**	**20.07**	**20.53**	**21.43**	
ASSESSED VALUE	2,625,449	2,651,012	2,651,012	2,651,012	2,651,012	2,651,012	2,651,012	
OTHER REVENUES								
CERTIFIED FREE CASH	1,489,172	1,878,069	1,500,000	1,500,000	1,500,000	1,500,000	1,500,000	
LOCAL RECEIPTS	3,743,400	3,818,400	3,906,584	3,945,650	3,985,106	4,024,957	4,065,207	Added meals tax
COMM. PRESERV. FUNDS	716,474	70,999	0	0	0	0	0	
LOCAL AID	3,520,576	3,520,576	3,581,130	3,642,725	3,705,380	3,769,113	3,833,941	Use 1.72% Five year average
SBAB PAYMENTS	920,943	920,943	920,943	920,943	0	0	0	
OTHER AVAILABLE	1,437,692	801,348	867,587	799,606	799,625	800,973	797,056	
TOTAL OTHER	**11,828,257**	**11,010,335**	**10,776,244**	**10,808,924**	**9,990,112**	**10,095,043**	**10,196,204**	
TOTAL REVENUE	**58,454,085**	**59,504,331**	**61,064,948**	**62,498,989**	**63,252,452**	**65,117,280**	**67,026,854**	
	2020 RECAP	2021 RECAP	2021 RECAP	2021 RECAP	2021 RECAP	2021 RECAP	2021 RECAP	
OTHER	952,039	90,260	64,909	20,319	20,741	21,175	21,623	
STATE AND COUNTY CHARGES	258,489	258,500	267,031	275,843	284,945	294,349	304,062	Use 3.3% Four Year average
OVERLAY	401,991	400,000	400,000	400,000	400,000	400,000	400,000	
TOTAL CHARGES	**1,612,519**	**748,760**	**731,939**	**696,161**	**705,686**	**715,524**	**725,685**	
TOWN								
100-299,400-699 TOWN BUDGET	11,337,797	12,207,246	12,634,500	13,076,708	13,534,392	14,008,096	14,498,379	Use 3.5%
910 EMPLOYEE BENEFITS	3,592,766	3,765,827	3,991,777	4,231,283	4,485,160	4,754,270	5,039,526	Use 6%
930 CAPITAL BUDGET	282,420	175,583	0	0	0	0	0	
945 GEN. LIABILITY INSURANCE	333,936	338,838	356,458	151,994	159,897	168,212	176,959	Use 5.2% Five Year Average
BUDGET ARTICLES	164,560	78,000	85,000	85,000	85,000	85,000	85,000	Use 4 year average
700-799 DEBT & INTEREST	2,031,970	2,125,161	2,777,683	3,194,984	2,990,111	2,780,639	2,524,190	Per cap plan
CAPITAL ARTICLES	987,925	1,122,000	1,751,644	1,550,018	1,768,644	1,018,190	1,411,144	Actual per plan
TOTAL TOWN	**18,731,374**	**19,812,655**	**21,597,061**	**22,289,986**	**23,023,205**	**22,814,407**	**23,735,198**	
SCHOOL								
300-399 SCHOOLS BUDGET	29,205,123	30,091,736	31,144,947	32,235,020	33,363,246	34,530,960	35,739,543	Use 3.5% - 10 Year
910 EMPLOYEE BENEFITS	4,546,180	4,699,787	4,981,774	5,280,681	5,597,522	5,933,373	6,289,375	Use 6% Five Year Average
945 GEN. LIABILITY INSURANCE	163,404	170,757	179,637	188,978	198,804	209,142	220,018	Use 5.2% Five Year Average
700-799 DEBT & INTEREST	1,280,038	1,231,363	1,296,642	1,239,440	318,299	307,384	296,432	Per cap plan
TOTAL SCHOOL	**35,194,745**	**36,193,644**	**37,603,000**	**38,944,119**	**39,477,871**	**40,980,859**	**42,545,368**	
TOTAL EXPENDITURES	**55,538,638**	**56,755,059**	**59,932,001**	**61,930,266**	**63,206,762**	**64,510,789**	**67,006,252**	
WITHIN (+) OR OVER (-) CAP	**2,915,447**	**2,749,271**	**1,132,947**	**568,723**	**45,690**	**606,491**	**20,603**	

REVCAP
5 YEAR EST TA Version 011420.xls

KENNETH M. PAULHUS
CHIEF OF POLICE

TOWN OF SOUTHBOROUGH
POLICE DEPARTMENT

32 Cordaville Road
Southborough, Massachusetts 01772

Emergency: 9-1-1
All Other: (508)485-2121
Business: (508)485-2147
Fax: (508)485-4634
kpaulhus@southboroughma.com

RECEIVED
JAN - 8 2020
Southborough Selectmen's Office

To: Board of Selectmen

From: Chief Kenneth M. Paulhus

Subject: Officer Austin Chapski

Date: January 8, 2020

Dear Board of Selectmen:

I am requesting approval to move Student Officer Austin Chapski to Probationary Officer effective February 15, 2020, upon his successful graduation from the MPTC Academy on February 14th.

His pay status will change from $700.00 per week to PS-7, Step 1, $969.69 per week per Union Contract.

Please contact me with any questions you might have.

Kenneth M. Paulhus
Chief of Police
January 8, 2020

KENNETH M. PAULHUS
CHIEF OF POLICE

TOWN OF SOUTHBOROUGH
POLICE DEPARTMENT

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kpaulhus@southboroughma.com

RECEIVED
JAN 13 2020
Southborough Selectmen's Office

To: Honorable Board of Selectmen

From: Chief Kenneth M. Paulhus

Subject: BORO'S Citizens Police Academy

Date: January 13, 2020

Dear Board of Selectmen:

Please consider my request to hold a Citizens Police Academy to start sometime in late March or early April. The event will run for approximately eight consecutive weeks, and will partner with the Towns of Northborough and Westborough to form the first ever BORO'S CPA.

As I'm sure you are aware, Citizen Police Academies have been very successful across the country in building relationships, and a more in depth understanding of the police profession. The last session conducted by the Southborough Police was in 2018, and proved to be highly successful. The Academy will be under the direction of one officer selected from each community. Classes for the first year will be held in the new Southborough Public Safety Building Training Room. All waiver forms have been previously reviewed by Town Counsel for approval.

Please contact me if you have any further questions or concerns.

Kenneth M. Paulhus
Chief of Police

KENNETH M. PAULHUS
CHIEF OF POLICE

TOWN OF SOUTHBOROUGH
POLICE DEPARTMENT

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Southborough, Massachusetts 01772

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kpaulhus@southboroughma.com

RECEIVED
JAN - 8 2020
Southborough Selectmen's Office

To: Southborough Board of Selectmen

From: Police Chief Kenneth M. Paulhus

Subject: Full-Time Student Officer Appointment

Date: January 8, 2020

Dear Board of Selectmen:

Please consider my recommendation to appoint Mr. Jeffrey Norton as a Full-Time Student Police Officer, effective on February 24, 2020. This classification will last until his graduation from the MPTC Boylston Police Academy, at which time he will transition to a Probationary Officer. Mr. Norton was extended a Conditional Offer as a Student Officer on 10/29/2019, with a start date TBD.

Mr. Norton holds a Bachelor of Arts in Marketing from Johnson & Wales University. He is a resident of Hopkinton. His employment history, background check, and interviewing skills reflect a high level of communication, and community policing skills.

Jeff will be stepping down from his current part-time assignment as a Telecommunications Officer with the Southborough P.D. to accept the position made possible by the resignation of Sergeant Richardson.

His salary will be $700.00 per week per the Union Contract for a Student Officer which will end when Mr. Norton becomes certified as a Police Officer upon graduation from the MPTC. He will transition to Step 1, Full-Time Probationary Officer, per Union Contract.

Please feel free to contact me with any further questions you might have.

Kenneth M. Paulhus
Chief of Police

Protecting Our Community...Together!

KENNETH M. PAULHUS
CHIEF OF POLICE

TOWN OF SOUTHBOROUGH
POLICE DEPARTMENT

32 Cordaville Road
Southborough, Massachusetts 01772

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All Other: (508)485-2121
Business: (508)485-2147
Fax: (508)485-4634
kpaulhus@southboroughma.com

To: Southborough Board of Selectmen

From: Police Chief Kenneth M. Paulhus

Subject: Part-Time Telecommunications Officer/Dispatcher

Date: January 13, 2020

Dear Board of Selectmen:

Please consider my recommendation to appoint Ms. Stephanie Fontaine as a Part-Time Telecommunications Officer with the Southborough Police. The Department is looking to expand the number of P/T Staff in order to fill open shifts.

Ms. Fontaine is an Upton resident. She has a long history of employment in customer service, and currently holds certifications from Next Gen 911, and the Association of Public Safety Communications Officials (APCO).

Her appointment would be of great benefit to the Southborough Police Department. Her starting date will be determined shortly after successful completion of a number of screening checks, and the Boards approval.

The recommended pay rate would be Grade 3 of the SAP, $21.00 per hour. Please feel free to contact me with any questions you might have.

Kenneth M. Paulhus
Chief of Police

Protecting Our Community...Together!

TOWN OF SOUTHBOROUGH

OFFICE OF THE TOWN CLERK

Mr. Brian E. Shea, Chair
Southborough Board of Selectmen
17 Common Street
Southborough, MA 01772

January 14, 2020

Re: Appointment of Mr. Keith L. Ackley to the Board of Registrars of Voters

Dear Mr. Shea:

I am writing to request that the Board of Selectmen appoint Mr. Keith L. Ackley to the Southborough Board of Registrars of Voters for a term to expire on 6/30/20. This will fill the vacancy created when Mr. Jacob J. Walter resigned on December 15, 2019. Both Mr. Ackley and Mr. Walter are registered republicans.

Mr. Ackley has been a resident of Southborough since 1993 and currently resides at 2 Reservoir Drive.

The requirements of General Laws, Ch. 51, §15 regarding notification to the chairs of the Southborough Democratic and Republican Committee were met.

The current composition of the Southborough Board of Registrars of voters is:

Name	Party Affiliation	Term Expires
James F. Hegarty	Democrat	ex-officio
Tomsaz Kierul	Democrat	6/30/22
Tracey D. Navaroli	Republican	6/30/21
Vacant		6/30/20

Sincerely,

James F. Hegarty

James F. Hegarty
Southborough Town Clerk

TOWN HOUSE · 17 COMMON STREET · SOUTHBOROUGH, MASSACHUSETTS 01772-1662
(508) 485-0710 EXT 3005 · FAX (508) 480-0161 · townclerk@southboroughma.com

ALDO A. CIPRIANO
ATTORNEY AND COUNSELLOR AT LAW

277 MAIN STREET
VICTORIA BUILDING
SECOND LEVEL • ATRIUM SUITE
MARLBOROUGH, MASSACHUSETTS 01752
TEL. (508) 485-7245
FAX (508) 485-2304
E-MAIL: AldoC.ESQ@comcast.net

January 21, 2020

Lisa Braccio, Selectperson
Board of Selectmen
Town of Southborough
Town House
17 Common Street
Southborough, MA 01772

RE: Legal Opinion Request, Procedure for EDC Zoning Bylaw Amendment, M.G.L. c.40A, Section 5, TCO No. 20-3089

Greetings Madam Selectperson,

We acknowledge an opinion request relative to the procedure for a Zoning Bylaw amendment related to the submittal of an overlay district bylaw change entitled Village Mixed Use District ("VMUD") by the local Economic Development Committee ("EDC").

Several procedural issues have been raised about the submittal and the public hearing process for Zoning bylaws.

For the purpose of this legal response, we furnish the following general procedural analysis for zoning amendments regulated by M.G.L. c.40A, Section 5, as amended.

Section 5 of the Zoning Act regulates adoption or change of zoning bylaws in towns and sets forth a procedure for such adoption or change.

The proposal shown in the warrant appears to be a change by inserting a VMUD as an overlay for the established Downtown Village District.

Per the statute, any change in the Zoning Bylaw can only be commenced by submission to a Board of Selectmen of a proposed amendment. There are only several qualified individuals or entities to advance such amendment.

- A Board of Selectmen;
- A Board of Appeals;
- Individual owning land to be effected by the change;
- A petition of registered voters pursuant to statutory procedure (M.G.L. c.39, Section 10);

- A Planning Board;
- Regional Planning Agency;
- Other methods provided by municipal charter. NOTE: Southborough does not have such municipal charter.

A Board of Selectmen shall, within fourteen (14) days of receipt of the Bylaw amendment, submit the proposal to the Planning Board for review.

An EDC is not a qualified entity to submit a Zoning bylaw amendment and no entity can submit such a change under the name of the Board of Selectmen without the Board's review and approval.

The Board of Selectmen, apparently, is being asked to assume a dual role in this matter (i.e. accept the proposal for Town Meeting review and sponsor the article).

Section 5 goes on to indicate that no Zoning Bylaw amendment shall be adopted until after the Planning Board has held a public hearing at which interested persons shall be given the opportunity to be heard. This specifies the very fundamentals of a fair statutory public hearing.

The statute also sets forth the procedural time and notice requirements for such public hearing, all well known and established in Southborough.

Subsequently, no vote to adopt the Zoning Bylaw amendment shall occur until a report with Planning Board recommendations has been submitted to the Town Meeting or twenty-one (21) days after said public hearing have lapsed without a report. Thereafter, Town Meeting, as the legislative body, may act on the amendment by adoption, rejection or further amendment. [1]

The statutory vote required is two thirds of the Town Meeting as the legislative assembly.

Finally, the effective date of the amendment is the date of which the amendment was voted on by the Town meeting.

In conjunction with this brief, procedural outline, we have been asked to address five questions as follows:

1. "If the Board of Selectmen did not submit the proposed bylaw, is the process valid?"

It is valid only if another qualified individual or entity specified under the statute did. It is unclear how the Overlay District draft was inserted in the warrant and whether some letter of explanation was furnished by the EDC. No agency can compel a Board of Selectmen to insert a warrant article or compel the Board to sponsor such article.

Only citizen petitions qualify for unbridled submission. NOTE: Upon a review of the substance of the amendment, it appears that the draft does not contain criteria for the grant of a special permit or even contain cross reference to the existing provisions under the current Southborough Zoning Bylaw, Section 174-9 or state statute criteria for special permits pursuant to M.G.L. c.40A, Section 9. This is a substantial defect. See Section XX.4.2, Special Permit reference, without criteria. See also Section XX.5.1 with reference to a Special Permit.

[1] Such amendment must be within the four corners of the article which is broadly construed.

2. "How can a public hearing be scheduled without having the document nor submitted by the Board of Selectmen? Is this legal?"

Specifically, the Town must have the text published for a statutory compliance. An explanation is also needed for the amendment by the EDC to the Board of Selectmen. A vote for actual Board of Selectmen sponsorship is also needed.

3. "How could the Board of Selectmen had not seen, reviewed or discuss nor approved the document to be submitted for public hearing? A violation of c.40A, Section 5?"

If this question suggests that the draft has been advanced for public hearing before the Planning Board, under the Board of Selectmen, without its approval, then, this is a procedural defect inconsistent with the intent of Section 5.

4. "Also, I would like to know about the integrity of the document submitted on Friday. If a member of the public goes to the Town House and requests a copy, can that document be changed before public hearing?"

It is not clear as to who would change the text prior to the subsequent Planning Board hearing. By way of example, if the Board of Selectmen received the draft for proper review, then it is possible to conduct a public hearing to discuss form and content to see if the Board will sponsor as a qualified statutory entity. Although not required by statute, the Board of Selectmen could conduct this as an initial public hearing or public meeting, with or without citizen input.

5. "Do any of these concerns, if not addressed, have the potential to create an appeal situation with either the reviewing body for the state or create an appeal situation with a future development?"

Any defect in statutory procedure would be flagged as a defect by the Attorney General which may result in it being disapproved and ministerially remanded for further Town Meeting action. Also, there is a little known ninety (90) day appeal right under M.G.L. c.40A, Section 17 to claim invalidity by procedural defect within such time after filing with the Town Clerk. Some aggrieved party could try this statutory approach.

As needed, we are able to discuss this in more detail.

Very truly yours,

Aldo A. Cipriano, Esq.
Town Counsel

Cc: Brian Shea, Chairman, Board of Selectmen
Mark Purple, Town Administrator

TOWN OF SOUTHBOROUGH
FIRE DEPARTMENT
32 CORDAVILLE ROAD
SOUTHBOROUGH, MA 01772
(508) 485-3235 (508) 485-3887 (FAX)

RECEIVED
JAN - 6 2020
Southborough Selectmen's Office

Thursday, November 21, 2019

Board of Selectmen
Town of Southborough
17 Common Street
Southborough, MA 01772

Dear Town of Southborough Board of Selectmen,

Enclosed, please find the following donation made to the Town of Southborough for your acceptance.

RECEIVED FROM:	AMOUNT:	ACCOUNT SPECIFIED:
Margaret Hasbrouck & Jill Gibbons	$100	Ambulance Fund (2659-4-220-483-48310)

Thank you for your consideration in this request.

Sincerely,

Steven E. Achilles
Southborough Fire Chief

RECEIVED
TOWN CLERK'S OFFICE
2020 JAN -5 P 4:02
SOUTHBOROUGH, MA JFH

Date: January 3, 2020

To: The Board of Selectmen

This letter is to indicate my resignation from the Golf Course Committee, effective December 31st, 2019.

I wish to thank the Selectmen for their continuous support of the golf course restoration. Southborough has created and preserved a unique natural asset for generations to come. I am grateful for the opportunity to serve the Town and see the golf course come to completion.

Respectfully,

Lou Palecki

70 Marlboro Road

RECEIVED
JAN - 6 2020
Southborough Selectmen's Office

TOWN OF SOUTHBOROUGH

BOARD OF SELECTMEN Meeting Minutes

Meeting Date: Tuesday, January 7, 2020, 6:30 P.M.
Location: McAuliffe Hearing Room, 17 Common Street, Southborough, MA
Present: Brian Shea, Marty Healey, Daniel Kolenda, Sam Stivers, Lisa Braccio, Town Administrator Mark Purple
Absent: Lisa Braccio left the meeting at 8:03 P.M.

I. Chairman Shea called the meeting to order at 6:30 P.M.

II. **Scheduled Appointments**

HEARING 6:30 PM: Application for Class II License, Southborough Auto Sales Inc. d/b/a Direct Auto Mall.com; 251 Turnpike Road

At 6:30 P.M. Chairman Shea opened the public hearing and Mr. Purple read the legal notice into the record. Marcio Vasconcelos told the Board that as the owner of Direct Auto Mall.com in Framingham, he would like to open a second location at 251 Turnpike Road in Southborough. Mr. Healey asked how long they have been in business in Framingham and Mr. Vasconcelos stated he has been in business in Framingham for twenty years. He added that his inventory plan for operation in Southborough is very similar to the current operation in Framingham which consists of lightly used car sales with the employment of about ten people. Mr. Stivers asked if there will be repair work done at this location. Mr. Vasconcelos stated there will be repair work for their sales and the public. Chairman Shea opened the hearing for public comment and there was none. At 6:33 P.M. Chairman Shea made a motion to close the public hearing. Mr. Healey seconded. The motion passed all in favor (5-0-0). Mr. Kolenda made a motion to approve the application for a Class II License to Southborough Auto Sales Inc. d/b/a Direct Auto Mall.com at 251 Turnpike Road. Mr. Stivers seconded. The motion passed all in favor (5-0-0).

Appointment of Officer Michael Whelan to Police Sergeant

Mr. Purple told the Board they have a recommendation in their packet from Chief Paulhus for the promotion of Michael Whelan to fill the open position of Police Sergeant left vacant after Sergeant Richardson resigned. Mr. Purple stated he fully supports the recommendation from the Chief.

Chief Paulhus said he was very proud of the fine men and women of his department and referenced several instances over the past six months where they sacrificed time with their family to serve and protect the Town. He acknowledged the families of his officers. Chief Paulhus asked the Board to accept his recommendation of Officer Whelan for the open sergeant position. He gave a background of Officer Whelan's experience which includes his eight-year tenure with the Department, two lifesaving awards, becoming a member of the regional SWAT Team (CEMLEC) and his numerous letters of commendation throughout his career with the Southborough Police Department. Mr. Healey made a motion to approve the appointment of Officer Michael Whelan to Police Sergeant. Mr. Kolenda seconded. The motion passed all in favor (5-0-0). The Town Clerk swore Sergeant Whelan into his role. His father, retired Carlisle Police Sergeant Tom Whelan, pinned him with his new Sergeant badge.

Liz Kesselman, Taxation Aid Committee – update

Ms. Kesselman listed the names of the other committee members and described how the they reevaluated their purpose to be relevant to current times. She explained that disabled or elderly residents who lived in Town for five years or more could qualify for taxation aid. She added that applications are due by the end of February. Ms. Kesselman told the Board that the trust is funded completely by donations. She said there is $30,000 in the trust currently and the committee would like help advertising this assistance. She stated there have not been many applications and the committee will reevaluate donation needs dependent on the amount of applications submitted this year. Mr. Ballantine clarified that since he has worked for the Town, there has only been one applicant. Mr. Kolenda asked where the applications could be found and Ms. Kesselman responded that the link to the application and information is on the Town website. Mr. Ballantine added that a flier was included in the real estate bills that outlined multiple Town services including the taxation aid. Mr. Healey asked if the Town chose to fund this solely on donations or if it was a legal obligation. Mr. Ballantine replied that he inquired with the DOR and found that this could not go to town meeting and is still looking into whether businesses could be solicited for donations. Mr. Healey asked about the five-year resident requirement. Mr. Ballantine stated it is not a requirement from the DOR. Ms. Kesselman added that language was added to enable the committee to make exceptions on this item. Mr. Healey stated he was in support of the Taxation Aid Committee and reevaluating the process after this year. Ms. Braccio asked the cutoff date for applications for 2020. Ms. Kesselman stated Friday, February 28th. Ms. Braccio suggested the committee reach out and educate at the Senior Center and Mr. Stivers suggested the same for Youth and Family Services. Ms. Kesselman agreed.

III. Public Comment

Marguerite Landry (134 Deerfoot Road) and Denise Eddy (128 Deerfoot Road) explained to the Board that they sent a letter in August regarding the concerns of erosion and other issues with the Brendon Homes construction sites across the street. Ms. Landry further explained the erosion and water coming onto Deerfoot Road from the Brendon Homes residences. She told the Board they have been to the Planning Board and Conservation Commission and both stated they did not have jurisdiction. Ms. Landry and Ms. Eddy has been working with the DPW and were told they would be putting in catch basins on Deerfoot Road and a 200-year-old red oak tree would need to be removed. They explained their concerns with the removal of the tree and felt too many trees were being removed for these projects. They said they were hiring their own arborist to test the tree for disease just as the DPW had before they removed it. Ms. Eddy stated she would like to see more regulations regarding when and how trees in Town are removed. Chairman Shea asked if the developer had a response to these complaints. Ms. Eddy stated the developer does not think there is a problem but when there is a rainstorm it is hazardous. Mr. Kolenda asked Chairman Shea to coordinate a meeting of all involved include the developer, the DPW and residents. Chairman Shea agreed to do so. Ms. Braccio asked to see the response from the Conservation Commission. Chairman Shea agreed. Mr. Healey asked that this topic be put on a future agenda to address his questions, medium- and long-term issues and the more immediate issue of safety issues in the winter. Mr. Stivers asked for Town Counsel to opine on the process for Town tree removal. He said there needs to be more clarity on M.G.L. Chapter 40 Section 15 where it states Planning Board approval is required for tree removal. He asked this topic be added to the next agenda. Mr. Purple said he has already reached out to Attorney Cipriano and he hopes to hear back soon. He added that he will reach out to the concerned Deerfoot Road residents when this topic is on the agenda.

Lisa Dunderdale (22 Deerfoot Road) stated she received seventy-five signatures to bring a citizens' petition to town meeting for a noise bylaw. She asked how to schedule a public hearing to inform residents. Chairman Shea explained how to submit the draft bylaw and signatures to Mr. Purple and the Selectmen's Office. Mr. Stivers stated that the Advisory Board will discuss all warrant articles at a future meeting and there will be opportunity for public participation. Mr. Purple told Ms. Dunderdale the language she would need to include in her article to enable for motions and amendments to be made to modify the article at town meeting.

Continued discussion of FY2021 budget

Mr. Purple stated the information provided includes the requests from the last meeting and gives a perspective on the budget for 2021 and impact over the next five years. Mr. Ballantine asked the Board for feedback on the draft budget and noted that there are still undetermined factors including health insurance and the school budget. He added that an important issue is that the estimates for the next five years based on current capital brings the town in the red and against the levy after fiscal year 2021. Mr. Ballantine stated he and Mr. Purple request the Board make department heads aware that there will not be the same support for services in the upcoming years due to the budgetary challenges over the next five years. He stated that the issues have arisen mostly due to capital projects that have been approved at town meeting but not yet started. Mr. Healey asked for a list of these projects. Mr. Ballantine agreed to provide the list. Mr. Healey suggested delaying the capital projects. Mr. Ballantine suggested other options such as manipulating the bonding and scheduling to alleviate some of the budget burden. Mr. Stivers suggested building in the fee for the transfer station capital project into the transfer station stickers. Mr. Stivers asked if the Advisory Board has reviewed the draft budget. Mr. Ballantine said they are in the process of doing so and he expects they will request another version of a draft budget. Mr. Purple stated that the latest draft budget shows an increase of 4.4% instead of the 5.6% presented at last meeting. He added that the reduction to 4.4% is the best-case scenario if the Board wanted to support that level of service.

Ms. Braccio stated the bigger problem is sustainability and said the residents cannot continue to be taxed at an additional 4.46% with little revenue increases. She said she understands there are needs and services that are expected but looking at next year when the town is already in the red, there must be more to potentially cut. Mr. Purple stated that in fiscal year 2022 there will no longer be levy a to address deficits and there had not been substantial building in Town since 2014, Southborough will be against the levy limit. He said fiscal year 2022 is when the bond rating could be in jeopardy due to the lack of levy capacity.

Mr. Kolenda asked if Mr. Ballantine reviewed the budget items that have stayed constant over the years and Mr. Ballantine said he had not but will. Mr. Kolenda requested the budget for the Open Space Preservation Committee be reduced from $2,000 to $1,500. He requested the $500 savings be allocated to Youth and Family Services. Ms. Braccio and Mr. Stivers disagreed. Ms. Braccio said she was not in favor of comparing the needs of boards and committees against each other but would like to hear their presentations and discuss.

Mr. Healey stated that an effective exercise used when he was on the Advisory Committee was to present a draft budget that showed no future deficits. He stated it was beneficial to the Town to understand it can be done and the concessions that may need to be made to execute. He requested Mr. Ballantine create a draft budget scenario that showed no budget or levy deficits. Ms. Braccio would also like to see this. Mr. Kolenda stated he felt it was irresponsible to defer

capital expenses without analysis. He gave examples of how deferring projects or equipment could be more expensive in the future. Mr. Stivers agreed and highlighted the risk of putting off maintenance only for maintenance costs to increase the next year. He added that the Town has the ability to think about exclusions and overrides as a relief. He said it is an option and not something the Town should use often.

Mr. Healey stated it is important to know exactly what is driving these numbers in order to understand the best avenue to address the budget and requested a budget without any red line items. Chairman Shea agreed and said individually every request can have a strong case as to why they need additional funds. He added that he does not want to be in a situation where jobs are added now but need to be cut in the near future due to deficits. He stated the decisions being made for the budget need to be sustainable. Mr. Purple stated the timeline for posting the final signed warrant at the February 18th meeting. Mr. Healey asked when the Board will be sitting with the Advisory Committee to review the budget. Mr. Purple said he will send a scheduling email to set a date. Mr. Kolenda stated there will be scheduling issues during February vacation. After some discussion, it was agreed that the February meetings will be held on the 11th and the 25th.

Ms. Braccio left the meeting at 8:03 P.M.

IV. Reports

Chairman's Report

Chairman Shea facilitated a discussion regarding proposed dates and it was decided that office hours will be held January 14th and 18th, February 18th and March 10th and 24th. Chairman Shea requested the Board send their hours of availability to Ms. Hale.

Chairman Shea stated that at the January 21st meeting, the Board would need to start finalizing language on the proposed Accessibility Committee for the Town Meeting Warrant. He asked that members with comments on the latest version send them to Mr. Purple by the close of business Wednesday of next week. Mr. Purple agreed to compile comments and suggestions from Board members for the January 21st meeting packet. Mr. Purple added that he has reached out to those who have submitted articles for the town meeting warrant to have their draft language sent to him by Friday for review by Town Counsel.

Chairman Shea asked Mr. Kolenda to speak about his suggestion to honor and recognize former selectman Brian Shifrin. Mr. Kolenda stated that Mr. Shifrin was a wonderful person who dedicated his personal time the benefit of Southborough. He reiterated his thoughts shared from a previous meeting that the Shifrin Family is the profile of courage and he felt it appropriate to honor Mr. Shifrin. He noted Mr. Shifrin's love and dedication to the men's softball league and suggested Mr. Purple speak to the Choate Trustees for approval to dedicate the softball diamond in Mr. Shifrin's name. He added that the Board reach out to his family for ideas and approval. Mr. Purple agreed to do so.

Chairman Shea gave condolences to the family of John Bartolini who was a twenty-three-year veteran, a World War II Veteran, and a member of the Board of Health who passed away this week.

Member's Report

Mr. Stivers stated that at the Planning Board meeting the previous night, they approved the St. Mark's dormitory. He said it was a great example of collaboration and both the Planning Board and St. Mark's School commented on the value of collaborating with the Open Space Preservation Committee.

Mr. Stivers invited residents to attend the Public Works Planning Board meeting Wednesday night to participate in a discussion regarding the Complete Streets Policy. He described the discussion as a comprehensive look at users of roadways, trails, transit systems and more which could open the door for grant funds for transportation in Southborough. Mr. Stivers informed the public that the draft policy will be available before the meeting and Representative Dykema and Senator Eldridge will be present.

Town Administrator's Report

Mr. Purple commended Brian Ballantine and Tom LaFlamme for their work in receiving two grants for the Town. The first is a Community Compact IT Grant for $17,000 for new budgeting software. He noted that this was a budget item that has been removed since being awarded the grant. Mr. Purple praised Mr. LaFlamme for applying for and receiving an $81,000 IT grant from the State to expand the Town's fiber network. He stated that with these funds, the fiber network has been extended to the Arts Center, DPW, and Cemetery buildings.

Mr. Purple informed the Board that the State closed out fiscal year 2019 and added an additional $20 million to Chapter 90 appropriations. He added that the new appropriations for fiscal year 2020 is $478,599 which is an increase in funds available to the Town for roads and transportation improvement.

Mr. Purple informed the Board he received a letter from Attorney Robert Cohen addressed to the Board requesting they join the litigation and opine on the challenging of Framingham's decision to site a marijuana cultivation and processing facility at 1062 Edmands Road, Framingham. Attorney Cohen wrote that his office represents abutters to and other landowners in the Town of Southborough in opposition to this project. Mr. Kolenda stated he had no interest involving the Board in another town's politics. Mr. Healey stated he was interested in the opinions of the Southborough residents. Mr. Stivers stated that this could be related to the traffic issue already discussed at Pine Hill Road. Mr. Healey stated that if the issues are outside of that, he would like to hear from the residents. Chairman Shea stated that because the Board was not part of the conversation or privy to any presentations, he does not want to get involved. Mr. Healey agreed but would like to hear the concerns from the Southborough residents. Mr. Purple stated he will follow up with Attorney Cohen.

Mr. Purple stated that Karen Wheeler (9 Darlene Drive) reached out to request the resurrection of the Green Technology Committee. He stated that once the committee received Green Community Status for Southborough, it ceased its work. Ms. Wheeler would like the Board to opine if there is interest in reconstituting the committee. Chairman Shea and Mr. Healey stated it was worth pursuing. Mr. Stivers stated he thought it was a good idea but could be challenging to find volunteers and suggested Ms. Wheeler look into whether there will be interest amongst the residents. Mr. Purple agreed to work with Ms. Wheeler to pursue resurrecting the committee.

V. Consent Agenda

a. Chairman Shea made a motion to approve of Regular Session minutes: December 17, 2019. Mr. Healey seconded. The motion passed all in favor (4-0-0).
b. Chairman Shea made a motion to approve of Executive Session minutes: December 17, 2019. Mr. Healey seconded. The motion passed all in favor (4-0-0).
c. Chairman Shea made a motion to approve the Cultural Council Appointments: Susan E. Beland and Catharine G. Byrne, terms 1/8/2020-1/7/2022. Mr. Healey seconded. The motion passed all in favor (4-0-0).

VI. Other Matters Properly Before the Board

Consideration of draft policy for Small Cell Wireless Installations (5G)

Mr. Purple reminded the Board that this issue was brought to the Board's attention from a resident a year ago and since the Board has engaged with Attorney Laughman from KP Law to draft a policy that would help preserve and protect the aesthetics and health of residents. He said the draft policy should lay out rules to protect the Town while being cognizant of the FCC regulations that govern the process. He added that the material provided to the Board to education and give background on the proposals was not easy to understand and added that he sent out additional materials today that could make the drafts clearer to read. Mr. Purple suggested the Board review the new documents and review the draft policy written by Attorney Laughman and the policy from the Town of Burlington and send feedback and questions directly to him. Mr. Healey stated that every week another community in Massachusetts is being exposed to installations for small cell wireless and through his research he was surprised to see that the FCC has left little control to towns and cities. He agreed to add this topic to the January 21st meeting and he would like to have a conversation with Attorney Laughman for clarity on the draft she created and to review the Town of Burlington's policy. Chairman Shea stated that feedback from residents included suggestions to restrict these installations from school and town structures. Mr. Healey replied that the FCC has federally preempted health concerns and concerns of the proximity to schools and public facilities. Mr. Kolenda stated he would like to hear the advice from Counsel. Mr. Stivers stated he feels that it is better for the Town to have a policy in place sooner rather than take the time to try and perfect it. He asked Mr. Purple to include the application form, license agreement, and the listed fees from the Burlington policy. Mr. Purple agreed to do so and stated the Planning Board suggested the policy not become a bylaw in order for flexibility as the Town gains more experience with this matter. The Board agreed to forward their questions to Mr. Purple and he agreed to setup a meeting with Attorney Laughman for more information on this topic and to bring back more refined documents to the January 21st meeting.

VII. Executive Session: At 8:42 P.M. the Board entered into Executive Session per M.G.L. Chapter 30A §21 (Exemption 2) to prepare for negotiations with the Police Chief on a successor employment agreement; the Board will not be returning to Open Session at the conclusion of Executive Session. Roll Call: Shea, aye; Healey, aye; Kolenda, aye; Stivers, aye.

Upcoming Meetings
January 21, 2020
February 4, 2020

Respectfully submitted,

Kathleen Barry, Recording Secretary

List of Documents referred to at the January 7, 2020 BOS Meeting:

- Legal Advertising Proof dated 12/23/19 – Community Newspaper Co.
- Application for a License to Buy, Sell, Exchange or Assemble Second Hand Motor Vehicles or Parts Thereof
- Business Certificate for Direct Auto Mall.com dated 12/17/19
- Payment Confirmation for Southborough Auto Sales, Inc. – State Corporations Division dated 12/17/19
- Hours of Operation, Southborough Auto Sales, Inc.
- Google Map of 251 Turnpike Road, Southborough, MA
- Letter from Chief Paulhus to BOS re: Sergeant Recommendation dated 12/23/19
- FY2021 Estimated Recap
- Letter from Mark Purple to Brian Ballantine and Vanessa Hale re: FW: Perspective dated 12/31/19
- Regular Session minutes: December 17, 2019
- Citizen Activity Form, Susan E. Beland
- Citizen Activity Form, Catharine Byrne
- Letter from Mark Purple to BOS re: Small cell policy dated 1/2/20
- Letter from Marnie Hoolahan to Karina Quinn and Sarah Hoeker re: Feedback on 5G Technology dated 11/10/19
- Letter to Karina Quinn from Jesse Stein re: 5G Policy Review dated 10/31/19
- Letter from Andre Fortin to Mark Purple, Karina Quinn and Donald Morris re: Adoption of 5G small cell policy dated 10/21/19
- Letter from Michele Pierce to Mark Purple and Karina Quinn re: 5G Policy dated 10/21/19
- Letter from Ted Davis to Mark Purple and Karina Quinn re: Small Cell Document Review dated 10/21/19
- Letter from Ted Davis to Karina Quinn and Planning Board re: Agenda Tonight dated 11/18/19
- Draft Policy for Small Cell Wireless Installations (5G)
- Town of Burlington Policy Applications for Small Cell Wireless Installations
- Town of Burlington Small Wireless Facility and similar structures Design Rules and Regulations
- TOS Small Cell Application Form DRAFT 200106
- TOS Small Cell Application Form DRAFT 200106
- TOS Design Criteria for Small Cell installations DRAFT 200107
- Letter from Karen Wheeler to Vanessa Haled dated 1/6/20 re: Southborough Energy and Sustainability Committee
- Taxation Aide Committee Presentation
- Letter from Deerfoot Road Residents to Multiple Boards and Committees dated 8.12.19
- Letter from Attorney Robert Cohen to Brian Shea dated 1/2/20

KENNETH M. PAULHUS
CHIEF OF POLICE

TOWN OF SOUTHBOROUGH
POLICE DEPARTMENT

32 Cordaville Road
Southborough, Massachusetts 01772

Emergency: 9-1-1
All Other: (508)485-2121
Business: (508)485-2147
Fax: (508)485-4634
kpaulhus@southboroughma.com

PERSONNEL ORDER

Part-Time Dispatcher Scott Thomas has resigned from the Southborough Police Department effective this date.

Supervisors shall provide notice of this posting to any Officers under their command who are out on leave, vacation, or illness.

Kenneth M. Paulhus
Chief of Police
January 13, 2020

20-PO-3

Protecting Our Community...Together!

COMMONWEALTH OF MASSACHUSETTS
WILLIAM FRANCIS GALVIN
SECRETARY OF THE COMMONWEALTH

WARRANT FOR 2020 PRESIDENTIAL PRIMARIES

Worcester, SS.
To the Constable of the Town of Southborough.

GREETINGS:
In the name of the Commonwealth, you are hereby required to notify and warn the inhabitants of Southborough who are qualified to vote in the Presidential Primaries Election to vote at:

Precincts 1, 2, 3

TROTTIER MIDDLE SCHOOL - GYNMASIUM
49 PARKERVILLE ROAD

on **TUESDAY, THE THIRD DAY OF MARCH, 2020,** from 6:30 A.M. to 8:00 P.M. for the following purpose:

To cast their votes in the Presidential Primaries for the candidates of political parties for the following offices:

PRESIDENTIAL PREFERENCE . . . . . FOR THIS COMMONWEALTH
STATE COMMITTEE MAN . . . . . MIDDLESEX AND WORCESTER SENATORIAL DISTRICT
STATE COMMITTEE WOMAN . . . . . MIDDLESEX AND WORCESTER SENATORIAL DISTRICT
TOWN COMMITTEE. . . . . SOUTHBOROUGH

Hereof fail not and make return of this warrant with your doings thereon at the time and place of said voting.

Given under our hands this 21st day of January, 2020.

Brian E. Shea, Board of Selectmen, Chair

Lisa M. Braccio, Board of Selectmen

Daniel L. Kolenda, Board of Selectmen

Martin J. Healey, Board of Selectmen

Sam Stivers, Board of Selectmen

Selectmen of Southborough

Return of Service
Posted on the Town website, at the Town House, the Southborough Library, the Senior Center, and at the Transfer Station.

Kenneth M. Paulhus, Constable

_____, 2020.
(month and day)

RECEIVED
By Town Clerk/rhc at 2:27 pm, Oct 22, 2020

Board of Selectmen
Executive Session Meeting Minutes
Tuesday, January, 21, 2020
McAuliffe Meeting Room
Town House, 17 Common Street, Southborough, MA

Present: Brian Shea, Marty Healey, Lisa Braccio, Sam Stivers, Town Administrator Mark Purple
Absent: Daniel Kolenda

At 8:50 P.M. the Board voted to enter Executive Session per M.G.L. Chapter 30A, Section 21 (Exemption 2) for negotiations with the Police Chief on a successor employment agreement; the Board will not be returning to Open Session at the conclusion of Executive Session. Roll Call: Shea, aye; Healey, aye; Braccio, aye; Stivers, aye.

Chairman Shea reminded the Board of their discussion from the previous meeting regarding the process used to develop a successor employment agreement for the Police Chief. He reiterated their offer of a first-year salary increase of 5% to bridge the market rate gap as compared to abutting communities, and increases of 3% for years two and three for his new contract. He stated he met with Chief Paulhus to discuss this offer and invited him to share his thoughts with the Board.

Chief Paulhus gave a summary of some of his accomplishments which included increasing the professional standards of the department, achieving accreditation from the Massachusetts Police Accreditation Commission and the success of the Public Safety Building. He described the salaries of neighboring Police Chiefs and stated he felt the offer presented was generous but he would remain below average for compensation. He said he would like his salary to increase to the mean of $163,000 with the following years salary increases based off that number. Chief Paulhus added that the adjustment does not have to be comprised of salary alone but could be a combination of other items such as vacation buyback or a longevity component. There was discussion amongst the Board about mirroring the DPW Superintendent's and Town Administrator's contracts. Ms. Braccio suggested the Board review copies of their contracts. Chairman Shea agreed to reach out to Mr. Purple to distribute the documents.

There was a discussion regarding the packaging of the offer and the Board agreed that Chief Paulhus's performance during his tenure should be compensated. Chairman Shea suggested a deferred compensation component. The Board agreed to review the contracts requested and to hold Executive Session on February 4th to draw a successor employment agreement for the Police Chief.

On a motion made by Mr. Shea, seconded by Mr. Stivers and voted by roll call all in favor, the meeting was adjourned at 9:16 P.M. Roll Call: Shea, aye; Healey, aye; Braccio, aye; Stivers, aye.

Respectfully submitted,

Kathleen Barry, Recording Secretary

Approved by BOS 2-11-2020

RECEIVED
TOWN CLERK'S OFFICE
2020 FEB 18 P 4:08
SOUTHBOROUGH, MA

TOWN OF SOUTHBOROUGH

BOARD OF SELECTMEN Meeting Minutes

Meeting Date: Monday, January 27, 2020, 7:30 A.M.
Location: McAuliffe Hearing Room, 17 Common Street, Southborough, MA
Present: Brian Shea, Marty Healey, Sam Stivers, Lisa Braccio
Absent: Dan Kolenda

I. Chairman Shea called the meeting to order at 7:30 A.M.

II. **Consent Agenda**

a. Chairman Shea made a motion to assign the January 17, 2020 OML Complaint filed by Ginny Kremer to Labor Counsel Tim Norris for response. Mr. Healey seconded. Mr. Healey asked if there is any indication that these complaints will cease. Mr. Purple said no. Mr. Stivers asked why the Board doesn't simply make public the entire matter. Mr. Shea said that there are certain protections under labor law for the former employee. Mr. Stivers said that he needs to understand better those protections. Mr. Healey said that the Board may want to make a comment that indicates that all records that can be made public have been done so. Mr. Purple will work with Labor Counsel to craft such a statement. The motion passed all in favor (4-0-0).

III. **Adjournment:** At 7:38 A.M., Ms. Shea made a motion to adjourn the meeting. Mr. Healey seconded. The motion passed all in favor (4-0-0).

Upcoming Meetings
February 11, 2020
February 25, 2020

Respectfully submitted,

Brian Shea, Chairman

List of Documents referred to at the January 24, 2020 BOS Meeting:

- January 17, 2020 OML Complaint from Ginny Kremer

OPEN MEETING LAW COMPLAINT FORM

Office of the Attorney General
One Ashburton Place
Boston, MA 02108

Please note that all fields are required unless otherwise noted.

Your Contact Information:

First Name: Ginny Last Name: Kremer

Address: 9 Damonmill Square Suite 4A4

City: Concord State: MA Zip Code: 01742

Phone Number: 978.371.2226 Ext. _____

Email: ginny@bbhlaw.net

Organization or Media Affiliation (if any): counsel for Jack Barron

Are you filing the complaint in your capacity as an individual, representative of an organization, or media?
(For statistical purposes only)

☐ Individual ☐ Organization ☐ Media

Public Body that is the subject of this complaint:

☒ City/Town ☐ County ☐ Regional/District ☐ State

Name of Public Body (including city/ town, county or region, if applicable): Southborough Board of Selectmen

Specific person(s), if any, you allege committed the violation: _____

Date of alleged violation: 12.31.19 and on-going

Description of alleged violation:

Describe the alleged violation that this complaint is about. If you believe the alleged violation was intentional, please say so and include the reasons supporting your belief.

Note: This text field has a maximum of 3000 characters.

Please see attached.

What action do you want the public body to take in response to your complaint?

Note: This text field has a maximum of 500 characters.

Please see attached.

Review, sign, and submit your complaint

I. Disclosure of Your Complaint.

Public Record. Under most circumstances, your complaint, and any documents submitted with your complaint, is considered a public record and will be available to any member of the public upon request.

Publication to Website. As part of the Open Data Initiative, the AGO will publish to its website certain information regarding your complaint, including your name and the name of the public body. The AGO will not publish your contact information.

II. Consulting With a Private Attorney.

The AGO cannot give you legal advice and is not able to be your private attorney, but represents the public interest. If you have any questions concerning your individual legal rights or responsibilities you should contact a private attorney.

III. Submit Your Complaint to the Public Body.

The complaint must be filed first with the public body. If you have any questions, please contact the Division of Open Government by calling (617) 963-2540 or by email to openmeeting@state.ma.us.

By signing below, I acknowledge that I have read and understood the provisions above and certify that the information I have provided is true and correct to the best of my knowledge.

Signed: _____ **Date:** 1/17/2020

For Use By Public Body
Date Received by Public Body:

For Use By AGO
Date Received by AGO:

OML Complaint January 17, 2020

Description of the Violation

On December 16, 2019, on behalf of Southborough resident Jack Barron, I filed requests with the Southborough Board of Selectmen seeking: (1) unredacted minutes of two meetings held in executive session (the minutes had been previously provided but they were fully redacted)', and (2) records of all payments received by the Town in 2019 from any past or present Town employee of the recreation department as well as any and all records pertaining to the reasons for such payments and/or records pertaining to how such payment amounts were determined.

On December 31, I received two emails from the Town's counsel, attorney Tim Norris, indicating that: (1) the Town would not provide unredacted minutes of the meetings held in executive session; and (2) the Town would provide only one document in response to my second request.

On January 17, 2020, the Town provided the single document it indicated it would provide: a copy of a check in the amount of $844.88 made payable to "Southborough Recreation" on April 19, 2019. All other information on the check was redacted.

Background

In April and May of 2019, the Board held two early morning meetings in executive session, at locations that, upon information and belief, lack the recording devices used to record most Board meetings. See Exh. 1, Agendas and Revised Agendas.

- The agendas for the meetings state that the purposes of the executive sessions was "per M.G.L. c. 30A, § 21(a)," to discuss the discipline or dismissal of, or complaints or charges brought against, a public officer, employee, staff member or individual. Exh. 1.
- In June of 2019, Jack Barron learned that, at these meetings held behind closed doors, the Board had agreed to accept the resignation of an employee of the Recreation Department, "Jen" who had allegedly embezzled money from the Town and had otherwise allegedly participated in illegal activities in her role as a Town employee. It is unclear whether there was a separation agreement or any other documents discussed, voted upon, or executed by the Board at these meetings, but there was some information that "Jen" was required to reimburse for some of the money she allegedly stole.
- Mr. Barron requested all records related to this matter from the Town Clerk, Jim Heggerty, and the Town Administrator, Mark Purple. The Town Clerk and Town Administrator responded by email stating that there were no public records responsive to his request. Exh. 2, pp. 2-4.
- By letter sent on or about June 16, 2019 to the Secretary of State's Public Record Division, Mr. Barron informed the State of the above facts and requested an investigation. Exh. 2, p. 1.
- By letter dated August 5, 2019, the Supervisor of Public Records ("the Supervisor") acknowledged Mr. Barron's request. Exh. 3.

- By letter to the Town Administrator dated August 6, 2019, the Supervisor stated that she had "learned that a representative of the Town intends on providing a supplemental written response to Mr. Barron aimed at addressing the concern(s) outlined in his appeal." Exh. 4. The Supervisor ordered the Town to provide that response within 10 business days. Id.
- On or about August 20, 2019, the Town released minutes of its executive sessions held on April 25, 2019 and May 7, 2019. Exh. 5.
- The minutes were almost entirely redacted and were accompanied by a document titled "Exemption for Executive Session Minutes." Exh. 6. That document claims that the minutes are subject to the attorney-client privilege and further claims three exemptions from disclosure under the public records law, exemptions a, c and f.
    - With respect to the claim that the attorney client privilege applies, such a privilege is only applicable to confidential communications between a client and its attorney undertaken for the purpose of obtaining legal advice. To the extent the minutes document discussions outside those confines, they are not privileged.
    - With respect to the claimed exemptions to the public records law, such exemptions are inapplicable to a request for minutes under the Open Meeting Law. Additionally, to the extent the Public Records Law is applicable:
        - With respect to claimed exemption (a), the "description" states "Redaction of minutes as they contain confidential information about an employee related matter and Board strategy." (Exh. 6, emphasis supplied). There was, however, no litigation, collective bargaining, or real property transaction discussed, the exceptions to the Open Meeting Law that reflect the ability of the Board to shield its "strategy" discussions from public view.
        - With respect to exemption c, personnel information, while the Board may properly redact the names and other identifiable information, it may not shield from view all other information, including discussions of any facts, findings, or investigation(s) into the conduct of public employees.
        - With respect to exemption (f), that exemption does not create a blanket exemption for all records of investigations, and thus cannot be used to shield minutes reflecting discussions of such investigations. Additionally, as the matter has apparently been resolved, there is likely no on-going investigation.
- Mr. Barron appealed the Town's production of the entirely redacted minutes to the Supervisor, which the Supervisor acknowledged in a letter dated August 22, 2019. Exh. 7.
- By letter to the Town Administrator dated September 5, 2019, the Supervisor informed the Town that, because Mr. Barron's appeal is related to the release of executive session meeting minutes, it raises Open Meeting Law issues that fall within the authority of the Attorney General.

- On September 13, 2019, Mr. Barron filed an Open Meeting Law Complaint with the Town and AAG Carrie Benedon of this Office. Exh. 9. The Complaint alleged that Mark Purple, the Town Administrator, violated the open meeting law by failing to produce the requested records. Exh. 9. Mr. Barron again requested the minutes of the executive sessions.
- The Town provided no further documents in response to Mr. Barron's complaint.
- On Mr. Barron's behalf, on November 15, 2019, I entered a follow-up complaint with the Town and the Attorney General.
- After a discussion with Carrie Benedon, the Director of the Division of Open Government, I indicated that I would withdraw my 11/15/19 Complaint and re-file, since Mr. Barron's 9/13/19 Complaint had not clearly been made against the Board of Selectmen.
- On December 16, 2019, I refiled my request with the Board of Selectmen and received the indicated responses on December 31, 2019. Exh. 11a and 11b.
- On January 17, 2020, I received the email from the Town with the redacted check attached. Exh. 12.
- It is not clear whether the Board itself met and voted to determine whether the entirely to the minutes should remain redacted, or whether the Board allowed counsel to make that determination.

Requested Response

One of the foremost duties of the Board of Selectmen is the prudent management of local funds.[1] Town residents are entitled to know what decisions Board members make with respect to those funds, and how those decisions are reached. Additionally, where there is evidence that Town employees have stolen or otherwise misappropriated those funds, or otherwise engage in illegal activity, Town residents are entitled to know and understand how members of the Board of Selectmen responded. Therefore, while some portions of the minutes may be properly redacted, the wholesale redaction of the minutes likely shields from the public's view portions of the minutes to which the public is entitled access. Additionally, while the amount of the payment to the Town is now known, the amount of the alleged misappropriation of Town funds remains unknown. Therefore, the public has no basis for determining whether Board members responded appropriately to protect and recoup public funds. Finally, the Town's assertion that the Board did not have any documentary materials at the executive sessions, that there was no separation or other agreement with the employee, and that there exists no other documentation concerning this

[1] As the Manual of the Supervisor of Public Records makes clear, the public interest in the financial information of a public employee outweighs the privacy interest where the financial compensation in question is drawn on an account held by a government entity and comprised of taxpayer funds. Additionally, the disclosure of any settlement amount would assist the public in monitoring government operations. Therefore, exemptions to the Public Records Law will not operate to allow for the withholding of settlement agreements as a whole; only portions of the agreements, and related responsive records, may be redacted pursuant to specifically-cited exemptions to the Public Records Law.

matter whatsoever, appears to be outside of the normal course in a matter such as this. All such documents, including investigative materials to the extent they are public records, must be turned over. If the Town's position remains that no other documents were referenced in the executive session and no other documents exist, Mr. Barron respectfully requests that the Attorney General require the Board to sign a sworn certification to that effect. Mr. Barron further respectfully requests that the Attorney General review unredacted copies of the minutes and all other relevant documents and information to determine what can be properly remain withheld from the public.

Town of Southborough, MA
Meeting of the Board of Selectmen
Thursday, April 25, 2019, 8:30 A.M.
McAuliffe Hearing Room
Town House, 17 Common Street, Southborough MA

RECEIVED
TOWN CLERK'S OFFICE
2019 APR 22 A 8:18
SOUTHBOROUGH, MA

Note: Scheduled start times are approximate, with the exception of public hearings.

I. Call Meeting to Order

II. Executive Session
The Board will be entering into Executive Session, per M.G.L., Chapter 30A, Section 21(a) to discuss the following issue: the discipline or dismissal of, or complaints or charges brought against, a public officer, employee, staff member or individual (Exemption 1). The Board will not be returning to Open Session following the conclusion of Executive Session.

III. Adjournment

Lisa M. Braccio, Chairman

UPCOMING MEETINGS
May 7, 2019
May 21, 2019

EXHIBIT
tabbies
1

Town of Southborough, MA
Meeting of the Board of Selectmen
Thursday, April 25, 2019, 8:30 A.M.
Town Administrator's Office
Town House, 17 Common Street, Southborough MA

REVISED AGENDA

RECEIVED
TOWN CLERK'S OFFICE
2019 APR 22 A 11:20
SOUTHBOROUGH, MA

Note: Scheduled start times are approximate, with the exception of public hearings.

I. Call Meeting to Order

II. Executive Session
The Board will be entering into Executive Session, per M.G.L., Chapter 30A, Section 21(a) to discuss the following issue: the discipline or dismissal of, or complaints or charges brought against, a public officer, employee, staff member or individual (Exemption 1). The Board will not be returning to Open Session following the conclusion of Executive Session.

III. Adjournment

Lisa M. Braccio, Chairman

UPCOMING MEETINGS
May 7, 2019
May 21, 2019

Town of Southborough, MA
Meeting of the Board of Selectmen
Tuesday, May 7, 2019, 8:30 A.M.
Southborough Fire Station
Training Room
21 Main St, Southborough MA

RECEIVED
TOWN CLERK'S OFFICE
2019 MAY -1 P 3:09
SOUTHBOROUGH, MA

Note: Scheduled start times are approximate, with the exception of public hearings.

I. Call Meeting to Order

II. Executive Session
The Board will be entering into Executive Session per M.G.L. Chapter 30A, Section 21, to discuss the discipline or dismissal of, or complaints or charges against, a non-union employee [Exemption 1]; the Board will not be returning to open session.

III. Adjournment

Lisa M. Braccio, Chairman

UPCOMING MEETINGS
May 7, 2019, 6:30PM
May 21, 2019

Town of Southborough, MA
Meeting of the Board of Selectmen
Tuesday, May 7, 2019, 8:30 A.M.
Historical Society Museum
25 Common Street, Southborough MA

RECEIVED
TOWN CLERK'S OFFICE
2019 MAY -2 P 3:18
SOUTHBOROUGH, MA

REVISED AGENDA

Note: Scheduled start times are approximate, with the exception of public hearings.

I. **Call Meeting to Order**

II. **Executive Session**
The Board will be entering into Executive Session per M.G.L. Chapter 30A, Section 21, to discuss the discipline or dismissal of, or complaints or charges against, a non-union employee [Exemption 1]; the Board will not be returning to open session.

III. **Adjournment**

Lisa M. Braccio, Chairman

UPCOMING MEETINGS
May 7, 2019, 6:30PM
May 21, 2019

Jack Barron

11 Sadie Hutt Lane

Southborough,Mass. 01772

Att. Public records division and public corruption division

I am a citizen resident In the town of Southborough, Mass. . Recently the recreation dept. accepted the resignation of a Town employee (alleged name is Jen) It is alleged that Ms. Jen embezzled money from the town of Southborough and instead of following the clearly written Mass. State laws regarding embezzlement of money by a responsible town employee from the town, a secret deal (my understanding is the selectmen were not informed of the decision to have a deal with Jen nor did the selectmen approve the deal)was made with Jen by an unknown person in the Town. The town accepted the check from Jen for some of the stolen money and the town deposited the check. Jen left her job and my understanding is she left with no penalty or changes to her retirement or benefits.

I have requested the records from both the town clerk Jim Hegarty and the town administrator Mark Purple. I have attached copies of my requests for the information. Please note I received no information and this matter remains hidden from me and the rest of the citizens.

It has also been alleged that Jen was involved with other people (elected and appointed) in kick back schemes with recreation related contracts including land studies, land surveys, and live and artificial turf purchases. It was in the interest of people with knowledge of these kick back deals to keep Jen silent and they have succeeded.

I am requesting that you send me the information about the deal that was hidden from me and the other Southborough citizens. I am also requesting that your office investigate this entire matter and especially look into the alleged kick backs.

Thank you,

Jack Barron

EXHIBIT
2

Nathan, Kevin

From:	Jack Barron <jbarron1653@aol.com>
Sent:	Sunday, August 04, 2019 12:00 PM
To:	SEC-DL-PREWEB
Cc:	SEC-DL-COMM
Subject:	Fwd: failure by town of southborough to furnish public records
Attachments:	85jenrec.pdf

-----Original Message-----
From: Jack Barron <jbarron1653@aol.com>
To: sec.state.ma.us <sec.state.ma.us@aol.com>
Cc: louisebarron <louisebarron@hotmail.com>
Sent: Sun, Aug 4, 2019 11:53 am
Subject: failure by town of southborough to furnish public records

I have included my request for records that should be public as well as allegations of criminality and public corruption. Your response would be appreciated. Jack Barron, Southborough, Mass. 01772

Subject: Re: request for copy of Jack Barron public request to town of Southborough (made on town web site:) for rec. dept info

Jack,

I'm forwarding your email to Mark Purple since it relates to a Public Records Request and Mark is the Town's Public Records Access Officer.

Jim Hegarty

Sent from my iPhone

On Jul 24, 2019, at 3:05 PM, Jack Barron <jbarron1653@aol.com> wrote:

-----Original Message-----
From: Jack Barron <jbarron1653@aol.com>
To: jheggarty <jheggarty@southboroughma.com>
Sent: Wed, Jul 24, 2019 11:43 am
Subject: request for copy of Jack Barron public request to town of Southborough (made on town web site) for rec. dept info

Jim, I put a request into the town website for information in regards to the employee who worked for the recreation department who is no longer working for the recreation department. These are matters that were recently (the last 3 or 4 months) discussed in private executive session. Please forward to me a copy of my request so that I may follow up on that request to get information. The town met my request with NO information on the matter I requested. Thank you---jack Barron

Jack Barron

From: Mark Purple <mpurple@southboroughma.com>
To: Jim Hegarty <jhegarty@southboroughma.com>; Jack Barron <jbarron1653@aol.com>
Subject: RE: request for copy of Jack Barron public request to town of Southborough (made on town web site) for rec. dept info
Date: Thu, Jul 25, 2019 8:38 am

Mr. Barron:

Good morning.

On June 16, 2019, you submitted the following Public Records request:

I would like to review the decisions made in executive discussion with the recreation commission concerning replacement of any and all paid employees in the period from Jan 1, 2019 thru June1,2019.

On June 24, 2019, you were informed that there were no public records that were responsive to your request. To date, that answer remains the same.

Thanks, and have a good day.

Mark

Mark J. Purple

Town Administrator

Town of Southborough

P: 508-485-0710

F: 508-480-1061

From: Jim Hegarty <jhegarty@southboroughma.com>
Sent: Wednesday, July 24, 2019 4:15 PM
To: Jack Barron <jbarron1653@aol.com>
Cc: Mark Purple <mpurple@southboroughma.com>

-JACK BARRON

The Commonwealth of Massachusetts
William Francis Galvin, Secretary of the Commonwealth
Public Records Division

Rebecca S. Murray
Supervisor of Records

August 05, 2019
SPR19/1552

Jack Barron
11 Sadie Hutt Lane
Southborough, MA 01772

Dear Jack Barron:

I have received your letter appealing the response of the Town of Southborough to your request for records.

I have directed a member of my staff, Kevin Nathan, to review this matter. Upon completion of the review, I will advise you in writing of the disposition of this case. If in the interim you receive a satisfactory response to your request, please notify this office immediately.

Any further correspondence concerning this specific appeal should refer to the SPR case number listed under the date of this letter.

Sincerely,

Rebecca Murray

Rebecca S. Murray
Supervisor of Records

cc: Town Of Southborough

EXHIBIT 3

The Commonwealth of Massachusetts

William Francis Galvin, Secretary of the Commonwealth
Public Records Division

Rebecca S. Murray
Supervisor of Records

August 6, 2019
SPR19/1552

Mark J. Purple
Town Administrator
Town of Southborough
17 Common Street
Southborough, MA 01772

Dear Mr. Purple:

I have received the petition of Jack Barron appealing the response of the Town of Southborough (Town) to a request for public records. G. L. c. 66, § 10A; see also 950 C.M.R. 32.08(1). Specifically, Mr. Barron requested records related to a Town committee concerning an individual. Unsatisfied with the Town's response which stated "there were no responsive records," Mr. Barron petitioned this office and this appeal was opened as a result.

Subsequent to the intervention by a staff member of the Public Records Division, I learned that a representative from the Town intends on providing a supplemental written response to Mr. Barron aimed at addressing the concern(s) outlined in his appeal. Accordingly, the Town is ordered to provide Mr. Barron with a response in accordance with the Public Records Law, its Access Regulations and this order within ten business days. It is preferable to send an electronic copy of this response to this office at pre@sec.state.ma.us. Mr. Barron may appeal the substantive nature of the Town's response within ninety days. See 950 C.M.R. 32.08(1).

Sincerely,

Rebecca Murray

Rebecca S. Murray
Supervisor of Records

cc: Jack Barron

EXHIBIT 4

#1

RECEIVED
TOWN CLERK'S OFFICE
2019 AUG 29 P 3:08
SOUTHBOROUGH, MA

BOARD OF SELECTMEN
EXECUTIVE SESSION
April 25, 2019
TOWN ADMINISTRATOR OFFICE, 17 COMMON ST., SOUTHBOROUGH

Present: Lisa Braccio, Brian Shifrin, Bonnie Phaneuf, Dan Kolenda, Brian Shea [remote], Tim Norris, Labor Attorney, Mark Purple, Town Administrator.

At 8:31 a.m., the Board of Selectmen voted to enter Executive Session in order [redacted]

Mr. Shea joined the meeting via remote participation.

[redacted]

Released with redaction 082019

EXHIBIT
5

#1

[redacted] Roll Call: Braccio, aye; Shifrin, nay; Phaneuf, aye; Kolenda, aye; Shea, aye.

[redacted]

Mr. Shea departed the meeting at 9:10 a.m.

[redacted]

Meeting adjourned at 9:28 a.m. Roll Call: Braccio, aye; Shifrin, aye; Phaneuf, aye; Kolenda, aye.

Submitted by Vanessa D. Hale, Assistant Town Administrator

Released with redaction 082019

#2

RECEIVED
TOWN CLERK'S OFFICE
2019 AUG 29 P 3:08
SOUTHBOROUGH, MA

AMB

BOARD OF SELECTMEN
MAY 7, 2019
EXECUTIVE SESSION
SOUTHBOROUGH HISTORICAL SOCIETY, 25 COMMON ST., SOUTHBOROUGH

Present: Lisa Braccio, Bonnie Phaneuf, Brian Shea, Dan Kolenda. Attorney Tim Norris, Labor Counsel, Mark Purple, Town Administrator. Absent: Brian Shifrin.

The Board voted to enter Executive Session at 8:30 a.m., per M.G.L. Ch30A. S21, [redacted] Roll Call: Braccio, aye; Phaneuf, aye; Shea, aye; Kolenda, aye.

[redacted]

Ms. Braccio added [redacted]. On the motion, roll call vote: 4-0-0. Braccio, aye; Phaneuf, aye; Shea, aye; Kolenda, aye.

[redacted]

Additionally, the Board directed [redacted]

[redacted]

The meeting adjourned at 8:55 a.m. Roll Call: Braccio, aye; Phaneuf, aye; Shea, aye; Kolenda, aye.

Approved by BOS 6-4-19
Released with redaction 082019

#2

Submitted by Vanessa Hale, Assistant Town Administrator.

Documents used at this meeting:

- None.

Approved by BOS 6-4-19

Released with redaction 082019

Exemptions for Executive Session Minutes

Document #	Date of Executive Session	Privileges and/or exemptions	Description
#1	April 25, 2019	1. Exemption (a), known as the statutory exemption, permits the withholding of records that are: "specifically or by necessary implication exempted from disclosure by statute." M.G. L. c. 4, § 7(26)(a). The following statute applies to exemption (a): Executive session minutes may be withheld from disclosure "as long as publication may defeat the lawful purposes of the executive session" G.L. c. 30A, § 22(f)	- Redaction of minutes as they contain confidential information about an employee related matter and Board strategy.
		2. Attorney-client privilege	- Redaction of confidential communication pertaining to legal advice on an employee related matter.
		3. M.G.L. c. 4, §7(26)(c)	- Redaction of information as they pertain to personnel and private information about an employee that is prohibited from disclosure without the consent of the employee.
		4. M.G.L. c. 4, §7(26)(f)	- Redaction of minutes as they contain information pertaining to an on-going investigation of an employee.

EXHIBIT
6

Document #	Date of Executive Session	Privileges and/or exemptions	Description
#2	May 7, 2019	5. M.G. L. c. 4, § 7(26)(a): Executive session minutes may be withheld from disclosure "as long as publication may defeat the lawful purposes of the executive session" G.L. c. 30A, § 22(f)	- Redaction of minutes as they contain confidential information about an employee related matter and Board strategy.
		6. Attorney-client privilege	- Redaction of confidential communication pertaining to legal advice on an employee related matter.
		7. M.G.L. c. 4, §7(26)(c)	- Redaction of information as they pertain to personnel and private information about an employee that is prohibited from disclosure without the consent of the employee.
		8. M.G.L. c. 4, §7(26)(f)	- Redaction of minutes as they contain information pertaining to an on-going investigation of an employee.

The Commonwealth of Massachusetts
William Francis Galvin, Secretary of the Commonwealth
Public Records Division

Rebecca S. Murray
Supervisor of Records

August 22, 2019
SPR19/1708

Jack Barron
11 Sadie Hutt Lane
Southborough, MA 01772

Dear Jack Barron:

I have received your letter appealing the response of the Southborough's Town Administrator to your request for records.

I have directed a member of my staff, Lauren Foley, to review this matter. Upon completion of the review, I will advise you in writing of the disposition of this case. If in the interim you receive a satisfactory response to your request, please notify this office immediately.

Any further correspondence concerning this specific appeal should refer to the SPR case number listed under the date of this letter.

Sincerely,

Rebecca Murray

Rebecca S. Murray
Supervisor of Records

cc: Mr. Mark J. Purple

EXHIBIT
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7

The Commonwealth of Massachusetts

William Francis Galvin, Secretary of the Commonwealth
Public Records Division

Rebecca S. Murray
Supervisor of Records

September 5, 2019
SPR19/1708

Mark J. Purple
Town Administrator
Town of Southborough
17 Common Street
Southborough, MA 01772

Dear Mr. Purple:

I have received the petition of Jack Barron appealing the response of the Town of Southborough (Town) to a request for public records. G. L. c. 66, § 10A; see also 950 C.M.R. 32.08(1). Specifically, Mr. Barron requested records related to "matters that were recently...discussed in private executive session." Unsatisfied with the Town's response which stated "there were no responsive records," Mr. Barron petitioned this office and this appeal was opened as a result.

Previous appeal

This appeal was the subject of a previous appeal, SPR19/1552 Determination of the Supervisor of Records (August 6, 2019). In my August 6th determination I ordered the Town to provide Mr. Barron with a response in accordance with the Public Records Law, its Access Regulations and this order within ten business days.

Following the August 6th determination, the Town provided a response on August 9, 2019, in which it indicated the Town would provide "redacted copies of the two Executive Sessions held by the Board of Selectman." Unsatisfied with the Town's response, Mr. Barron petitioned this office and this appeal, SPR19/1708, was opened as a result.

The Town's August 9th Response

The Town's August 9th response indicates that Mr. Barron "will be provided redacted copies of the two Executive Sessions held by the Board of Selectmen on this issue, as some of the material is protected from release. Those sets of minutes have been sent to Labor Counsel for redaction, and will then be required to be voted to be released by the Selectmen at the next available meeting, either August 20 or September 3...." Mr. Barron is appealing the Town's

EXHIBIT
8

response on the basis that he does not "agree or accept the redaction by the town of the documents pertaining to this case."

Open Meeting Law

Mr. Barron's appeal is related to the release of executive session meeting minutes in redacted format which raises issues that potentially invoke the Open Meeting Law (OML). Given that an interpretation of the OML falls within the authority of the Office of the Attorney General (AGO) and not this office, I decline to provide a determination as to the content of the executive session minutes. See G. L. c. 30A, § 23. It is recommended that you contact the Division of Open Government within the Office of the Attorney General should you seek a determination on this issue.

Sincerely,

Rebecca Murray

Rebecca S. Murray
Supervisor of Records

cc: Jack Barron

OPEN MEETING LAW COMPLAINT FORM

Office of the Attorney General
One Ashburton Place
Boston, MA 02108

Please note that all fields are required unless otherwise noted.

Your Contact Information:

First Name: JACK Last Name: BARRON

Address: 11 SADIE HUTT LANE

City: SOUTHBORO State: MA Zip Code: 01772

Phone Number: 508-624-4851 Ext. _____

Email: JBARRON1653@AOL.COM

Organization or Media Affiliation (if any): TOWN RESIDENT

Are you filing the complaint in your capacity as an individual, representative of an organization, or media?
(For statistical purposes only)

☑ Individual ☐ Organization ☐ Media

Public Body that is the subject of this complaint:

☑ City/Town ☐ County ☐ Regional/District ☐ State

Name of Public Body (including city/town, county or region, if applicable): SOUTHBORO, WORCESTER COUNTY MASS.

Specific person(s), if any, you allege committed the violation: MARK J. PURPLE, TOWN ADMINISTRATOR

Date of alleged violation: SEPT 5, 2019

EXHIBIT 9

Description of alleged violation:

Describe the alleged violation that this complaint is about. If you believe the alleged violation was intentional, please say so and include the reasons supporting your belief.

Note: This text field has a maximum of 3000 characters.

June 16,2019 Jack Barron made a public records request. (copy attached)
June 24,2019 Town Administrator Mark Purple responded there were no public records responsive to my request. (copy attached)
July 24,2019-I requested for Town Clerk Jim Heggarty to send me copies of my request to get information on 2 executive sessions regarding an employee's alleged theft of money from the Town of Southborough.
Aug 4,2019 Jack Barron sent an E-mail to secretary of state reporting the failure of the Town of Southborough to furnish the public records I requested.
Aug 5,2019 Secretary of State supervisor of records confirms my appeal regarding Town of Southborough failure to turn over the records I requested.
Aug 6,2019 Enclosed copy of a letter to Mark Purple ordering the Town "to provide Mr. Barron with a response in accordance with the public records law."
Sept. 5,2019 I have enclosed a copy of a letter from Secretary of State supervisor of records acknowledging my letter appealing the response from Mark J. Purple, town administrator.
Sept.5,2019 letter from supervisor of records Murray indicating Mr. purple has not met the States directive to furnish Mr. Barron with a response in accordance with the public records law.
I believe the Town of Southborough and administrator Mark Purple have intentionally prevented my right to these public records.

What action do you want the public body to take in response to your complaint?

Note: This text field has a maximum of 500 characters.

I want the minutes of the two executive sessions pertaining to discussions about the recreation commission and department concerning the replacement of any and all paid employees in the period from January 1,2019 thru June 1,2019 without redactions.

Review, sign, and submit your complaint

I. Disclosure of Your Complaint.

Public Record. Under most circumstances, your complaint, and any documents submitted with your complaint, is considered a public record and will be available to any member of the public upon request.

Publication to Website. As part of the Open Data Initiative, the AGO will publish to its website certain information regarding your complaint, including your name and the name of the public body. The AGO will not publish your contact information.

II. Consulting With a Private Attorney.

The AGO cannot give you legal advice and is not able to be your private attorney, but represents the public interest. If you have any questions concerning your individual legal rights or responsibilities you should contact a private attorney.

III. Submit Your Complaint to the Public Body.

The complaint must be filed first with the public body. If you have any questions, please contact the Division of Open Government by calling (617) 963-2540 or by email to openmeeting@state.ma.us.

By signing below, I acknowledge that I have read and understood the provisions above and certify that the information I have provided is true and correct to the best of my knowledge.

Signed: _____ Date: 9/13/2019

For Use By Public Body
Date Received by Public Body:

For Use By AGO
Date Received by AGO:

OPEN MEETING LAW COMPLAINT FORM

Office of the Attorney General
One Ashburton Place
Boston, MA 02108

Please note that all fields are required unless otherwise noted.

Your Contact Information:

First Name: Ginny Last Name: Kremer

Address: 9 Damonmill Square Suite 4A4

City: Concord State: MA Zip Code: 01742

Phone Number: 978-371-2226 Ext. _____

Email: ginny@bbhlaw.net

Organization or Media Affiliation (if any): _____

Are you filing the complaint in your capacity as an individual, representative of an organization, or media?
(For statistical purposes only)

☒ Individual ☐ Organization ☐ Media

Public Body that is the subject of this complaint:

☒ City/Town ☐ County ☐ Regional/District ☐ State

Name of Public Body (including city/ town, county or region, if applicable): Southborough Board of Selectmen

Specific person(s), if any, you allege committed the violation: _____

Date of alleged violation: on-going

EXHIBIT
tabbies 10

Description of alleged violation:

Describe the alleged violation that this complaint is about. If you believe the alleged violation was intentional, please say so and include the reasons supporting your belief.

Note: This text field has a maximum of 3000 characters.

Please see attached.

What action do you want the public body to take in response to your complaint?

Note: This text field has a maximum of 500 characters.

Please see attached.

Review, sign, and submit your complaint

I. Disclosure of Your Complaint.

Public Record. Under most circumstances, your complaint, and any documents submitted with your complaint, is considered a public record and will be available to any member of the public upon request.

Publication to Website. As part of the Open Data Initiative, the AGO will publish to its website certain information regarding your complaint, including your name and the name of the public body. The AGO will not publish your contact information.

II. Consulting With a Private Attorney.

The AGO cannot give you legal advice and is not able to be your private attorney, but represents the public interest. If you have any questions concerning your individual legal rights or responsibilities you should contact a private attorney.

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By signing below, I acknowledge that I have read and understood the provisions above and certify that the information I have provided is true and correct to the best of my knowledge.

Signed: [signature] **Date:** 4/25/19

For Use By Public Body
Date Received by Public Body:

For Use By AGO
Date Received by AGO:

OML VIOLATION 11/25/19

DESCRIPTION OF ALLEGED VIOLATION

The Southborough Board of Selectmen is in violation of the Open Meeting Law and the Public Records Law. The Board has improperly redacted minutes of meetings held in executive session and failed to provide other related documents despite repeated requests for production of those documents.

- In April and May of 2019, the Board held two early morning meetings in executive sessions, at locations that, upon information and belief, lack the recording devices used to record most Board meetings. See Exh. 1, Agendas and Revised Agendas.
- The agendas for the meetings state that the purposes of the executive sessions was "per M.G.L. c. 30A, § 21(a)," to discuss the discipline or dismissal of, or complaints or charges brought against, a public officer, employee, staff member or individual. Exh. 1.
- In June of 2019, Southborough resident Jack Barron learned that at these meetings held behind closed doors, the Board had accepted the resignation of an employee of the Recreation Department, "Jen" who had allegedly embezzled money from the Town and had otherwise allegedly participated in illegal activities in her role as a Town employee. It is unclear whether there was a separation agreement or any other documents discussed, voted upon, or executed by the Board at these meetings, but there was some information that "Jen" was required to reimburse the Town in an unknown amount.
- Mr. Barron requested all records related to this "resignation" from the Town Clerk, Jim Heggerty, and the Town Administrator, Mark Purple. The Town Clerk and Town Administrator responded by email stating that there were no public records responsive to his request. Exh. 2, pp. 2-4.
- By letter sent on or about June 16, 2019 to the Secretary of State's Public Record Division, Mr. Barron informed the State of the above facts and requested an investigation. Exh. 2, p. 1.
- By letter dated August 5, 2019, the Supervisor of Public Records ("the Supervisor") acknowledged Mr. Barron's request. Exh. 3.
- By letter to the Town Administrator dated August 6, 2019, the Supervisor stated that she had "learned that a representative of the Town intends on providing a supplemental written response to Mr. Barron aimed at addressing the concern(s) outlined in his appeal." Exh. 4. The Supervisor ordered the Town to provide that response within 10 business days. Id.
- On or about August 20, 2019, the Town released minutes of its executive sessions held on April 25, 2019 and May 7, 2019. Exh. 5.
- The minutes were almost entirely redacted and were accompanied by a document titled "Exemption for Executive Session Minutes." Exh. 6. That document claims that the minutes are subject to the attorney-client privilege

and further claims three exemptions from disclosure under the public records law, exemptions a, c and f.

- With respect to the claim that the attorney client privilege applies, such a privilege is only applicable to confidential communications between a client and its attorney undertaken for the purpose of obtaining legal advice. To the extent the minutes document discussions outside those confines, they are not privileged.
- With respect to the claimed exemptions to the public records law, such exemptions are inapplicable to a request for minutes under the Open Meeting Law. Additionally, to the extent the Public Records Law is applicable:
  - With respect to claimed exemption (a), the "description" states "Redaction of minutes as they contain confidential information about an employee related matter and Board strategy." (Exh. 6, emphasis supplied). There was, however, no litigation, collective bargaining, or real property transaction discussed, the exceptions to the Open Meeting Law that reflect the ability of the Board to shield its "strategy" discussions from public view.
  - With respect to exemption c, personnel information, while the Board may properly redact the names and other identifiable information, it may not shield from view all other information, including discussions of any facts, findings, or investigation(s) into the conduct of public employees.
  - With respect to exemption (f), that exemption does not create a blanket exemption for all records of investigations, and thus cannot be used to shield minutes reflecting discussions of such investigations. Additionally, as the matter has apparently been resolved, there is likely no on-going investigation.

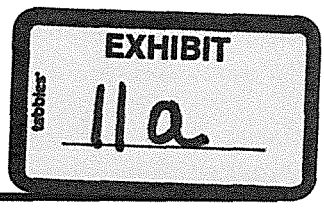
- Mr. Barron appealed the Town's production of the entirely redacted minutes to the Supervisor, which the Supervisor acknowledged in a letter dated August 22, 2019. Exh. 7.
- By letter to the Town Administrator dated September 5, 2019, the Supervisor informed the Town that, because Mr. Barron's appeal is related to the release of executive session meeting minutes, it raises Open Meeting Law issues that fall within the authority of the Attorney General.
- On September 13, 2019, Mr. Barron filed an Open Meeting Law Complaint with the Town and AAG Carrie Benedon of this Office. Exh. 9. The Complaint alleged that Mark Purple, the Town Administrator, violated the open meeting law by failing to produce the requested records. Exh. 9. Mr. Barron again requested the minutes of the executive sessions.
- The Town provided no further documents in response to Mr. Barron's complaint.
- On Mr. Barron's behalf, on November 15, 2019, I entered a follow-up complaint with the Town and the Attorney General.

- After a discussion with Carrie Benedon, the Director of the Division of Open Government, I indicated that I would withdraw my 11/15/19 Complaint and re-file, since Mr. Barron's 9/13/19 Complaint had not clearly been made against the Board of Selectmen.
- This Complaint is made against the Board, not Mr. Purple, and triggers the obligation of the Board to review the minutes of the executive sessions in question to determine whether there is any legitimate legal basis for the near total redaction of those minutes.

WHAT ACTION DO YOU WANT THE PUBLIC BODY TO TAKE IN RESPONSE TO YOUR COMPLAINT?

Provide the unredacted minutes of the referenced executive sessions and produce all associated documents, *e.g.*, any separation agreement or settlement agreement discussed at or entered into during the meetings.[1]

[1] As the Supervisor's Manual makes clear, the public interest in the financial information of a public employee outweighs the privacy interest where the financial compensation in question is drawn on an account held by a government entity and comprised of taxpayer funds. Additionally, the disclosure of any settlement amount would assist the public in monitoring government operations. Therefore, exemptions to the Public Records Law will not operate to allow for the withholding of settlement agreements as a whole; only portions of the agreements, and related responsive records, may be redacted pursuant to specifically-cited exemptions to the Public Records Law.



Ginny Kremer

From: Tim Norris <tnorris@nmplabor.com>
Sent: Tuesday, December 31, 2019 3:29 PM
To: Ginny Kremer
Cc: Mark Purple (mpurple@southboroughma.com); Brian Shea; Antoine Fares; Ana Oliveira
Subject: Response to Request for Executive Session Minutes

Dear Ginny,

I am writing on behalf of the Town of Southborough (the "Town") Board of Selectmen in response to your request which reads as follows:

> On behalf of Southborough resident Jack Barron, please provide me with the unredacted minutes of your meetings held in executive session on April 25, 2019 and May 7, 2019. Although some personally identifying information may be properly redacted, Southborough residents are entitled to know how you are handling taxpayer funds that have been entrusted to you. Therefore please re-examine the fully redacted minutes you previously released and determine whether the purposes of any lawfully convened executive session are still applicable. Please un-redact those portions of the minutes for which any such purpose has been served, and provide them to me as is required by law.

The requested executive session minutes are exempt from disclosure pursuant to M.G.L. c. 30A § 22(f) of the Open Meeting Law ("OML"), which states, in pertinent part:

> When the purpose for which a valid executive session was held has been served, the minutes, preparatory materials and documents and exhibits of the session shall be disclosed unless the attorney-client privilege or 1 or more of the exemptions under said clause Twenty-sixth of said section 7 of said chapter 4 apply to withhold these records, or any portion thereof, from disclosure.

(emphasis added). While some of the purposes for the April 25 and May 7 executive sessions have been served, the attorney-client privilege and exemption (c) of M.G.L c. 4 § 7(26) still apply to withhold these records for the reasons set forth below.

The requested executive session minutes contain confidential communication between Town Labor Counsel and the BOS for the purpose of obtaining legal advice regarding a disciplinary matter, and, therefore, are exempt from disclosure under the attorney-client privilege. Suffolk Constr. Co. v. Div. of Capital Asset Mgmt., 449 Mass. 444, 450 n.9 (2007).

The requested minutes are also exempt from disclosure by exemption (c) of the Massachusetts Public Records Law ("PRL") as they contain information pertaining to employee discipline. M.G.L. c. 4 §7(26)(c) exempts "personnel and medical files of information; also, any other materials or data relating to a specifically named individual, the disclosure of which may constitute an invasion of privacy." Massachusetts courts have found that this includes "core categories of personnel information that are 'useful in making employment decisions regarding an employee," including documents related to disciplinary investigations, including promotion, demotion, or termination information pertaining to a particular employee. Worcester Telegram & Gazette Corp. v. Chief of Police of Worcester, 58 Mass. App. Ct. 1, 5 (2003); Wakefield Teachers Association v. School Committee of Wakefield, 431 Mass. 792, 798 (2000). Given that the BOS met in executive session to

discuss a disciplinary matter, the minutes are exempt from disclosure as they contain information that is "useful in making employment decisions" and upon which the Board relied, in addition to the advice of its counsel in making such decisions.

Further, the requested minutes are exempt from disclosure by exemption (c) of the PRL as they contain significant allegations against a Town employee, that, if disclosed, would constitute an invasion of privacy. Massachusetts courts consider the following factors when assessing the weight of the privacy interest at stake: (1) whether disclosure would result in personal embarrassment to an individual of normal sensibilities; (2) whether the materials sought contain intimate details of a highly personal nature; and (3) whether the same information is available from other sources. See People for the Ethical Treatment of Animals (PETA) v. Dep't of Agric. Res., 477 Mass. 280, 292 (2017). This exemption applies to withhold information that would be harmful to the reputation of an individual. Id. at 292, n.13. Hence, disclosing any details in the executive session minutes would constitute an invasion of privacy.

Based on the foregoing, the requested minutes are exempt from disclosure by the OML. The Town has already provided Mr. Barron with copies of the redacted minutes in its prior response which are also part of the record.

If you have any questions, please do not hesitate to telephone me.

Tim

Tim D. Norris
tnorris@nmplabor.com
NORRIS, MURRAY & PELOQUIN, LLC

Norris, Murray & Peloquin
315 Norwood Park South
Norwood, MA 02062
781-762-2229
nmplabor.com

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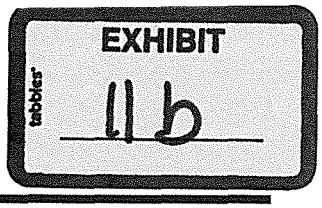

Ginny Kremer

From: Tim Norris <tnorris@nmplabor.com>
Sent: Tuesday, December 31, 2019 3:06 PM
To: Ginny Kremer
Cc: Mark Purple (mpurple@southboroughma.com); Antoine Fares
Subject: Response to Public Records Request

Dear Ginny,

I am writing on behalf of the Town of Southborough in response to your December 16, 2019 public records request which reads:

> Please provide me with all records of any and all payments received by the Town in 2019 from any past or present Town employee/official of the recreation department, and any and all records pertaining to the reason(s) for such payments, and/or any and all records pertaining to how such payment amount(s) were determined.

The Town intends to provide you with a redacted document evidencing a payment made to the Town by a Town employee. This is the only such payment in the Town's possession. The redacted information on the document is protected from disclosure under exemption (c) of the Massachusetts Public Records Law ("PRL") for privacy reasons. I will be forwarding that document later this week when I have support staff back in the office after the holiday.

Pursuant to the Massachusetts public records law, other requested records are exempt from public disclosure in whole or in part for the following reasons.

You have requested records pertaining to the reason(s) for such payment. The only such documents are exempt from disclosure under M.G.L. c. 4, §7(26)(c), which exempts "personnel and medical files of information; also any other materials or data relating to a specifically named individual, the disclosure of which may constitute an invasion of privacy." Massachusetts courts have found that this includes "core categories of personnel information that are 'useful in making employment decisions regarding an employee", including documents directly related to disciplinary matters, including promotion, demotion, or termination information pertaining to a particular employee. Worcester Telegram & Gazette Corp. v. Chief of Police of Worcester, 58 Mass. App. Ct. 1, 5 (2003); Wakefield Teachers Association v. School Committee of Wakefield, 431 Mass. 792, 798 (2000). In addition, exemption (c) is designed to exempt information that would be harmful to the reputation of an individual. People for the Ethical Treatment of Animals (PETA) v. Dep't of Agric. Res., 477 Mass. 280, 292, n.13 (2017). The requested records pertaining to the reasons for such payment are part of a disciplinary proceeding against a Town employee. Therefore, those records are exempt from disclosure as they were useful in making an employment decision regarding an employee or constitute the disciplinary action itself, and for privacy reasons.

You also have requested for records pertaining to how such payment amount was determined. There are no public records in the Town's possession responsive to this request. The only record that arguably provides such an explanation falls within exemption (c) as described above.

I am required to advise you that you may appeal this determination to the Supervisor of Public Records (SPR) and may seek judicial review of the SPR decision in the superior court.

If you have any questions about this matter, I would be happy to discuss it with you.

Tim

Tim D. Norris
tnorris@nmplabor.com

NORRIS, MURRAY & PELOQUIN, LLC

Norris, Murray & Peloquin
315 Norwood Park South
Norwood, MA 02062
781-762-2229
nmplabor.com

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Ginny Kremer

From: Ginny Kremer
Sent: Tuesday, December 31, 2019 3:46 PM
To: Jack Barron
Subject: FW: Response to Request for Executive Session Minutes

Now we can appeal this to the AG.

I have decent availability next week – let me know what works for you.
Thanks.

From: Tim Norris <tnorris@nmplabor.com>
Sent: Tuesday, December 31, 2019 3:29 PM
To: Ginny Kremer <ginny@bbhlaw.net>
Cc: Mark Purple (mpurple@southboroughma.com) <mpurple@southboroughma.com>; Brian Shea <bshea@southboroughma.com>; Antoine Fares <afares@nmplabor.com>; Ana Oliveira <aoliveira@nmplabor.com>
Subject: Response to Request for Executive Session Minutes

Dear Ginny,

I am writing on behalf of the Town of Southborough (the "Town") Board of Selectmen in response to your request which reads as follows:

> On behalf of Southborough resident Jack Barron, please provide me with the unredacted minutes of your meetings held in executive session on April 25, 2019 and May 7, 2019. Although some personally identifying information may be properly redacted, Southborough residents are entitled to know how you are handling taxpayer funds that have been entrusted to you. Therefore please re-examine the fully redacted minutes you previously released and determine whether the purposes of any lawfully convened executive session are still applicable. Please un-redact those portions of the minutes for which any such purpose has been served, and provide them to me as is required by law.

The requested executive session minutes are exempt from disclosure pursuant to M.G.L. c. 30A § 22(f) of the Open Meeting Law ("OML"), which states, in pertinent part:

> When the purpose for which a valid executive session was held has been served, the minutes, preparatory materials and documents and exhibits of the session shall be disclosed unless the attorney-client privilege or 1 or more of the exemptions under said clause Twenty-sixth of said section 7 of said chapter 4 apply to withhold these records, or any portion thereof, from disclosure.

(emphasis added). While some of the purposes for the April 25 and May 7 executive sessions have been served, the attorney-client privilege and exemption (c) of M.G.L c. 4 § 7(26) still apply to withhold these records for the reasons set forth below.

The requested executive session minutes contain confidential communication between Town Labor Counsel and the BOS for the purpose of obtaining legal advice regarding a disciplinary matter, and, therefore, are exempt from disclosure under the attorney-client privilege. Suffolk Constr. Co. v. Div. of Capital Asset Mgmt., 449 Mass. 444, 450 n.9 (2007).

The requested minutes are also exempt from disclosure by exemption (c) of the Massachusetts Public Records Law ("PRL") as they contain information pertaining to employee discipline. M.G.L. c. 4 §7(26)(c) exempts "personnel and medical files of information; also, any other materials or data relating to a specifically named individual, the disclosure of which may constitute an invasion of privacy." Massachusetts courts have found that this includes "core categories of personnel information that are 'useful in making employment decisions regarding an employee," including documents related to disciplinary investigations, including promotion, demotion, or termination information pertaining to a particular employee. Worcester Telegram & Gazette Corp. v. Chief of Police of Worcester, 58 Mass. App. Ct. 1, 5 (2003); Wakefield Teachers Association v. School Committee of Wakefield, 431 Mass. 792, 798 (2000). Given that the BOS met in executive session to discuss a disciplinary matter, the minutes are exempt from disclosure as they contain information that is "useful in making employment decisions" and upon which the Board relied, in addition to the advice of its counsel in making such decisions.

Further, the requested minutes are exempt from disclosure by exemption (c) of the PRL as they contain significant allegations against a Town employee, that, if disclosed, would constitute an invasion of privacy. Massachusetts courts consider the following factors when assessing the weight of the privacy interest at stake: (1) whether disclosure would result in personal embarrassment to an individual of normal sensibilities; (2) whether the materials sought contain intimate details of a highly personal nature; and (3) whether the same information is available from other sources. See People for the Ethical Treatment of Animals (PETA) v. Dep't of Agric. Res., 477 Mass. 280, 292 (2017). This exemption applies to withhold information that would be harmful to the reputation of an individual. Id. at 292, n.13. Hence, disclosing any details in the executive session minutes would constitute an invasion of privacy.

Based on the foregoing, the requested minutes are exempt from disclosure by the OML. The Town has already provided Mr. Barron with copies of the redacted minutes in its prior response which are also part of the record.

If you have any questions, please do not hesitate to telephone me.

Tim

Tim D. Norris
tnorris@nmplabor.com
NORRIS, MURRAY & PELOQUIN, LLC

Norris, Murray & Peloquin
315 Norwood Park South
Norwood, MA 02062
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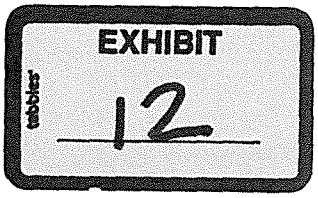


Ginny Kremer

From: Ana Oliveira <aoliveira@nmplabor.com>
Sent: Friday, January 17, 2020 10:11 AM
To: Ginny Kremer
Cc: Tim Norris
Subject: Public Records Request - Town of Southborough
Attachments: Redacted Payment.pdf

Good Morning Ginny,

Please accept our apologies for the delay of submitting this piece of information. Attached please find a copy of a check from the Town of Southborough. Thank you.

Best regards,

Ana Raquel Oliveira
aoliveira@nmplabor.com
NORRIS, MURRAY & PELOQUIN, LLC
Legal Assistant to Tim D. Norris, Esq. and Melissa Murray, Esq.
Norris, Murray & Peloquin, LLC
315 Norwood Park South
Norwood, MA 02062
P: 781-762-2229
F: 781-762-1803
www.nmplabor.com

TOWN OF SOUTHBOROUGH

☐ TREASURER'S COPY
☐ ACCOUNTANT'S COPY
☐ DEPARTMENT'S COPY

SCHEDULE OF DEPARTMENTAL PAYMENTS TO TREASURER
Revolving Deposit

DATE: _____

NO: _____ DEPT: Recreation NAME: Recreation Department

TREASURER: _____

2262-4-631-437-43990

FROM WHOM	FOR WHAT	CHECK#	AMOUNT
			$844.88

[redacted]

DATE 4-19-19

PAY TO THE ORDER OF Southborough Recreation $ 844.88

Eight hundred forty four 88/100 DOLLARS

[redacted]

MEMO [redacted]

	TOTAL		$844.88

(paytreas)

RECEIVED
TOWN CLERK'S OFFICE
2020 MAR -4 A 10: 12
SOUTHBOROUGH, MA

TOWN OF SOUTHBOROUGH

BOARD OF SELECTMEN Meeting Minutes

Meeting Date: Tuesday, February 4, 2020, 6:30 P.M.
Location: McAuliffe Hearing Room, 17 Common Street, Southborough, MA
Present: Marty Healey, Lisa Braccio, Daniel Kolenda, Sam Stivers and Town Administrator Mark Purple
Absent: Brian Shea

I. Chairman Healey called the meeting to order at 6:30 P.M.

Vice Chair Healey stated Chairman Shea could not attend the meeting this evening and he will be filling in as Chair. He summarized the previous discussion of the fiscal year 2021 budget. He told the public that Mr. Ballantine will be presenting, Mr. Purple will then weigh in, the Board will discuss with Advisory and then Boards and Committees will be invited to present regarding items still on the table for inclusion into the budget. Chairman Healey said that the Board will also discuss the possibility of reinvigorating the Capital Budget Committee and the possibility of a fall town meeting.

II. **Scheduled Appointments**

Continued discussion of FY2021 operational and capital budgets

Finance Director, Brian Ballantine walked the Board through the presentation included in the meeting packet. Mr. Ballantine requested the Board review the information, discuss items that require a vote and recommend to support or remove items for the fiscal year 2021 budget. He listed three options for next steps which included to adopt the Budget recommendation with no capital delay from slide seven of his presentation, adopt the Budget recommendation with capital delays from slide six of his presentation or adopt either with modifications.

After hearing Mr. Ballantine's presentation, Chairman Healey asked the Board if they had any questions. Mr. Kolenda wanted to address the suggested postponement of capital bond projects for fall Town Meeting listed on slide six; specifically, the window replacement at the Town House.

John Parent, Facilities Director, stated that due to the budget constraints, the replacement of the windows at the Town House could be deferred. Mr. Kolenda made the point that this project had been put off for many years and wanted to make notice that the replacement windows need to be done soon. He asked Mr. Parent if some of the windows could be done this year and others the next to avoid the need for one large dollar amount. Mr. Parent recommended against this. Mr. Stivers asked if there was return on investment in the form of heat cost savings. Mr. Parent said there was not; the return is in employee morale. Ms. Braccio asked if the process would be hindered if it were delayed to a fall Town Meeting. Mr. Parent replied that it would not. Mr. Ballantine stated this would be a borrowing project and the Town could receive authority to replace the windows but would not have to execute immediately. Mr. Kolenda voiced his concern about the continual delay of this project and the implications of an increased cost. Mr. Stivers said the project may be a candidate for an exclusion. Chairman Healey agreed with the rest of the Board and supports the project. He then asked Mr. Purple to share context around the status of the budget and the five-year projection.

Mr. Purple referenced page eight of the presentation and stated that the green depicting the Town under the levy limit is partly due to a significant tax increase. He stated there are a lot of needs within various departments and committees but the decision to include or exclude them

from the budget must be made with the focus on whether it is affordable or not. He suggested the Board work with Advisory this evening to finalize items and to have a unified budget presentation at Town Meeting.

Chairman Healey invited Youth and Family Services to speak. Sarah Cassell, Director of Youth and Family Services stated the initial budget proposal included two part-time administrative assistants as the department has a critical need for office coverage. She stated that it was presented to them to instead hire one full-time administrative assistant and the Commission voted all in favor to support this option. She pointed out that it is advantageous to have one face of the department for customer service needs and training purposes. Chairman Healey asked what the differences were from having two part-time employees versus one full-time. Ms. Cassell agreed that office coverage would be the same and she explained the differences in how a full-time employee could support the staff and be more efficient than two part-time employees. Mr. Stivers stated he supports one full-time position as he views this department as a public safety department and one individually skilled person would be more effective than spreading training over two people. He asked Mr. Purple if the net cost would be about $25,000. Mr. Purple replied in the affirmative. Mr. Kolenda stated he fully supported the suggestions of Mr. Stivers. Ms. Braccio acknowledged the need and voiced her concern on the budget constraints. She added that Chief Paulhus needs two new officers and is currently allotted one for fiscal year 2021. She said if the Board is going to include an additional $25,000 she would like to see an officer added to the Police Chief's budget.

Chief Paulhus advocated for two full-time officers as opposed to the recommended one full-time officer in the budget presented this evening. He cited the 2000 Public Safety Study that recommended 1.9 officers per 1,000 residents. He stated that the current staffing model is antiquated and the department is still under the optimal number of officers. Chief Paulhus said the issue is safety and morale and with the increase in mental health issues and related calls from within town and surrounding towns, new officers are needed. He added that the basic staffing model calls for six officers on a shift not including the three specialists and the department is short. He explained the lengthy onboarding process and stated if the new officers were approved now, it would be nine to twelve months until they were to fill shifts. Ms. Braccio asked the Chief about various instances where only two officers were on the road at a time. She explained that the instances could potentially result in additional response time and lack of safety for the officers and public. Chief Paulhus agreed and added additional detail to these scenarios. Mr. Kolenda stated that the need for more officers is overdue and he supports the addition of two full-time police officers and one full-time administrative position for Southborough Youth and Family Services. Mr. Stivers agreed with Mr. Kolenda and asked if staggering the hiring of the officers could be financially beneficial to the Town. Mr. Purple explained the timeline and stated that a new hire from fiscal year 2021 would not fully financially impact the Town until fiscal year 2022. Chairman Healey noted that he did not want to leave the impression that Southborough residents have not been properly served in the last twenty years. He stated that the Police Department staff was increase substantially and the Fire Department was brought to the optimal staffing number after the 2000 Public Safety Study. Chairman Healey asked the Chief the staffing impact if he were to have one new officer this year and one the second next year. Chief Paulhus responded that he would be constantly filling the third shift with overtime and would have more challenges if an officer were out for various reasons. Chelsea Malinowski, Vice Chair of the Advisory Committee, clarified that if the Police Department were fully staffed minus one officer there would be 211 open shifts needed to be filled over the course of a year.

Chief Achilles told the Board that due to the pressures on the budget for fiscal year 2021 the request for a Deputy Fire Chief has been removed. He said there were three items he is requesting to be included in the fiscal year 2021 budget. He listed four additional administrative hours that would not include adding benefits to the position, a mechanical CPR device and the replacement of a pumper truck that is at the end of its life. Chief Achilles stated these three items would help with efficiencies, increase success with out of hospital cardiac arrest and if a pumper were to be ordered now it would save the Town approximately $30,000 - $40,000 in inflation cost per year. Chairman Healey asked if the primary use of a second pumper was for backup and Chief Achilles responded in the affirmative. Chairman Healey asked if there have been any discussions regarding regional coordination of equipment. Chief Achilles explained mutual aid agreements with partnering towns but said it was for support not equipment. He added that another town would not lend Southborough a truck for backup and that having one pumper in service is inappropriate. Mr. Stivers suggested a replacement cycle for fire trucks and equipment. Chief Achilles stated a replacement schedule was not applied to these trucks and cautioned against holding off the replacement to create an appropriate cycle. He explained that used fire apparatus are usually discarded because of a problem with the truck. Ms. Braccio asked when the truck was purchased. The Chief responded the truck was purchased in 2001. Ms. Malinowski asked the Board to be aware that the fire tower will be needing maintenance in 2030 when considering replacement cycles. She added the tower is a more expensive apparatus than the pumpers. Mr. Stivers requested a review of the entire equipment spectrum and to begin working towards an appropriate replacement cycle.

Ryan Donovan, Library Director, stated that the Library Trustees have not convened to discuss a deferment on the Library capital projects. He stated they could have a vote for the February 25th Board of Selectmen meeting. Chairman Healey asked Mr. Purple if the Board could wait on discussing the project until then. Mr. Purple replied that would be acceptable if this is the only capital item on hold until then. Mr. Donovan agreed to discuss the Library capital projects with the Library Trustees and return to the Board of Selectmen on February 25th with an update.

Chairman Healey invited the Council on Aging to speak to the Board and asked if there were any issues on the operational Budget. Bill Harrington, Chair of the Council on Aging stated there were not. Chairman Healey asked if the Council considered deferring their capital projects until the fall. Mr. Harrington said it would be beneficial to defer and work with the Capital Budget Committee. Director Pam Le Francois reiterated that the projects requested were for additional bathrooms and an expansion to the front of the building. She summarized the space needs and the increase in patronage to the Senior Center. Chairman Healey stated he had worked with the Capital Budget Committee during his tenure on Advisory and the Council will benefit from their insight. Mr. Harrington asked if a concrete proposal could be made before the fall town meeting. Mr. Purple described the two options for executing the projects and stated the expansion may take three to four years. Mr. Harrington requested that instead of the making the addition of bathrooms and the siding a priority, the Council would like to see the front expansion and the bathrooms as the priority. He felt the siding could wait. Mr. Purple said he would like to defer the Facilities Director for priority of needs within town buildings and agreed the Capital Budget Committee would be a great asset to the Council.

Chairman Healey invited the Open Space Preservation Committee to speak. Mr. Kolenda stated that he did not intend for the Committee to present a full presentation but wanted reasoning for extending a $500 increase to their budget for a second year. Freddie Gillespie, Chair Open Space Preservation Committee stated that there was a misunderstanding from the request last year.

She said they are one of the lowest funded Committee and members are spending their own money on education and supporting their efforts. Chairman Healey stated that Mr. Kolenda questioned numerous department and boards and said he felt a presentation was unnecessary. Mr. Kolenda added that he supports Open Space and Ms. Gillespie stated she felt the Board did not understand the work and value the Committee brings to the Town. She explained programs funded by the Committee. Ms. Braccio stated when she was on the Committee the budget was $750 and understood the struggles the Committee face. She supported the $2,000 budget for the Committee. Mr. Kolenda explained that the increase for last year was an anomoly for him and he supported a budget of $1,500. Ms. Gillespie explained the various educational needs of the members and said added funding was needed. She suggested the Committee present to the Board at a later date to inform them on their work and mission. The Board agreed. Mr. Stivers said he attended Committee meetings and felt a $2,000 budget is a great investment for the Town.

Chairman Healey asked the public if there were any other committees or departments who wanted to speak and there were none.

Chairman Healey invited the Advisory Committee to speak. Kathy Cook, Chair, stated they have not voted on the budget yet but feel they are in line with the Board. She stated the Committee officially recommends the Town hold a special town meeting in the fall which was voted 6-1-0 and a vote passed (5-1-1) for the addition of two police officers. She said there was one absentia and one opposed. Ms. Cook stated the reason they believe there should be a special town meeting is for the pending Capital Budget Committee to bring recommendations for the capital budget. She added that one idea would be to close Woodward School. She explained that the school would be paid off in two years and attendance is currently down 300 students in grades K-8. She stated this would most likely not be ready for fall, but could be a potential idea that could help offset capital costs. Ms. Cook talked about the potential to use CPC funds for the windows at the Town House and other options that could help decrease cost. Chairman Healey asked if the Committee had discussed which projects could be put off to a fall town meeting. Ms. Cook said they had not but the immediate projects that could not be postponed were the Finn School boiler, road maintenance and recurring Facility maintenance work. Chairman Healey asked to confirm that the tax rate increase from the Committee was 3.46% and Mr. Ballantine stated in the affirmative. Ms. Cook confirmed that the Committee voted for two additional full-time positions. She stated this could potentially be offset by moving funding of the Recreation Department salaries to the revolving fund receipts. Mr. Purple stated this is an option that would need to be carefully reviewed before implementing. Recreation Director Tim Davis stated his concerns which included an increase in program costs and as a result, fees to the residents. Ms. Cook replied that it is not their intention and felt that this could be done without impacting program fees or costs.

Mr. Stivers stated that he would like to address the request for a Conservation Commission administration position and felt this should be included in the budget. He asked why the Assessor's budget increased and Mr. Ballantine explained that this is due to a one-year mandated reevaluation that will not be included next year. Mr. Stivers asked why the EDC budget was increased by $10,000. Mr. Ballantine stated this was to support the Downtown Initiative and Ms. Malinowski stated the Advisory Committee had received a memo regarding the expenditures. She said these included brochures, booths at business events, and other needs to expand their

"shop local" campaign. Mr. Kolenda stated he fully supported the Downton Initiative and felt reducing their budget would send the wrong message. Mr. Stivers stated he also supported the initiative but was looking for further explanation. Mr. Kolenda made a motion to accept the operational budget as presented by the Town Administrator and Finance Director, but with the addition of one police officer to the one additional police officer in the proposed TA budget (for a total of two additional police officers) and one full-time employee (instead of the two part-time employees in the proposed TA budget) for Youth and Family Services. Mr. Stivers seconded. The motion passed all in favor (4-0-0).

Mr. Purple asked the Board which items from the capital budget should be deferred to a fall town meeting. He reiterated that the items in question are the replacement windows at the Town House and the fire pumper. There was discussion about whether the pumper should be done now or if it would be more expensive to defer. Mr. Ballantine stated the debt service for the pumper would be paid out of the ambulance fund and Chief Achilles urged the Board to move forward now due to potential future costs to the Town if it is delayed. Ms. Braccio stated she would like to see the Library renovations included on the budget. Mr. Donovan stated that he is not speaking for the Trustees, but if these were delayed he would like a commitment that it will be included in the budget for fall town meeting. Chairman Healey said the intention of the Board was to delay until the fall town meeting and this project would be made a priority. Mr. Kolenda made a motion to accept the capital delays identified in the Fiscal Year 21 Budget with Capital Delays for fall town meeting with the exception of the pumper. Ms. Braccio seconded. The motion passed (3-1-0). Mr. Healey opposed.

III. Other Matters Properly Before the Board

None

IV. Executive Session

At 8:48 P.M. the Board entered into Executive Session per M.G.L. Chapter 30A § 21 (Exemption 2) for negotiations with the Police Chief on a successor employment agreement; the Board will not be returning to Open Session at the conclusion of Executive Session. Roll Call: Healey, aye; Braccio, aye; Kolenda, aye; Stivers, aye.

Upcoming Meetings
February 11, 2020
February 25, 2020

Respectfully submitted,

Kathleen Barry, Recording Secretary

List of Documents referred to at the February 4, 2020 BOS Meeting:

- FY21 Recommended Budget Presentation dated 2/4/20

FY21 RECOMMENDED BUDGET

TOWN OF SOUTHBOROUGH
FEBRUARY 4, 2020

SUMMARY OF FY21 BUDGET STATUS

- Initial meeting with Board was in late September 2019.
- Initial increases for operational budgets were: Town 9.16% and Schools 3.23%.
  - Current Budget: Town 8.25% and Schools 3.34%.
- Initial capital & budget article requests totaled $1,998,233.
  - Current Budget before "holds" for Fall TM: $1,405,583
- Initial tax rate increase estimated at 7.33% (October 2019).
  - Budget with Capital: 3.54%
- Initial staffing requests in excess of 6.30 FTE over 9 Departments.
  - This budget: 3.10 FTE over 7 Departments.
- AAA Bond Rating will be up for review estimated Fall 2021 – FY22 Budget decisions will impact this.

Board Recommendations & Feedback

- Youth/Family and Police staffing to be supported if possible.
- Part time staffing may be supported in several Departments – no benefit costs.
- Acknowledgment FY22 & beyond will be further fiscal challenges.
- Until further revenue is identified - FY22 no new services or new hours.
- Proposal from Advisory to delay some capital for review by "Capital Planning Committee" received with preliminary support.
- Advisory Committee may be largely agreeable with BOS to a budget framework setting a balance between capital, staffing, and sustainability.
- Further revenue options to be looked at within next few years (regionalization, donations, PILOT payments, capital planning enhancements, etc).

FINAL RECOMMENDATIONS STAFF

Measured recommendation based on need and possible future support from grants and donations.

- Youth/Family – 2PT (39 Hours)
- Treasurer/Collector – 1PT (19 Hour)
- MIS – 1PT (19 Hour)
- Police Department – 1 FT
- Fire Department - .10 FTE (4 Hours)
- Council on Aging & Library both have minor staffing changes due to grant funding and organizational changes.

BUDGET CHANGES SINCE LAST MEETING

Negative Budget Adjustments:

- Norfolk Agriculture Assessment (2 applicants) +$89,268
- Retirement Assessment +$15,000

Positive Budget Adjustments:

- Local Aid +$101,570
- Ambulance Fund +$63,250
- 911 Revolving Offset +$40,000
- Personnel Board +$40,000

NET CHANGE = +$140,552

NEXT STEPS

- ✓ Board vote to support option strongly suggested tonight.
- ✓ Three options:
  - Adopt Budget recommendation with no capital delay.
  - Adopt Budget recommendation with capital delays.
  - Adopt either with modifications.
- ✓ Minor budget adjustments could be made before warrant is finalized (example: Regional Assessment).
- ✓ Advisory intends to also vote final recommendations tonight prior to BOS.

FY21 BUDGET WITH CAPITAL DELAYS

- Tax Rate = 2.34% (Note: Would be a "temporary" tax rate almost certain to change in Fall).
- Capital items recommended for delay to Fall:

• Fire Lucas Devices	$30,000
• Library Interior Renovations	$115,000
• Town House Generator Switch	$65,000
• DPW Hook Lift Truck	$165,000
• DPW Diesel Pick Up	$70,000
• DPW Plows (3)	$40,000
TOTAL	**$485,000**

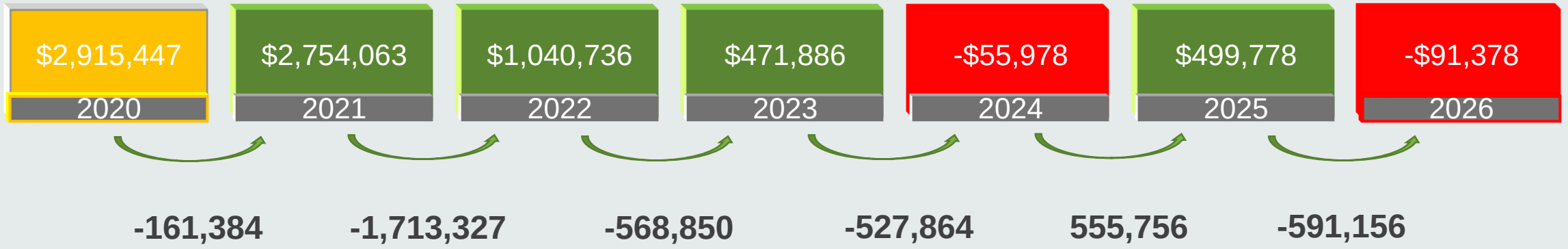
- For further consideration – Capital bond projects: Cordaville Hall, Fire Truck, & Town House windows ($1,650,000 total).
- Capital Committee would review and report back to Fall TM with Recommendations.
- Levy $3,279,063

BUDGET WITH NO CAPITAL DELAYS

- Tax Rate = 3.54%
- Includes staffing additions as described earlier.
- If supported, Capital Planning Committee would provide recommendations for the capital plan as of FY22 budget onward.
- If supported by the Board and Town Meeting would close out the budget as normal process without further Fall action necessary.
- Levy $2,754,063

Five Year Levy Balance

WITH RECOMMENDED STAFFING



FY2021 - RECOMM FALL CAPITAL

1/31/2020	FY2018	FY2019	FY2020	FY2021	
Fiscal Year	**2018 RECAP**	**2019 RECAP**	**2020 RECAP**	**2021 RECAP**	
LEVY	39,350,305	40,989,147	42,637,551	44,598,741	4.6%
2 1/2	983,758	1,024,729	1,065,939	1,114,969	4.6%
NEW GROWTH	655,085	623,675	895,251	450,000	-49.7%
LEVY	**40,989,147**	**42,637,551**	**44,598,741**	**46,163,709**	**3.5%**
DEBT-CAP EXEMPT	3,386,612	3,525,637	2,948,030	3,251,229	10.3%
SBAB PAYMENTS	(2,228,022)	(2,204,304)	(920,943)	(920,943)	0.0%
TOTAL LEVY LIMIT	**42,147,737**	**43,958,884**	**46,625,828**	**48,493,995**	**4.0%**
TAX RATE	**16.14**	**16.74**	**16.66**	**17.05**	**2.34%**
ASSESSED VALUE	2,441,258	2,517,550	2,625,449	2,651,854	1.0%
CERTIFIED FREE CASH	1,553,963	1,201,684	1,489,172	1,878,069	26.1%
LOCAL RECEIPTS	3,413,000	3,443,400	3,743,400	3,818,400	2.0%
COMM. PRESERV. FUNDS	979,050	1,195,559	716,474	70,999	-90.1%
LOCAL AID	3,423,342	3,468,768	3,520,576	3,569,690	1.4%
SBAB PAYMENTS	2,204,304	2,204,304	920,943	920,943	0.0%
OTHER AVAILABLE	902,586	1,185,101	1,408,084	904,598	-35.8%
TOTAL OTHER REVENUES	**12,476,245**	**12,698,816**	**11,798,649**	**11,162,699**	**-5.4%**
TOTAL REVENUE	**54,623,982**	**56,657,700**	**58,424,477**	**59,656,695**	**2.1%**
	2018 RECAP	**2019 RECAP**	**2020 RECAP**	**2021 RECAP**	
OTHER	1,147,037	1,332,532	952,039	90,260	-90.5%
STATE & COUNTY CHARGES	197,212	195,253	258,489	206,044	-20.3%
OVERLAY	413,362	383,086	401,991	400,000	-0.5%
TOTAL CHARGES	**1,757,611**	**1,910,871**	**1,612,519**	**696,304**	**-56.8%**
TOWN					
100-299,400-699 TOWN BUDGET	10,791,100	11,208,534	11,337,797	12,232,672	7.9%
910 EMPLOYEE BENEFITS	3,193,498	3,423,107	3,592,766	3,776,878	5.1%
930 CAPITAL BUDGET	66,417	326,515	282,420	140,583	-50.2%
945 GEN. LIABILITY INSURANCE	320,656	325,252	333,936	338,838	1.5%
BUDGET ARTICLES	35,500	52,000	164,560	78,000	-52.6%
700-799 DEBT & INTEREST	171,879	1,092,546	2,031,970	2,125,161	4.6%
CAPITAL ARTICLES	588,400	1,130,000	987,925	702,000	-28.9%
TOTAL TOWN	**15,167,450**	**17,557,954**	**18,731,374**	**19,394,132**	**3.5%**
SCHOOL					
300-399 SCHOOLS BUDGET	28,062,587	28,864,812	29,205,123	30,181,200	3.3%
910 EMPLOYEE BENEFITS	4,085,793	4,230,864	4,546,180	4,703,874	3.5%
945 GEN. LIABILITY INSURANCE	150,984	157,879	163,404	170,757	4.5%
700-799 DEBT & INTEREST	2,653,721	2,120,229	1,280,038	1,231,363	-3.8%
TOTAL SCHOOL	**34,953,085**	**35,373,784**	**35,194,745**	**36,287,195**	**3.1%**
TOTAL EXPENDITURES	**51,878,146**	**54,842,609**	**55,538,638**	**56,377,631**	**1.5%**
WITHIN (+) OR OVER (-) CAP	**2,745,836**	**1,815,091**	**2,885,839**	**3,279,063**	

TM REQUEST - FY21 MONEY ARTICLES

General Fund

Department	Description	Amount	BOS Recomm	
BOS	CAPITAL CONSULTANT & STUDY FUND	25,000	25,000	
Dept of Public Works	TRANSFER STATION STUDY	35,000	35,000	
Dept of Public Works	HOOK LIFT TRUCK (25K IN WATER BUDGET)	-	-	FALL TM
Dept of Public Works	LARGE TRUCK & EQUIPMENT BODY WORK (STRIP, PRIME, PAINT)	12,000	12,000	
Dept of Public Works	ROAD MAINTENANCE	325,000	325,000	
Dept of Public Works	DPW: DIESEL PICK UP (SERVICE BODY) - HIGHWAY	-	-	FALL TM
Fire Department	LUCAS DEVICES (MECHANICAL CPR DEVICES) 17K for new and	-	-	FALL TM
Police & Fire	ANTENNAE MAINTENANCE AND PURCHASE	45,000	45,000	
Facilities	FACILITIES - ANNUAL BUILDING MAINT FUND	100,000	100,000	
Facilities	LIBRARY - INTERIOR RENO. FLOOR/PAINTING	-	-	FALL TM
Facilities	LIBRARY - NEW BOILER (ENGINEERING & INSTALL)	85,000	85,000	
Facilities	LIBRARY - NEW EMS (ENGINEERING & INSTALL)	75,000	75,000	
Facilities	TOWN HOUSE - GENERATOR SWITCH	-	-	FALL TM
		G-Fund	**702,000**	

Budget Articles

BOS	Retirement Fund	28,000	28,000	
BOS	Insurance Deductible Account	10,000	10,000	
BOS	ADA Title 2 Study	40,000	40,000	
		G-Fund	**78,000**	
	TOTAL REQUEST		**780,000**	

Bond Requests

Fire Department	NEW ENGINE E22	600,000	600,000	
BOS	BREACKNECK HILL REMEDIATION	-	-	1 YEAR
School Department	FINN BOILER REPLACEMENT	767,600	767,600	
Facilities	CORD. HALL - BUILDING ADDS/RENO/SYSTEM UPGRADES	375,000	375,000	FALL TM
Facilities	TOWN HOUSE - WINDOWS	675,000	675,000	FALL TM
BOS	Purchase of Land (National Grid)	257,100	257,100	FALL TM

BUDGET 930

FY21

ANNUAL TOWN MEETING March 2020

1/31/2020

	DESCRIPTION	REQUEST	BOS SUPPORT	
	POLICE: PISTOLS - GLOCK (24)	10,226	10,226	
	POLICE: TASER PROGRAM	10,857	10,857	
	POLICE: CHIEF VEHICLE	38,650	38,650	
	FIRE: CHIEF VEHICLE C20	60,000	60,000	
	DPW: TREE MAINT FUNDING	8,850	8,850	
	DPW: REPLACE 3 PLOWS	-	-	FALL TM
	DPW: EQUIPMENT TRAILER 2006 REPLACEMENT	12,000	12,000	
		140,583.00	**140,583.00**	

FY2021 - RECOMM with CAPITAL

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FY20 ANNUAL TOWN MEETING March 2019	FY 20 BUDGET	FY 21 REQUESTED	% Chg From FY20
100-119 GENERAL GOVERNMENT			
114 MODERATOR	75	75	0.00%
121-129 Executive			
121 ELECTED SELECTMEN SALARIES	4,000	4,000	0.00%
122 BOARD OF SELECTMEN	440,355	464,185	5.41%
131-149 Financial Administration			
131 ADVISORY COMMITTEE	2,500	2,500	0.00%
132 RESERVE FUND	180,000	180,000	0.00%
135 TOWN ACCOUNTANT	160,228	172,905	7.91%
136 AUDIT	34,450	28,010	-18.69%
140 ELECTED ASSESSORS SALARIES	2,250	2,250	0.00%
141 ASSESSORS	211,288	240,717	13.93%
145 TREASURER/COLLECTOR	224,814	252,854	12.47%
151-159 Operation Support			
151 TOWN COUNSEL	95,000	95,000	0.00%
152 PERSONNEL BOARD	16,435	62,000	277.24%
153 SPECIAL LEGAL COUNSEL	50,000	50,000	0.00%
154 MUNICIPAL TECH COMMITTEE	1,000	1,000	0.00%
155 MANAGEMENT INFORMATION SYS.	309,854	351,739	13.52%
159 OTHER OPERATION SUPPORT	359,895	455,728	26.63%
161-169 Licensing and Registration			
160 ELECTED CLERK	85,141	87,695	3.00%
161 TOWN CLERK	191,726	178,261	-7.02%
171-179 Land Use			
171 CONSERVATION COMMISSION	89,991	101,487	12.77%
175 PLANNING BOARD	158,606	171,409	8.07%
176 ZONING BOARD OF APPEALS	28,950	26,054	-10.00%
177 OPEN SPACE	2,000	2,000	0.00%
191-199 Other			
ADA COMMITTEE	0	2,500	100.00%
182 ECONOMIC DEVELOPMENT	38,735	49,463	27.70%
192 PUBLIC BLDGS. & PROPERTY MAINT.	518,391	555,165	7.09%
TOTAL GENERAL GOVERNMENT	**3,205,684**	**3,536,997**	**10.34%**
200-299 Public Safety			
210 POLICE DEPARTMENT	2,142,763	2,311,246	7.86%
220 FIRE DEPARTMENT	2,163,324	2,321,909	7.33%
241 BUILDING DEPARTMENT	131,003	159,789	21.97%
291 CIVIL DEFENSE	12,150	10,151	-16.45%
292 ANIMAL CONTROL OFFICER	28,490	28,490	0.00%
TOTAL PUBLIC SAFETY	**4,477,730**	**4,831,585**	**7.90%**
400-499 Public Works			
420,430,490 DPW (HIGHWAY, CEMETERY, TREE)	2,235,309	2,400,925	7.41%
TOTAL PUBLIC WORKS	**2,235,309**	**2,400,925**	**7.41%**
500-599 Human Services			
510 ELECTED BOARD OF HEALTH SALARIES	450	450	0.00%
512 BOARD OF HEALTH	165,422	170,717	3.20%
541 COUNCIL ON AGING	327,953	341,082	4.00%
542 YOUTH COMMISSION	183,600	237,320	29.26%
543 VETERANS SERVICES	50,120	35,845	-28.48%
TOTAL HUMAN SERVICES	**727,545**	**785,414**	**7.95%**
600-699 Culture and Recreation			
610 LIBRARY	540,165	563,989	4.41%
630 RECREATION	145,714	148,262	1.75%
691 HISTORICAL COMMISSION	2,500	2,500	0.00%
692 MEMORIAL DAY	3,150	3,000	-4.76%
TOTAL CULTURE & RECREATION	**691,529**	**717,751**	**3.79%**
TOTAL TOWN	**11,337,797**	**12,272,672**	**8.25%**
300-399 Education			
300 ELECTED SCHOOL COMM	500	500	0.00%
301 SOUTHBOROUGH SCHOOLS	20,820,874	21,658,069	4.02%
302 ALGONQUIN	7,631,929	7,631,929	0.00%
ALGONQUIN EXEMPT DEBT	421,058	421,058	0.00%
304 ASSABET	330,762	380,376	15.00%
305 NORFOLK COUNTY AGRICULTURE	0	89,268	100.00%
TOTAL EDUCATION	**29,205,123**	**30,181,200**	**3.34%**
TOWN 900-999 Unclassifed			
910 EMPLOYEE BENEFITS-Town	3,592,766	3,776,878	5.12%
910 EMPLOYEE BENEFITS-School	4,546,180	4,703,874	3.47%
TOTAL UNCLASSIFIED BENEFITS	**8,138,946**	**8,480,752**	**4.20%**
930 CAPITAL BUDGET REQUESTS	282,420	180,583	-36.06%
TOTAL UNCLASSIFIED CAPITAL	**282,420**	**180,583**	**-36.06%**
941 LEGAL SETTLEMENT REGIONAL	225,000	225,000	0.00%
945 GENERAL LIABILITY INS.-Town	108,936	113,838	4.50%
945 GENERAL LIABILITY INS.-School	163,404	170,757	4.50%
TOTAL UNCLASSIFIED INSURANCE	**497,340**	**509,595**	**2.46%**
710 RETIREMENT OF DEBT-Town	1,272,976	1,232,547	-3.18%
710 RETIREMENT OF DEBT-School	1,125,000	1,120,000	-0.44%
751 INTEREST ON DEBT-Town	758,994	892,614	17.60%
751 INTEREST ON DEBT-School	155,038	111,363	-28.17%
TOTAL DEBT SERVICE GENERAL FUND	**3,312,008**	**3,356,524**	**1.34%**
GRAND TOTAL	**52,773,634**	**54,981,327**	**4.18%**

TM REQUEST - FY21 MONEY ARTICLES

General Fund

Department	Description	Amount	BOS Recomm
BOS	CAPITAL CONSULTANT & STUDY FUND	25,000	25,000
Dept of Public Works	TRANSFER STATION STUDY	35,000	35,000
Dept of Public Works	HOOK LIFT TRUCK (25K IN WATER BUDGET)	165,000	165,000
Dept of Public Works	LARGE TRUCK & EQUIPMENT BODY WORK (STRIP, PRIME, PAINT)	12,000	12,000
Dept of Public Works	ROAD MAINTENANCE	325,000	325,000
Dept of Public Works	DPW: DIESEL PICK UP (SERVICE BODY) - HIGHWAY	70,000	70,000
Fire Department	LUCAS DEVICES (MECHANICAL CPR DEVICES) 17K for new and	30,000	30,000
Police & Fire	ANTENNAE MAINTENANCE AND PURCHASE	45,000	45,000
Facilities	FACILITIES - ANNUAL BUILDING MAINT FUND	100,000	100,000
Facilities	LIBRARY - INTERIOR RENO. FLOOR/PAINTING	115,000	115,000
Facilities	LIBRARY - NEW BOILER (ENGINEERING & INSTALL)	85,000	85,000
Facilities	LIBRARY - NEW EMS (ENGINEERING & INSTALL)	75,000	75,000
Facilities	TOWN HOUSE - GENERATOR SWITCH	65,000	65,000
		G-Fund	**1,147,000**

Budget Articles

BOS	Retirement Fund	28,000	28,000
BOS	Insurance Deductible Account	10,000	10,000
BOS	ADA Title 2 Study	40,000	40,000
		G-Fund	**78,000**
	TOTAL REQUEST		**1,225,000**

Bond Requests

Fire Department	NEW ENGINE E22	600,000	600,000
BOS	BREACKNECK HILL REMEDIATION	-	-
School Department	FINN BOILER REPLACEMENT	767,600	767,600
Facilities	CORD. HALL - BUILDING ADDS/RENO/SYSTEM UPGRADES	375,000	375,000
Facilities	TOWN HOUSE - WINDOWS	675,000	675,000
BOS	Purchase of Land (National Grid)	257,100	257,100

BUDGET 930

FY21

ANNUAL TOWN MEETING March 2020

1/31/2020

	DESCRIPTION	REQUEST	BOS SUPPORT
	POLICE: PISTOLS - GLOCK (24)	10,226	10,226
	POLICE: TASER PROGRAM	10,857	10,857
	POLICE: CHIEF VEHICLE	38,650	38,650
	FIRE: CHIEF VEHICLE C20	60,000	60,000
	DPW: TREE MAINT FUNDING	8,850	8,850
	DPW: REPLACE 3 PLOWS	40,000	40,000
	DPW: EQUIPMENT TRAILER 2006 REPLACEMENT	12,000	12,000
		180,583.00	**180,583.00**

RECEIVED
By Town Clerk/rhc at 2:25 pm, Oct 22, 2020

Board of Selectmen
Executive Session Meeting Minutes
Tuesday, February 4, 2020
McAuliffe Meeting Room
Town House, 17 Common Street, Southborough, MA

Present: Marty Healey, Lisa Braccio, Dan Kolenda, Sam Stivers, Town Administrator Mark Purple
Absent: Brian Shea

The Board voted to enter into Executive Session at 8:48 P.M. per M.G.L. Chapter 30A § 21 (Exemption 2) for negotiations with the Police Chief on a successor employment agreement; the Board will not be returning to Open Session at the conclusion of Executive Session. Roll Call: Healey, aye; Braccio, aye; Kolenda, aye; Stivers, aye.

Chairman Healey recommended the Board postpone this matter to Monday, February 10, 2020 at 8:30 A.M. in the Public Hearing Room. The Board agreed.

On a motion made by Mr. Kolenda, seconded by Ms. Braccio and voted by roll call all in favor, Executive Session was closed at 8:53 P.M. Roll Call: Healey, aye; Braccio, aye; Kolenda, aye; Stivers, aye.

Respectfully submitted,

Kathleen Barry, Recording Secretary

Approved by BOS 2-11-2020

TOWN OF SOUTHBOROUGH

BOARD OF SELECTMEN Meeting Minutes

Meeting Date: Tuesday, February 11, 2020, 6:30 P.M.
Location: McAuliffe Hearing Room, 17 Common Street, Southborough, MA
Present: Brian Shea, Lisa Braccio, Marty Healey, Sam Stivers and Town Administrator Mark Purple
Absent: Daniel Kolenda

I. Chairman Shea called the meeting to order at 6:30 P.M.

II. **Public Comment**
None

III. **Scheduled Appointments**
Joint meeting with Library Trustees: Appointment of Library Trustee to vacancy; term May 12, 2020
Amy Yazdani, Vice-Chair of the Board of Library Trustees, told the Board that they do not have a quorum. She stated that at their meeting on January 21st, the Board of Trustees voted unanimously to recommend Janet Maney to fill the Library Trustee vacancy due to her previous experience on various boards and committees. Chairman Shea stated he thinks Ms. Maney will be a great addition and asked if she has pulled papers to run for the position. Ms. Maney replied that she has not but intends to soon. Mr. Healey, Ms. Braccio and Mr. Stivers voiced their support for Ms. Maney. Mr. Healey made a motion to appoint Janet Maney to the Library Trustee position; term May 12, 2020. Mr. Stivers seconded. The motion passed all in favor (4-0-0).

Mr. Purple explained that the letter from Mr. Donovan stated the Board of Trustees did not vote to appoint and as they do not have a quorum tonight, they must do so before Ms. Maney is officially appointed. Mr. Donovan said the Board of Trustees voted to appoint Ms. Maney at their last meeting and he may have written they voted to recommend by mistake. He said he will check the meeting minutes and report back to Mr. Purple.

Fire Chief and Police Chief: Middlesex Savings Bank donations
Chief Paulhus introduced Community Banking Officer Ed Murras and his assistant from the Middlesex Savings Bank branch on Cordaville Road. He said the bank has a program honoring first responders. They would like to donate $10,000 each to the Southborough Police and Fire Department. Chief Paulhus explained that if the Board approves the donation, he plans on using the funds for training in order for the first responders to keep themselves safe and safely serve the community. Chief Achilles stated he appreciates such a substantial donation and he plans on supplementing one of the grants to purchase a dryer for decontamination of fire gear and to supplement the purchase of safety gear for new employees. Chairman Sea welcomed the representatives from Middlesex Savings Bank to speak.

Mr. Murras explained Middlesex Savings Bank developed a program to honor first responders in communities where their branches are located. He said each community will receive $10,000 for training, equipment, etc. He added that the branch has been located in Southborough for over twenty years and it is a pleasure to give back to the police and fire departments. Chairman Shea thanked both Mr. Murras and his assistant for coming and asked them to extend his thanks to

everyone responsible for this program at Middlesex Savings Bank. Chief Paulhus stated that both departments will post an announcement regarding the donations to their social media accounts. Chairman Shea made a motion to accept the Middlesex Savings Bank donations to the Fire and Police Departments as stated. Mr. Healey seconded. The motion passed all in favor (4-0-0).

Karen Galligan, DPW Superintendent – PWPB recommendation for water rate adjustment

Ms. Galligan introduced Matt Abrahams from the Abrahams Group who assisted in the study. She stated that after a water rate study adjustment was done, the tiers and rates have changed. She said the goal was to take the burden off of residents with low water usage and seniors. She said the recommendation of the rates included in the memo in the packet has been approved by the Public Works Planning Board and the Finance Team. She added that moving forward this would be looked at on a yearly basis so rate adjustments would be more gradual. Mr. Healey asked if the average water bill would be increasing by $50. Mr. Abraham stated the higher tiers will see an increase of about $100 and the lower tiers will be less than that. Ms. Galligan clarified that of the ten towns similar in MWRA water use to Southborough, the Town went from 9th out of ten to 6th out of ten in terms of cost. Mr. Stivers said he voted in support of this recommendation as a member of the Public Works Planning Board and confirmed that low-volume users will see an increase of 17% and high-volume users will see an increase that exceeds 50% from last year. He explained some of the drivers behind the increase, suggestions to restore the reserve fund and initiatives to conserve water. Mr. Healey made a motion to accept the recommendation from DPW Superintendent Galligan in her February 5, 2020 memorandum and attachments for a change in water rate with a revised change of cost per cubic foot of water for water usage of 3001 to 10,000 CF to $6.86 instead of $6.68. Mr. Stivers seconded. The motion passed all in favor (4-0-0).

IV. Reports

Town Administrator's Report

Mr. Purple stated since the Board voted on budget items last week, there is no budget update this evening. He stated the Advisory Committee is meeting tonight with Mr. Ballantine to review their budget suggestions. Mr. Purple said he hoped to identify any potential discrepancies between budget recommendations from the Board and Advisory soon.

Chairman's Report

Chairman Shea reminded all boards, committees and employees to fill out the acknowledgement receipt of the conflict of interest packets. The receipts are due to the Town Clerk by the end of this month. The Town Clerk is required to report all those who have and have not submitted these forms and urged all to return these for full compliance.

Chairman Shea thanked the New England Center for Children for hosting Board members on a tour and presentation today. He acknowledged the tremendous work they do for children in need of services in Southborough and across the State and Country.

Chairman Shea reminded the public that the Southborough Police Department is partnering with Northborough and Westborough for the Citizen's Police Academy. He described the program and urged those interested to email their applications to Stephen Neivert at sneivert@southboroughma.com. The applications can be found on the Town website and must be submitted by March 7, 2020.

Chairman Shea reminded the public that the voter registration deadline is tomorrow, February 12, 2020. He added that the Town Clerk's Office will be open until 8:00 P.M. tomorrow.

Chairman Shea stated the Southborough Annual Town Report was considered for an award by the MMA and received third place in category two.

Chairman Shea stated there is an open job opportunity for an administrative assistant position for the Council on Aging. Information can be found on the Town website and applications are currently being accepted.

Members' Report

Mr. Stivers echoed Chairman Shea's comments regarding his visit to the NECC. He commended them for their groundbreaking support for children diagnosed with autism.

Mr. Stivers stated he attended the MMA annual meeting including multiple workshops and presentations. He said there was discussion about cable license contracts and a new rule set to reduce the prices Verizon and Charter pay for licensing in towns and cities. He acknowledged that the Town is currently in the process of renegotiation with cable TV and has passed this information to the Cable Television Committee. Mr. Stivers stated at a recycling presentation he was informed that due to secondary markets closing their door on recycling, waste management companies now must pay to recycle items they used to get paid for. He suggested the Public Works Planning Board address this issue and work towards a solution for Southborough. Mr. Stivers stated that after attending a workshop on economic development hosted by Dr. Barry Bluestone of Northeastern University, he found that many of the towns successful in supporting business development have done so by executing initiatives achievable in Southborough. He described possible initiatives with the Economic Development Committee to make Southborough more attractive. Mr. Stivers added that multi-use development is an effective driver of economic development and suggested the Board take a position on the EDC's Downtown Initiative. Mr. Stivers stated the Master Plan Committee meeting is tomorrow evening at Cordaville Hall at 7:30 P.M. and urged the public to attend.

V. Consent Agenda

a. Chairman Shea made a motion to approve Regular Session minutes: January 21, 2020; January 27, 2020. Mr. Healey seconded. The motion passed all in favor (4-0-0).

b. The motions to accept donations from Middlesex Savings Bank Charitable Foundation:

i. $10,000 for Police Department training equipment and programs

ii. $10,000 for Fire Department EMPG Grant supplementation and protective clothing were passed during the scheduled appointments earlier in the evening.

c. Chairman Shea made a motion to accept a donation of $16.00 from Joyce Golden for the Library Donation account. Mr. Healey seconded. The motion passed all in favor (4-0-0).

d. Chairman Shea made a motion to accept a donation of $100.00 from John and Connie Mauro for the Fire Department. Mr. Healey seconded. The motion passed all in favor (4-0-0).

e. Chairman Shea made a motion to approve the request to buy back a cemetery lot from John and Marlene Calkins. Mr. Healey seconded. The motion passed all in favor (4-0-0).

f. Chairman Shea made a motion to approve the recommendation for bid award for Dipietri Field renovation. Mr. Healey seconded. The motion passed all in favor (4-0-0).

g. Chairman Shea made a motion to appoint Robyn L. Stewart to Scholarship Advisory Committee, term 6/30/21. Mr. Healey seconded. The motion passed all in favor (4-0-0).

h. Chairman Shea made a motion to approve the use of $2,850 from engineering article for Breakneck Hill wetlands investigation. Mr. Healey seconded. The motion passed all in favor (4-0-0).
i. Chairman Shea made a motion to approve of SOIs for MSBA for School projects. Mr. Healey seconded. The motion passed all in favor (4-0-0).
j. Chairman Shea made a motion to approve the Executive Session minutes: January 21, 2020. Mr. Healey seconded. The motion passed all in favor (4-0-0).
k. Chairman Shea made a motion to approve and release of Executive Session minutes: February 4, 2020. Mr. Healey seconded. The motion passed all in favor (4-0-0).

VI. Other Matters Properly Before the Board

Chairman Shea stated that Mr. Purple had sent the information earlier in the day from the Town Clerk requesting the Board include two positions on the town election ballot. He noted this has been discussed at previous meetings and was received less than the forty-eight-hour time requirement for posting the agenda. He said this matter is time sensitive and gives residents the opportunity to pull papers for these elected positions. Chairman Shea made a motion to include on the annual town election ballot two additional positions for Library Trustee; one for a one-year term and the second for a two-year term as recommended by the Town Clerk through his correspondence provided to the Board. Mr. Stivers seconded. The motion passed all in favor (4-0-0).

<u>Continued discussion on March 28, 2020 Town Meeting Warrant</u>

EDC downtown district overlay zoning bylaw

Mr. Purple stated the EDC sent him a letter asking this article be removed from the warrant. He added that they do intend to bring this article to the fall town meeting with the understanding they need a sponsor. Mr. Purple said the EDC will want to have a conversation with the Board regarding their goals and whether the Board would be willing to be the sponsor. He asked the Board to formally remove the article from the annual town meeting warrant.

Purchase of National Grid parcel 54-40

Mr. Purple stated this is linked to the EDC's Downtown Initiative and suggested the Board move this item to the fall town meeting. He said the contact at National Grid who handles land issues told him that if the Board were interested in pursuing this parcel, they should submit a letter of intent in order to move forward in the process for discussion.

Revised draft of SPAC bylaw

Mr. Purple stated the draft of the former ADA bylaw, now the SPAC bylaw, is included in the packet. He added that additional comments were submitted today by a committee member as well as Timothe Litt. He said the changes proposed by Mr. Litt were discussed with the ADA Committee. He asked the Board to consider the proposed changes and finalize the document to include in the warrant.

Board positions on warrant articles

Chairman Shea reminded the Board that many of the articles appear on an annual basis and he presumes the Board would be in support. He went through the draft Warrant article by article.

Chairman Shea made a motion that the Board support Articles 1-4 in the warrant. Mr. Healey seconded. The motion passed all in favor (4-0-0).

Mr. Purple explained that Article 5 is the Salary Administration Plan and the Personnel Board will be meeting tomorrow to finalize their recommendations. He said those recommendations will be sent to the Board prior to the next meeting. Mr. Purple explained that Article 6 is the transferring of money between and among various accounts for the fiscal year ending June 30, 2020 and may no longer require a town meeting vote. Mr. Stivers asked if the article should be removed from the warrant. Mr. Purple replied he would prefer to leave it in the warrant until more information is available. Mr. Purple explained that more information will be available for Article 7 regarding unissued debt. He gave the Board an idea of the amount that will be rescinded. Chairman Shea made a motion to support Article 7. Mr. Healey seconded. The motion passed all in favor (4-0-0). Chairman Shea confirmed that Article 8 had been voted unanimously to support by the Board at the previous meeting. Chairman Shea held Article 9. Chairman Shea confirmed that Articles 10 and 11 were voted to unanimously support by the Board at the previous meeting.

Chairman Shea made a motion to support annual Articles 12, 13 and 14 as written in the packet. Mr. Healey seconded. The motion passed all in favor (4-0-0).

Mr. Purple stated that Article 15 is for funding the replacement of a boiler at Mary Finn School. Ms. Braccio asked what the dollar amount is to fund this project. Mr. Purple said he would find out. The Board held their support of this Article until their February 25th meeting.

Chairman Shea made a motion to support Article 16. Mr. Stivers seconded. The motion passed all in favor (4-0-0).

Chairman Shea made a motion to support CPC project receipts labeled Article 17 of the Town Warrant. Mr. Healey Seconded. The motion passed all in favor (4-0-0).

Mr. Purple explained Articles 18 and 19 are authorizing payments for bonds on projects already appropriated by Town Meeting. Chairman Shea made a motion to support Articles 18 and 19. Mr. Healey seconded. The motion passed all in favor (4-0-0).

Mr. Purple explained Article 20 is to support the Recreation project at Kallander Field and Article 21 is to support the reconstruction of St. Mark's Church bell tower. The Board agreed they would like to hear more information on both projects. Chairman Shea stated the Board will hold these Articles and will want an update at their February 25th meeting.

Mr. Purple explained that Article 22 has been proposed by the Veteran's Agent to include exemptions up to 100% for taxpayers with personal exemptions on property. He said the Town currently provides real estate exemptions and if this were to pass, the cost would be a total of $20,000 per year. Chairman Shea made a motion to support Article 22. Mr. Stivers seconded. The motion passed all in favor (4-0-0).

Chairman Shea stated he recommended Article 23 as listed in the packet and the Town Clerk is in support. Chairman Shea made a motion to support Article 23. Mr. Stivers seconded. The motion passed all in favor (4-0-0).

Chairman Shea explained that Articles 24 and 25 are in relation to regulating speed limits in Town that originated from previous discussions regarding the dangers at Pine Hill Road. Chairman Shea made a motion to support Articles 24 and 25. Mr. Stivers seconded. Chairman

Shea informed the Board that they will need to be prepared to clearly present both articles at Town Meeting. The Board agreed. The motion passed all in favor (4-0-0).

Chairman Shea made a motion to support the proposed .75% meals tax as written in the packet for Article 26. Mr. Stivers seconded. Mr. Healey stated that based on the survey Ms. Cook provided and the input from businesses affected, the addition of a meals tax is a straightforward and equitable avenue to broaden the tax base. Mr. Purple said this is thought to be very favorable for the Town and the budget is carrying an additional $75,000 in receipts. He added that if this article does not pass, the Town may end up with $75,000 less free cash at the end of the year. The motion passed all in favor (4-0-0).

Mr. Purple informed the Board that he sent them Timothe Litt's revisions to Article 27, the draft chapter for the Southborough Public Access Committee. He added that the Chair of the Committee sent an email that the Committee was in favor of Mr. Litt's changes. The Board discussed administrative corrections throughout the document and the Board agreed to the changes. After deliberation amongst the Board members, Town Clerk Hegarty and Mr. Litt, the Board voted on the following changes. Chairman Shea made a motion to change the word "enhancing" to "increasing" in paragraph two of Section 9.34. Mr. Stivers seconded. The motion passed all in favor (4-0-0). Chairman Shea made a motion to remove "no more than" in the first line of section 9.34.A. Mr. Healey seconded. The motion passed all in favor (4-0-0). Chairman Shea made a motion to remove the word "number" from the last line of the first paragraph in section 9.34.A. Mr. Healey seconded. The motion passed all in favor (4-0-0). Mr. Healey made a motion to accept paragraph two of section 9.34.A with a change in the parenthetical for the definition of "town employee." Mr. Stivers seconded. The motion passed all in favor (4-0-0). Chairman Shea made a motion to capitalize the word "Town" in bullet two under section 9.35. Mr. Healey seconded. The motion passed all in favor (4-0-0). Chairman Shea made a motion to change the words "any inadequacies" to "it's comments" to bullet three of section 9.35. Ms. Braccio seconded. The motion passed all in favor (4-0-0). Chairman Shea made a motion to support this Article with the revisions voted on this evening. Mr. Healey seconded. The motion passed all in favor (4-0-0).

Mr. Healey stated it made sense to move Article 28 to the fall town meeting as it relates to the EDC sponsored article for the downtown initiative. Chairman Shea agreed that the proposed acquisition of parcel 54-40 should be moved to the fall. Ms. Braccio agreed and felt more discussion was needed before the Board could take a position. Chairman Shea made a motion to delete Article 28 from the Town Warrant. Mr. Healey seconded. The motion passed all in favor (4-0-0). The Board asked Mr. Purple to reach out for more information regarding this parcel from National Grid and he agreed to do so.

Chairman Shea explained that Article 29 was recommended by the Town Clerk to extend the voter registration deadline from a Saturday to the following Monday. Mr. Healey seconded. The motion passed all in favor (4-0-0).

Mr. Purple stated that Article 30 was brought forward through the Planning Board from the Zoning Board of Appeals and Articles 30, 31, 32 and 33 are currently before the Planning Board for the required hearing dates. He stated that Planning will be providing recommendations to the Board for these articles. Mr. Purple said the EDC has requested the removal of the proposal of a Village Mixed Use District labelled as Article 31. Chairman Shea recommended the Board hold Articles 30, 32 and 33 for the meeting on February 25th. The Board agreed. Chairman Shea

made a motion to delete from the warrant the proposed Article 31 for a village mixed use district as written in the packet. Mr. Healey seconded. The motion passed all in favor (4-0-0).

Chairman Shea stated the citizens petition for a noise bylaw is not amendable at this time. Mr. Purple agree that Article 34 can only be amended on the town meeting floor. The Board agreed to invite the proponents to the February 25th meeting for a five-minute presentation with questions to follow. Mr. Purple stated he would reach out to Mr. Lapine who proposed the article and invite him to the next meeting. He asked if the Board would like to invite Mr. Weishan who proposed the second citizens petition to ban plastics and Styrofoam. The Board agreed and Mr. Purple said he would reach out to Mr. Weishan and invite him to the next meeting. Mr. Purple added that he will also invite the CPA for an explanation on their projects at Kallander Field and the St. Mark's bell tower.

Mr. Purple reiterated to the Board they had decided to hold Articles 5 and 6. He said he will confirm if Ms. Rosenbloom could present the proposed changes to the Personnel Salary Administration Plan at the meeting on the 25th. He said Article 6 has been held by the Board to determine whether it is needed to be included in the warrant. He stated that Article 9 for the Water Enterprise Fund can be held on the 25th as well.

<u>Draft committee charge for Capital Planning Committee</u>
Chairman Shea made a motion to delete "no more than" in the first line. Mr. Stivers seconded. The motion passed all in favor (4-0-0). Mr. Purple explained that the charge for the Capital Planning Committee is somewhat new and he worked with Mr. Ballantine and Mr. Malinowski to create the draft included in the packet. The Board discussed whether there should be five resident members or three resident members and a Board member and Advisory member. Mr. Purple reminded the Board this will be an ad-hoc committee. Chairman Shea recommended five members at large with a representative from the Board and Advisory for a total of seven members. Mr. Healey suggested the Committee should consist of five members and include wording for the option to include a Board and Advisory member. He suggested the wording, "made up of five members all appointed by the Board of Selectmen." The Board agreed. Chairman Shea suggested the word "projects" in the middle of the first paragraph should also include the words "capital items." The Board agreed. Chairman Shea suggested that the word "should" in the bulletted items be changed to "will." The Board agreed. Mr. Healey made a motion to support the committee charge for the Town of Southborough Ad-Hoc Capital Planning Committee with the changes agreed upon this evening. Mr. Stivers seconded. The motion passed all favor (4-0-0). Chairman Shea encouraged the public to go to the Town website to fill out an application to be a member of this Committee. Ms. Hale suggested a February 20th deadline for the submittal of applications. The Board agreed. Ms. Hale stated she will ask other Town Departments to share these openings for the Capital Planning Committee on their social media accounts.

I. On a motion made by Chairman Shea, seconded by Mr. Stivers and voted all in favor, the meeting was adjourned at 8:27 P.M.

Upcoming Meetings
February 25, 2020
March 10, 2020

Respectfully submitted,

Kathleen Barry, Recording Secretary

List of Documents referred to at the February 11, 2020 BOS Meeting:

- Letter from Ryan Donovan to Mark Purple re: Recommendation of Library Trustee Appointment dated 1.22.20
- Letter from Chief Paulhus to BOS re: Middlesex Savings Bank Donation dated 1.30.20
- Letter from Mike Kuza, VP Middlesex Savings Charitable Foundation to SPD dated 1.28.20
- Letter from Chief Achilles to Mark Purple re: Donation from Middlesex Savings Charitable Foundation dated 1.31.20
- Memorandum from DPW re: Water Rate Increase dated 2.5.20
- Regular Session Minutes: 1.21.20
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- Citizen Activity Form, Robyn Lisa Stewart
- Professional Services Proposal from Lucas Environmental dated 1.21.20
- SOIs for MSBA for School projects
- Letter from EDC to BOS dated 1.27.20
- Draft Southborough Public Accessibility Committee Warrant Article
- Draft Annual Warrant for Town Meeting on 3.28.20
- Letter from Town Clerk to Brian Shea re: Annual Town Election ballot - Library Board of Trustees vacancies dated 2.10.20
- Letter from Timothe Litt to Mark Purple re: Updated ADA bylaw dated 2.10.20
- Letter from William Sines to Mark Purple re: ADA Charter and Warrant Article
- Letter from Karen Galligan to Mark Purple re: Water Rate Memo dated 2.11.20

Town Clerk RCV'D
4/14/2020
4:44PM
AmB

TOWN OF SOUTHBOROUGH

BOARD OF SELECTMEN Meeting Minutes

Revised – List of Documents Referred to at the February 11, 2020 Meeting

Meeting Date: Tuesday, February 11, 2020, 6:30 P.M.
Location: McAuliffe Hearing Room, 17 Common Street, Southborough, MA
Present: Brian Shea, Lisa Braccio, Marty Healey, Sam Stivers and Town Administrator Mark Purple
Absent: Daniel Kolenda

I. Chairman Shea called the meeting to order at 6:30 P.M.

II. **Public Comment**
None

III. **Scheduled Appointments**
Joint meeting with Library Trustees: Appointment of Library Trustee to vacancy; term May 12, 2020
Amy Yazdani, Vice-Chair of the Board of Library Trustees, told the Board that they do not have a quorum. She stated that at their meeting on January 21st, the Board of Trustees voted unanimously to recommend Janet Maney to fill the Library Trustee vacancy due to her previous experience on various boards and committees. Chairman Shea stated he thinks Ms. Maney will be a great addition and asked if she has pulled papers to run for the position. Ms. Maney replied that she has not but intends to soon. Mr. Healey, Ms. Braccio and Mr. Stivers voiced their support for Ms. Maney. Mr. Healey made a motion to appoint Janet Maney to the Library Trustee position; term May 12, 2020. Mr. Stivers seconded. The motion passed all in favor (4-0-0).

Mr. Purple explained that the letter from Mr. Donovan stated the Board of Trustees did not vote to appoint and as they do not have a quorum tonight, they must do so before Ms. Maney is officially appointed. Mr. Donovan said the Board of Trustees voted to appoint Ms. Maney at their last meeting and he may have written they voted to recommend by mistake. He said he will check the meeting minutes and report back to Mr. Purple.

Fire Chief and Police Chief: Middlesex Savings Bank donations
Chief Paulhus introduced Community Banking Officer Ed Murras and his assistant from the Middlesex Savings Bank branch on Cordaville Road. He said the bank has a program honoring first responders. They would like to donate $10,000 each to the Southborough Police and Fire Department. Chief Paulhus explained that if the Board approves the donation, he plans on using the funds for training in order for the first responders to keep themselves safe and safely serve the community. Chief Achilles stated he appreciates such a substantial donation and he plans on supplementing one of the grants to purchase a dryer for decontamination of fire gear and to supplement the purchase of safety gear for new employees. Chairman Sea welcomed the representatives from Middlesex Savings Bank to speak.

Mr. Murras explained Middlesex Savings Bank developed a program to honor first responders in communities where their branches are located. He said each community will receive $10,000 for

training, equipment, etc. He added that the branch has been located in Southborough for over twenty years and it is a pleasure to give back to the police and fire departments. Chairman Shea thanked both Mr. Murras and his assistant for coming and asked them to extend his thanks to everyone responsible for this program at Middlesex Savings Bank. Chief Paulhus stated that both departments will post an announcement regarding the donations to their social media accounts. Chairman Shea made a motion to accept the Middlesex Savings Bank donations to the Fire and Police Departments as stated. Mr. Healey seconded. The motion passed all in favor (4-0-0).

Karen Galligan, DPW Superintendent – PWPB recommendation for water rate adjustment

Ms. Galligan introduced Matt Abrahams from the Abrahams Group who assisted in the study. She stated that after a water rate study adjustment was done, the tiers and rates have changed. She said the goal was to take the burden off of residents with low water usage and seniors. She said the recommendation of the rates included in the memo in the packet has been approved by the Public Works Planning Board and the Finance Team. She added that moving forward this would be looked at on a yearly basis so rate adjustments would be more gradual. Mr. Healey asked if the average water bill would be increasing by $50. Mr. Abraham stated the higher tiers will see an increase of about $100 and the lower tiers will be less than that. Ms. Galligan clarified that of the ten towns similar in MWRA water use to Southborough, the Town went from 9th out of ten to 6th out of ten in terms of cost. Mr. Stivers said he voted in support of this recommendation as a member of the Public Works Planning Board and confirmed that low-volume users will see an increase of 17% and high-volume users will see an increase that exceeds 50% from last year. He explained some of the drivers behind the increase, suggestions to restore the reserve fund and initiatives to conserve water. Mr. Healey made a motion to accept the recommendation from DPW Superintendent Galligan in her February 5, 2020 memorandum and attachments for a change in water rate with a revised change of cost per cubic foot of water for water usage of 3001 to 10,000 CF to $6.86 instead of $6.68. Mr. Stivers seconded. The motion passed all in favor (4-0-0).

IV. Reports

Town Administrator's Report

Mr. Purple stated since the Board voted on budget items last week, there is no budget update this evening. He stated the Advisory Committee is meeting tonight with Mr. Ballantine to review their budget suggestions. Mr. Purple said he hoped to identify any potential discrepancies between budget recommendations from the Board and Advisory soon.

Chairman's Report

Chairman Shea reminded all boards, committees and employees to fill out the acknowledgement receipt of the conflict of interest packets. The receipts are due to the Town Clerk by the end of this month. The Town Clerk is required to report all those who have and have not submitted these forms and urged all to return these for full compliance.

Chairman Shea thanked the New England Center for Children for hosting Board members on a tour and presentation today. He acknowledged the tremendous work they do for children in need of services in Southborough and across the State and Country.

Chairman Shea reminded the public that the Southborough Police Department is partnering with Northborough and Westborough for the Citizen's Police Academy. He described the program and urged those interested to email their applications to Stephen Neivert at

sneivert@southboroughma.com. The applications can be found on the Town website and must be submitted by March 7, 2020.

Chairman Shea reminded the public that the voter registration deadline is tomorrow, February 12, 2020. He added that the Town Clerk's Office will be open until 8:00 P.M. tomorrow.

Chairman Shea stated the Southborough Annual Town Report was considered for an award by the MMA and received third place in category two.

Chairman Shea stated there is an open job opportunity for an administrative assistant position for the Council on Aging. Information can be found on the Town website and applications are currently being accepted.

Members' Report

Mr. Stivers echoed Chairman Shea's comments regarding his visit to the NECC. He commended them for their groundbreaking support for children diagnosed with autism.

Mr. Stivers stated he attended the MMA annual meeting including multiple workshops and presentations. He said there was discussion about cable license contracts and a new rule set to reduce the prices Verizon and Charter pay for licensing in towns and cities. He acknowledged that the Town is currently in the process of renegotiation with cable TV and has passed this information to the Cable Television Committee. Mr. Stivers stated at a recycling presentation he was informed that due to secondary markets closing their door on recycling, waste management companies now must pay to recycle items they used to get paid for. He suggested the Public Works Planning Board address this issue and work towards a solution for Southborough. Mr. Stivers stated that after attending a workshop on economic development hosted by Dr. Barry Bluestone of Northeastern University, he found that many of the towns successful in supporting business development have done so by executing initiatives achievable in Southborough. He described possible initiatives with the Economic Development Committee to make Southborough more attractive. Mr. Stivers added that multi-use development is an effective driver of economic development and suggested the Board take a position on the EDC's Downtown Initiative. Mr. Stivers stated the Master Plan Committee meeting is tomorrow evening at Cordaville Hall at 7:30 P.M. and urged the public to attend.

V. Consent Agenda

a. Chairman Shea made a motion to approve Regular Session minutes: January 21, 2020; January 27, 2020. Mr. Healey seconded. The motion passed all in favor (4-0-0).

b. The motions to accept donations from Middlesex Savings Bank Charitable Foundation:

i. $10,000 for Police Department training equipment and programs

ii. $10,000 for Fire Department EMPG Grant supplementation and protective clothing were passed during the scheduled appointments earlier in the evening.

c. Chairman Shea made a motion to accept a donation of $16.00 from Joyce Golden for the Library Donation account. Mr. Healey seconded. The motion passed all in favor (4-0-0).

d. Chairman Shea made a motion to accept a donation of $100.00 from John and Connie Mauro for the Fire Department. Mr. Healey seconded. The motion passed all in favor (4-0-0).

e. Chairman Shea made a motion to approve the request to buy back a cemetery lot from John and Marlene Calkins. Mr. Healey seconded. The motion passed all in favor (4-0-0).

f. Chairman Shea made a motion to approve the recommendation for bid award for Dipietri Field renovation. Mr. Healey seconded. The motion passed all in favor (4-0-0).
g. Chairman Shea made a motion to appoint Robyn L. Stewart to Scholarship Advisory Committee, term 6/30/21. Mr. Healey seconded. The motion passed all in favor (4-0-0).
h. Chairman Shea made a motion to approve the use of $2,850 from engineering article for Breakneck Hill wetlands investigation. Mr. Healey seconded. The motion passed all in favor (4-0-0).
i. Chairman Shea made a motion to approve of SOIs for MSBA for School projects. Mr. Healey seconded. The motion passed all in favor (4-0-0).
j. Chairman Shea made a motion to approve the Executive Session minutes: January 21, 2020. Mr. Healey seconded. The motion passed all in favor (4-0-0).
k. Chairman Shea made a motion to approve and release of Executive Session minutes: February 4, 2020. Mr. Healey seconded. The motion passed all in favor (4-0-0).

VI. Other Matters Properly Before the Board

Chairman Shea stated that Mr. Purple had sent the information earlier in the day from the Town Clerk requesting the Board include two positions on the town election ballot. He noted this has been discussed at previous meetings and was received less than the forty-eight-hour time requirement for posting the agenda. He said this matter is time sensitive and gives residents the opportunity to pull papers for these elected positions. Chairman Shea made a motion to include on the annual town election ballot two additional positions for Library Trustee; one for a one-year term and the second for a two-year term as recommended by the Town Clerk through his correspondence provided to the Board. Mr. Stivers seconded. The motion passed all in favor (4-0-0).

Continued discussion on March 28, 2020 Town Meeting Warrant

EDC downtown district overlay zoning bylaw

Mr. Purple stated the EDC sent him a letter asking this article be removed from the warrant. He added that they do intend to bring this article to the fall town meeting with the understanding they need a sponsor. Mr. Purple said the EDC will want to have a conversation with the Board regarding their goals and whether the Board would be willing to be the sponsor. He asked the Board to formally remove the article from the annual town meeting warrant.

Purchase of National Grid parcel 54-40

Mr. Purple stated this is linked to the EDC's Downtown Initiative and suggested the Board move this item to the fall town meeting. He said the contact at National Grid who handles land issues told him that if the Board were interested in pursuing this parcel, they should submit a letter of intent in order to move forward in the process for discussion.

Revised draft of SPAC bylaw

Mr. Purple stated the draft of the former ADA bylaw, now the SPAC bylaw, is included in the packet. He added that additional comments were submitted today by a committee member as well as Timothe Litt. He said the changes proposed by Mr. Litt were discussed with the ADA Committee. He asked the Board to consider the proposed changes and finalize the document to include in the warrant.

Board positions on warrant articles

Chairman Shea reminded the Board that many of the articles appear on an annual basis and he presumes the Board would be in support. He went through the draft Warrant article by article.

Chairman Shea made a motion that the Board support Articles 1-4 in the warrant. Mr. Healey seconded. The motion passed all in favor (4-0-0).

Mr. Purple explained that Article 5 is the Salary Administration Plan and the Personnel Board will be meeting tomorrow to finalize their recommendations. He said those recommendations will be sent to the Board prior to the next meeting. Mr. Purple explained that Article 6 is the transferring of money between and among various accounts for the fiscal year ending June 30, 2020 and may no longer require a town meeting vote. Mr. Stivers asked if the article should be removed from the warrant. Mr. Purple replied he would prefer to leave it in the warrant until more information is available. Mr. Purple explained that more information will be available for Article 7 regarding unissued debt. He gave the Board an idea of the amount that will be rescinded. Chairman Shea made a motion to support Article 7. Mr. Healey seconded. The motion passed all in favor (4-0-0). Chairman Shea confirmed that Article 8 had been voted unanimously to support by the Board at the previous meeting. Chairman Shea held Article 9. Chairman Shea confirmed that Articles 10 and 11 were voted to unanimously support by the Board at the previous meeting.

Chairman Shea made a motion to support annual Articles 12, 13 and 14 as written in the packet. Mr. Healey seconded. The motion passed all in favor (4-0-0).

Mr. Purple stated that Article 15 is for funding the replacement of a boiler at Mary Finn School. Ms. Braccio asked what the dollar amount is to fund this project. Mr. Purple said he would find out. The Board held their support of this Article until their February 25th meeting.

Chairman Shea made a motion to support Article 16. Mr. Stivers seconded. The motion passed all in favor (4-0-0).

Chairman Shea made a motion to support CPC project receipts labeled Article 17 of the Town Warrant. Mr. Healey Seconded. The motion passed all in favor (4-0-0).

Mr. Purple explained Articles 18 and 19 are authorizing payments for bonds on projects already appropriated by Town Meeting. Chairman Shea made a motion to support Articles 18 and 19. Mr. Healey seconded. The motion passed all in favor (4-0-0).

Mr. Purple explained Article 20 is to support the Recreation project at Kallander Field and Article 21 is to support the reconstruction of St. Mark's Church bell tower. The Board agreed they would like to hear more information on both projects. Chairman Shea stated the Board will hold these Articles and will want an update at their February 25th meeting.

Mr. Purple explained that Article 22 has been proposed by the Veteran's Agent to include exemptions up to 100% for taxpayers with personal exemptions on property. He said the Town currently provides real estate exemptions and if this were to pass, the cost would be a total of $20,000 per year. Chairman Shea made a motion to support Article 22. Mr. Stivers seconded. The motion passed all in favor (4-0-0).

Chairman Shea stated he recommended Article 23 as listed in the packet and the Town Clerk is in support. Chairman Shea made a motion to support Article 23. Mr. Stivers seconded. The motion passed all in favor (4-0-0).

Chairman Shea explained that Articles 24 and 25 are in relation to regulating speed limits in Town that originated from previous discussions regarding the dangers at Pine Hill Road. Chairman Shea made a motion to support Articles 24 and 25. Mr. Stivers seconded. Chairman Shea informed the Board that they will need to be prepared to clearly present both articles at Town Meeting. The Board agreed. The motion passed all in favor (4-0-0).

Chairman Shea made a motion to support the proposed .75% meals tax as written in the packet for Article 26. Mr. Stivers seconded. Mr. Healey stated that based on the survey Ms. Cook provided and the input from businesses affected, the addition of a meals tax is a straightforward and equitable avenue to broaden the tax base. Mr. Purple said this is thought to be very favorable for the Town and the budget is carrying an additional $75,000 in receipts. He added that if this article does not pass, the Town may end up with $75,000 less free cash at the end of the year. The motion passed all in favor (4-0-0).

Mr. Purple informed the Board that he sent them Timothe Litt's revisions to Article 27, the draft chapter for the Southborough Public Access Committee. He added that the Chair of the Committee sent an email that the Committee was in favor of Mr. Litt's changes. The Board discussed administrative corrections throughout the document and the Board agreed to the changes. After deliberation amongst the Board members, Town Clerk Hegarty and Mr. Litt, the Board voted on the following changes. Chairman Shea made a motion to change the word "enhancing" to "increasing" in paragraph two of Section 9.34. Mr. Stivers seconded. The motion passed all in favor (4-0-0). Chairman Shea made a motion to remove "no more than" in the first line of section 9.34.A. Mr. Healey seconded. The motion passed all in favor (4-0-0). Chairman Shea made a motion to remove the word "number" from the last line of the first paragraph in section 9.34.A. Mr. Healey seconded. The motion passed all in favor (4-0-0). Mr. Healey made a motion to accept paragraph two of section 9.34.A with a change in the parenthetical for the definition of "town employee." Mr. Stivers seconded. The motion passed all in favor (4-0-0). Chairman Shea made a motion to capitalize the word "Town" in bullet two under section 9.35. Mr. Healey seconded. The motion passed all in favor (4-0-0). Chairman Shea made a motion to change the words "any inadequacies" to "it's comments" to bullet three of section 9.35. Ms. Braccio seconded. The motion passed all in favor (4-0-0). Chairman Shea made a motion to support this Article with the revisions voted on this evening. Mr. Healey seconded. The motion passed all in favor (4-0-0).

Mr. Healey stated it made sense to move Article 28 to the fall town meeting as it relates to the EDC sponsored article for the downtown initiative. Chairman Shea agreed that the proposed acquisition of parcel 54-40 should be moved to the fall. Ms. Braccio agreed and felt more discussion was needed before the Board could take a position. Chairman Shea made a motion to delete Article 28 from the Town Warrant. Mr. Healey seconded. The motion passed all in favor (4-0-0). The Board asked Mr. Purple to reach out for more information regarding this parcel from National Grid and he agreed to do so.

Chairman Shea explained that Article 29 was recommended by the Town Clerk to extend the voter registration deadline from a Saturday to the following Monday. Mr. Healey seconded. The motion passed all in favor (4-0-0).

Mr. Purple stated that Article 30 was brought forward through the Planning Board from the Zoning Board of Appeals and Articles 30, 31, 32 and 33 are currently before the Planning Board for the required hearing dates. He stated that Planning will be providing recommendations to the Board for these articles. Mr. Purple said the EDC has requested the removal of the proposal of a Village Mixed Use District labelled as Article 31. Chairman Shea recommended the Board hold Articles 30, 32 and 33 for the meeting on February 25th. The Board agreed. Chairman Shea made a motion to delete from the warrant the proposed Article 31 for a village mixed use district as written in the packet. Mr. Healey seconded. The motion passed all in favor (4-0-0).

Chairman Shea stated the citizens petition for a noise bylaw is not amendable at this time. Mr. Purple agree that Article 34 can only be amended on the town meeting floor. The Board agreed to invite the proponents to the February 25th meeting for a five-minute presentation with questions to follow. Mr. Purple stated he would reach out to Mr. Lapine who proposed the article and invite him to the next meeting. He asked if the Board would like to invite Mr. Weishan who proposed the second citizens petition to ban plastics and Styrofoam. The Board agreed and Mr. Purple said he would reach out to Mr. Weishan and invite him to the next meeting. Mr. Purple added that he will also invite the CPA for an explanation on their projects at Kallander Field and the St. Mark's bell tower.

Mr. Purple reiterated to the Board they had decided to hold Articles 5 and 6. He said he will confirm if Ms. Rosenbloom could present the proposed changes to the Personnel Salary Administration Plan at the meeting on the 25th. He said Article 6 has been held by the Board to determine whether it is needed to be included in the warrant. He stated that Article 9 for the Water Enterprise Fund can be held on the 25th as well.

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Town Departments to share these openings for the Capital Planning Committee on their social media accounts.

I. On a motion made by Chairman Shea, seconded by Mr. Stivers and voted all in favor, the meeting was adjourned at 8:27 P.M.

Upcoming Meetings *February 25, 2020* *March 10, 2020*

Respectfully submitted,

Kathleen Barry, Recording Secretary

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- Letter from William Sines to Mark Purple re: ADA Charter and Warrant Article
- Letter from Karen Galligan to Mark Purple re: Water Rate Memo dated 2.11.20
- Draft Capital Committee Charge

-----Original Message-----
From: William Sines <wsines@southboroughma.com>
Sent: Monday, February 10, 2020 2:10 PM
To: Mark Purple <mpurple@southboroughma.com>
Cc: SelectmenOffice <selectmenoffice@southboroughma.com>
Subject: ADA Charter and Warrant Article

Mark,
Thank you and the Board of Selectmen for your attention to and support of the ADA Committee warrant article and charter. The Committee today reviewed the Selectmen's latest modifications and are supportive of these changes. Mr. Litt has also made a few minor suggestions which he has forwarded to you. We also support these minor changes ... especially verbiage dealing with the confidentiality of those reporting ADA concerns. We hope that you will forward these minor changes to the Selectmen for their consideration.

Cordially,

Bill Sines
Sent from my iPad

Southborough, MA
17 Common Street

Phone: 508-485-0710

Citizen Activity Form

Good Government Starts with You

Date Submitted:	February 5, 2020
Name:	Robyn Lisa Stewart
Home Address:	14 Atwood Street SOUTHBOROUGH, MA 01772
Mailing Address:	14 Atwood Street SOUTHBOROUGH, MA 01772
Phone Number(s):	[redacted]
Email Address:	[redacted]
Current Occupation/Employer:	College Finance Educator/Bright Horizons College Coach
Narrative:	I am a former financial aid professional who has worked in the field for 18 years. In my current position I help all families navigate the college finance process, regardless of their educational goals and financial priorities.
Board(s) / Committee(s):	SCHOLARSHIP ADVISORY COMMITTEE

ANNUAL WARRANT

of the

TOWN OF SOUTHBOROUGH

MASSACHUSETTS

For the Annual Town Meeting
on

March 28, 2020
1:00 – 5:00 p.m.
7:00 – 11:00 p.m.

TOWN WARRANT
COMMONWEALTH OF MASSACHUSETTS

ANNUAL TOWN MEETING

Worcester, ss. February 18, 2020

In the name of the Commonwealth of Massachusetts you are hereby directed to notify and warn the Inhabitants of the Town of Southborough qualified to vote in town affairs, to meet in the P. Brent Trottier Middle School, 49 Parkerville Road, in said Southborough, on

Saturday, March 28, 2020

at ***1:00 p.m.***, then and there to take action on the following Articles:

ARTICLE 1: To hear reports of the various Town Officers and Committees and to take such action thereon as the Town may vote.

Proposed by: BOARD OF SELECTMEN
Board of Selectmen Recommendation:
Advisory Committee Recommendation:
Summary: *To hear reports of Town Boards, Committees or Commissions.*

ARTICLE 2: To see if the Town will vote to accept any sum of money from St. Mark's School, Fay School, Harvard Medical School, L'Abri Fellowship, The New England Center for Children, and any other contributor and deposit same amount in Estimated Receipts Account, and determine what disposition shall be made of the same, if accepted, or do or act anything in relation thereto.

Proposed by: BOARD OF SELECTMEN
Board of Selectmen Recommendation:
Advisory Committee Recommendation:
Summary: *To allow the Board of Selectmen to accept donations from Tax Exempt organizations and determine the disposition of funds.*

ARTICLE 3: To see if the Town will vote to authorize the Town Treasurer, with the approval of the Selectmen, to borrow from time to time in anticipation of revenue of the financial year beginning July 1, 2019 in accordance with the provisions of Massachusetts General Laws, Chapter 44, and to issue a note or notes as may be given for a period of less than one year in accordance with Massachusetts General Laws, Chapter 44, Section 17 as amended, or do or act anything in relation thereto.

Proposed by: BOARD OF SELECTMEN
Board of Selectmen Recommendation:
Advisory Committee Recommendation:
Summary: *This article allows the Town Treasurer to short-term borrow in anticipation of revenue.*

ARTICLE 4: To see if the Town will vote in accordance with the provisions of Massachusetts General Laws Chapter 30B, Section 12(b), to authorize the Board of Selectmen or the Superintendent of Schools to solicit and award contracts for terms exceeding three years, including any renewal, extension or option, provided in each instance the

longer term is determined to be in the best interest of the Town by a vote of the Board of Selectmen or the School Committee, as appropriate, or do or act anything in relation thereto.

Proposed by: BOARD OF SELECTMEN
Board of Selectmen Recommendation:
Advisory Board Recommendation:
Summary: *This article allows the Selectmen and/or the School Committee to enter into contracts in excess of three years, if deemed in the best interest of the Town to do so. This has been an annual article, and the exemption has been limited to contracts of no more than seven years.*

ARTICLE 5: To see if the Town will vote to accept the following changes, as noted in BOLD in the Personnel Salary Administration Plan, as specified in Chapter 31 of the Code of the Town of Southborough, entitled: PERSONNEL.

, or do or act anything in relation thereto.

Proposed by: PERSONNEL BOARD
Board of Selectmen Recommendation:
Advisory Committee Recommendation:
Summary: *The Personnel By-Law governs policies and pay structures for non-union employees. The changes are noted in* ***bold.***

ARTICLE 6: To see if the Town will vote to transfer a sum of money between and among various accounts for the fiscal year ending June 30, 2020, or do or act anything in relation thereto.

Proposed by: BOARD OF SELECTMEN
Board of Selectmen Recommendation:
Advisory Committee Recommendation:
Summary: *This article is intended to address any unexpected or unusual funding needs for the current fiscal year via transfers between accounts.*

ARTICLE 7: To see if the Town will vote to rescind the authorized, but unissued debt of the Town originally appropriated for acquiring real estate from St. Mark's School of Southborough, Inc., approved by a vote of Town Meeting under Article 1 on March 8, 2017, which borrowing authority is no longer required for the purposes for which it was originally approved; or do or act anything in relation thereto.

Proposed by: BOARD OF SELECTMEN
Board of Selectmen Recommendation:
Advisory Committee Recommendation:
Summary: *The Public Safety Building Committee completed the new Public Safety Facility, nearly on time and well under budget. As a result of their efforts, the total cost of the project, including land purchase, has been reduced from $27.1M to $24.1M, a reduction of $3,000,000. As those funds have not been borrowed yet, and are not needed to complete the project, the Town is seeking approval to rescind that amount of borrowing authority approved by Town Meeting under Article 1 on March 8, 2017.*

ARTICLE 8: To see if the Town will vote to raise a sum of money as may be necessary for the Town's use for Fiscal Year 2021, and make appropriations of the same, as detailed following, or do or act anything in relation thereto.

SEE BUDGETS ON THE FOLLOWING PAGES

Proposed by: BOARD OF SELECTMEN

DRAFT

Summary: *See budget report including Advisory Committee and Board of Selectmen's FY21 recommendations. If the Advisory Committee recommendation differs from that of the Board of Selectmen, it shall be noted in that departmental budget.*

ARTICLE 9: To see if the Town will vote to raise a sum of money as may be necessary for the Water Enterprise Fund's use for Fiscal Year 2021, and make appropriations of the same, as detailed following, or do or act anything in relation thereto.

SEE BUDGET ON THE FOLLOWING PAGE

Proposed by: BOARD OF SELECTMEN

Summary: *See budget report including Advisory Committee and Board of Selectmen's FY21 recommendations. If the Advisory Committee recommendation differs from that of the Board of Selectmen, it shall be noted in that departmental budget.*

ARTICLE 10: To see if the Town will vote to raise and appropriate, or transfer from available funds a sum of money for General Government capital items for the following purposes:

	DESCRIPTION	REQUEST	LEVY	OTHER FUNDS
A.	DPW – Transfer Station E&D for renovation	$ 35,000	$ 35,000	
B.	DPW – Large Truck & Equipment Body Work	$ 12,000	$ 12,000	
C.	DPW – Road Maintenance	$325,000	$325,000	
D.	Fire/Police – Repeaters for Radio System	$ 45,000	$ 45,000	
E.	Library – Replacement Boiler	$ 85,000	$ 85,000	
F.	Library – Energy Management System	$ 75,000	$ 75,000	
G.	ADA Title II Self-evaluation	$ 40,000	$ 40,000	

, or do or act anything in relation thereto.

Proposed by: BOARD OF SELECTMEN
Board of Selectmen Recommendation:
Advisory Committee Recommendation:
Summary:
A.
B.
C.
D.
E.
F.
G.

ARTICLE 11: To see if the Town will appropriate a sum of money to pay costs of the projects listed below, and for the payment of costs incidental or related thereto, and to determine whether this amount shall be raised by borrowing, transfer from available funds, or otherwise:

	DESCRIPTION	REQUEST	LEVY	WATER AND OTHER FUNDS
A.	Fire Pumper	$600,000	$600,000	

, or do or act anything in relation thereto.

Proposed by: BOARD OF SELECTMEN
Board of Selectmen Recommendation:
Advisory Committee Recommendation:
Summary:
A.

ARTICLE 12: To see if the Town will vote to raise and appropriate or transfer from any available funds the sum of $28,000 for the purpose of paying to retirees the amount due for accrued vacation and sick time, or do or act anything in relation thereto.

Proposed by: BOARD OF SELECTMEN
Board of Selectmen Recommendation:
Advisory Committee Recommendation:
Summary: *This article will fund any vacation and sick pay due to employees upon their retirement.*

ARTICLE 13: To see if the Town will vote to raise and appropriate the sum of $10,000 for the purpose of paying the Town's share of casualty and other losses incurred to Town property and equipment which are not covered by insurance policies, or do or act anything in relation thereto.

Proposed by: BOARD OF SELECTMEN
Board of Selectmen Recommendation:
Advisory Committee Recommendation:
Summary: *This article will provide funds to be used to pay the deductible for property damage which is not covered by insurance.*

ARTICLE 14: To see if the Town will vote to raise and appropriate, borrow and appropriate or transfer from available funds the sum of $100,000 for the ongoing maintenance of capital equipment and systems associated with town buildings and facilities. The Town Facilities Manager shall recommend appropriate projects to the Town Administrator. The Town Administrator shall approve all expenditures under this article. The Town Facilities Manager shall report all funded projects to the Advisory Committee as requested, or do or act anything in relation thereto.

Proposed by: BOARD OF SELECTMEN
Board of Selectmen Recommendation:
Advisory Committee Recommendation:
Summary: *This article will provide for the maintenance and repair of capital equipment and systems associated with the Town's buildings and facilities.*

ARTICLE 15: To see if the Town will vote to appropriate, borrow or transfer from available funds, an amount of money to be expended under the direction of the School Committee for replacement of the boiler at the Mary E. Finn Elementary School, 60 Richards Road, Southborough, which proposed repair project would materially extend the useful life of the school and preserve an asset that otherwise is capable of supporting the required educational program and for which the Town has applied for a school construction grant from the Massachusetts School Building Authority ("MSBA"). The Town acknowledges that the MSBA's grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and if the MSBA's Board of Directors votes to invite the Town to collaborate with the MSBA on this proposed repair project, any project costs the Town incurs in excess of any grant that may be approved by and received from the MSBA shall be the sole responsibility of the Town, or do or act anything in relation thereto.

Proposed by: SCHOOL COMMITTEE

Board of Selectmen Recommendation:
Advisory Committee Recommendation:
Summary:

ARTICLE 16: To see if the Town will vote pursuant to Massachusetts General Laws, Chapter 44 § 53E ½ to authorize the following spending limits for Fiscal Year 2021:

1.	Immunization/emergency dispensing clinic; $12,000.
2.	Inspectional services; $100,000.
3.	9-11 Field Maintenance; $100,000.
4.	Wetland Protection; $30,000.
5.	Hazardous materials; $75,000.
6.	CPR classes; $6,500.
7.	Community garden; $2,500.
8.	Recreation programs; $450,000.
9.	Tobacco Control Program; $4,000.
10.	Golf Course maintenance; $30,000.

, or do or act anything in relation thereto.

Proposed by: BOARD OF HEALTH, BOARD OF SELECTMEN, RECREATION COMMISSION, AND CONSERVATION COMMISSION
Board of Selectmen Recommendation:
Advisory Committee Recommendation:
Summary: *This article approves the annual spending limits for revolving funds that are now authorized by Town by-law.*

ARTICLE 17: To see if the Town will vote to accept the report of the Community Preservation Committee for the FY 2021 Community Preservation Projected Receipts and act upon the recommendations of the Community Preservation Committee and to set aside for later expenditure, certain sums of money from the Community Preservation Fund established pursuant to Chapter 44B of the General Laws, as follows:

Estimated Surcharge Receipts (based on Town Treasurer's projections).....	$376,373
State Match (projected FY2021 State match).....	$ 54,547
FY2020 State Match Adjustment.....	$ 31,049
Total Projected Revenue.....	$461,968

Set Aside- Open Space

$46,197 to be set aside, held in the Community Preservation Fund, and spent in FY2021 or later years for acquisition, creation or preservation of open space, and for the rehabilitation and/or restoration of open space acquired under the Community Preservation Act.

Set Aside – Historic Preservation

$46,197 to be set aside, held in the Community Preservation Fund, and spent in FY2021 or later years for the acquisition, preservation, rehabilitation and restoration of historic resources.

Set Aside – Community Housing

$46,197 to be set aside, held in the Community Preservation Fund, and spent in FY2021 or later years for the creation, preservation and support of community housing, and for the rehabilitation and/or restoration of community housing acquired under the Community Preservation Act.

Administrative Costs – Community Preservation Committee

$23,098 to defray the administrative and operating expenses of the Community Preservation Committee in FY2021 for the Community Preservation Fund (discretionary)

Set Aside -Budgeted Reserve/Discretionary

Reserved For FY21 CPF (Budgeted Reserve/Discretionary) $300,279

, or do or act anything in relation thereto.

Proposed by: COMMUNITY PRESERVATION COMMITTEE
Board of Selectmen Recommendation:
Advisory Committee Recommendation:
Summary: *The budget and set asides are an annual requirement under the Community Preservation Act.*

ARTICLE 18: To see if the Town will vote to appropriate $85,437.50 to be applied towards the bond for the Perpetual Preservation Restriction on 84 Main Street also known as the Burnett House for the purpose of Historic Preservation. $32,278 from the CPA Historic Preservation Reserve Fund and $53,159.50 from the CPA FY2021 Budgeted Reserve Fund. Said funds to be expended under the direction of the Community Preservation Committee and the Town Treasurer; or do or act anything in relation thereto.

Proposed by: COMMUNITY PRESERVATION COMMITTEE
Board of Selectmen Recommendation: Support
Advisory Committee Recommendation: Support
Summary: *This article is the Community Preservation Fund payment towards the FY2021 debt funding for the Preservation Restriction of 84 Main Street as approved at the 2016 Annual Town Meeting.*

ARTICLE 19: To see if the Town will vote to appropriate a total of $114,753 to be applied towards the bond for the renovation and restoration of the Historic Southborough Library building, $19,749 for interest due September 2020 and $95,004 to be applied towards the bond for the purpose of Historic Preservation. $32, 278 from the CPA historic Preservation Reserve Fund and $82,475 from CPA General Unreserved Fund. Said funds to be expended under the direction of the Community Preservation Committee and the Town Treasurer; or do or act anything in relation thereto.

Proposed by: COMMUNITY PRESERVATION COMMITTEE
Board of Selectmen Recommendation:
Advisory Committee Recommendation:
Summary: *This article is the Community Preservation Fund payment toward the FY2021 debt funding for the renovation and restoration of the Historic Southborough Library as approved at the 2019 Annual Town Meeting.*

ARTICLE 20: To see if the Town will vote to appropriate $238,750 from the CPA Fund FY2021 Budgeted Reserve for the renovation and restoration of Kallander Field, located on Kallander Drive in Southborough (Parcel ID 56-0000-012-0) for recreation purposes as requested by the Recreation Department. This consists of $210,100 in project costs and an additional $28,650 in contingency funding. Contingency funds only available after approval of the CPC for unexpected costs unforeseen at the time of application. Project to be completed in conformance with details as presented to the members of the CPC and to be documented in the application and signed Memorandum of Understanding. Said funds to be expended under the direction of the Community Preservation Committee and the Town Treasurer; or do or act anything in relation thereto.

Proposed by: COMMUNITY PRESERVATION COMMITTEE
Board of Selectmen Recommendation:
Advisory Committee Recommendation:
Summary: *Under the direction of the Recreation Director Tim Davis and the Southborough Recreation Department, said funds will be used to restore and renovate Kallander Field, to address significant drainage issues that plague the field.*

ARTICLE 21: To see if the Town will vote to appropriate $200,000 for the restoration and preservation of the Historic St. Mark's Bell Tower located at 27 Main Street Southborough for Historic purposes. $32,277 from the CPA Historic Preservation Reserve Fund and $167,723 from CPA General Unreserved Fund. Project to be completed in conformance with details as presented to the members of the CPC and to be documented in the application and signed Memorandum of Understanding. Said funds to be expended under the direction of the Community Preservation Committee and the Town Treasurer; or do or act anything in relation thereto.

Proposed by: COMMUNITY PRESERVATION COMMITTEE
Board of Selectmen Recommendation:
Advisory Committee Recommendation:
Summary: *Under the direction of the St. Mark's Building Committee said funds will be used to restore and preserve the St. Marks Bell Tower in conformance with a Preservation Restriction held by the Massachusetts Historical Commission. The goal is to preserve St. Mark's Bell Tower for many future generations of Southborough residents to enjoy. Built in 1891 on land donated by Joseph Burnett, the tower has fallen into major disrepair over the years. Issues include water penetration, unevenly faced stones, cracked mortar joints, and stone slippage. Without restoration of the tower, the historic viewscape of our town will be forever changed. Satisfying the Community Preservation Act goal to preserve and maintain historic landmarks, this project would preserve the tower and keep its historical significance. St. Mark's Church is part of the Southborough Historical Commission project to add downtown Southborough to the State and National Register of Historic Places. The tower restoration project strictly falls under historic preservation and does not contain any religious depiction. This $200,000 request is for partial funding of total project costs of $565,000 with remainder raised by St. Mark's.*

ARTICLE 22: To see if the Town will vote to accept Massachusetts General Laws Chapter 59, Section 5C1/2, which provides for an additional real estate exemption for taxpayers who are granted personal exemptions on their domiciles under Massachusetts General Laws Chapter 59, Section 5, including certain blind persons, veterans, surviving spouses and seniors, and to provide that the additional exemption shall be up to 100 percent of the personal exemption, to be effective for exemptions granted for any fiscal year beginning on or after July 1, 2020, or do or act anything in relation thereto.

Proposed by: BOARD OF SELECTMEN
Board of Selectmen Recommendation:
Advisory Committee Recommendation:
Summary: *Adoption of this local option will increase the property tax abatement benefits to Southborough veterans and non-veterans who currently meet eligibility requirements for personal exemptions on their property. Funds for these abatements are carried in the Assessor's overlay account.*

ARTICLE 23: To see if the Town will vote to amend Section 9-24 "Qualification of elected and appointed officials" of the Town Code, by deleting the text in its entirety, and replacing with the following:

"All elected and appointed officials shall be qualified by the Town Clerk within 30 days of their election except where a different period is specified in the General Laws. If an appointed official is not qualified in this period, his/her appointment shall terminate, and the appointing authority shall be so notified by the Town Clerk."

; or do or act anything in relation thereto.

Proposed by: BOARD OF SELECTMEN
Board of Selectmen Recommendation:
Advisory Committee Recommendation:
Summary:

ARTICLE 24: To see if the Town will vote to adopt MGL c.90, Section 17C to allow the Board of Selectmen to reduce the statutory speed limit from 30MPH to 25MPH on any or all town-owned roadways in thickly settled or business district areas, or do or act anything in relation thereto.

Proposed by: BOARD OF SELECTMEN
Board of Selectmen Recommendation:
Advisory Committee Recommendation:
Summary:

ARTICLE 25: To see if the Town will vote to adopt MGL c.90, Section 18B to allow the Board of Selectmen to establish regulatory 20MPH safety zones on public streets within the Town of Southborough, or do or act anything in relation thereto.

Proposed by: BOARD OF SELECTMEN
Board of Selectmen Recommendation:
Advisory Committee Recommendation:
Summary:

ARTICLE 26: To see if the Town will vote to impose a .75% meals tax on the sales of restaurant meals by accepting Massachusetts General Laws, Chapter 64L, Section 2(a), or do or act anything in relation thereto.

Proposed by: BOARD OF SELECTMEN
Board of Selectmen Recommendation:
Advisory Committee Recommendation:
Summary:

ARTICLE 27: To see if the Town will vote to adopt as Chapter 9, Article IX 9 through **Error! Bookmark not defined.** of the Town bylaws, the following:

Article IX Southborough Public Accessibility Committee

§9.34 Purpose

Numerous laws, statutes, policies and regulations require and/or encourage access to facilities, programs and services for all members of the public. These include, but are not limited to:

- The Americans with Disabilities Act of 1990 - 42 U.S.C. ch. 126 § 12101 et seq
- Regulations promulgated by the Massachusetts Architectural Access Board (521 CMR)
- The Voting Accessibility for the Elderly and Handicapped Act of 1984 - P.L. 98-435, 42 U.S.C. §§ 1973ee–1973ee-6
- The Individuals with Disabilities Education Act – 20 U.S.C. §§ 1400 et seq.
- The Rehabilitation Act of 1973 – USC 31-41c, 29 U.S.C. § 701 et seq
- The Architectural Barriers Act - 42 U.S.C. §§ 4151 et seq.
- Massachusetts Employment Law MGL ch 151B
- Massachusetts Public Accommodation Law - MGL ch 272
- Massachusetts Equal Rights Act - MGL Ch. 93 §§ 102
- Massachusetts Constitution Article CXIV (114)

DRAFT

- Massachusetts Service Animals Law – MGL Ch. 272 §§ 98A

Southborough supports a coordinated approach to monitoring and enhancing public accessibility and ensuring compliance with local, state and federal requirements. In addition, it is desirable to encourage property owners to consider adopting optional policies that increase accessibility. As more fully described in the remainder of this Article IX, this article establishes a committee that will be responsible for developing and implementing this coordination. It will report on status and progress to the Board of Selectmen and the Town Meeting.

§9.34.A Establishment; Membership; Qualifications

There shall be a Southborough Public Accessibility Committee ("SPAC"), which shall consist of no more than five voting members appointed by the Board of Selectmen, plus the non-voting, ex-officio members identified below. Any non-voting, ex-officio member shall not count toward the calculation of a quorum number for the SPAC for voting purposes.

Each voting member shall be a registered voter in the Town and shall not be a Town officer (where a "Town officer" means a Town official who serves in an elected position) or a Town employee (where a "Town employee" means an individual who serves in a Town position established through the Town's Salary Administration Plan, but provided that this exclusion specifically does not apply to individuals who are not serving in a position established through the Town's Salary Administration Plan but who are considered "Municipal Employees" or "Special Municipal Employees" through their service as a volunteer on another Town board, committee or commission).

The Board of Selectmen shall designate an Public Accessibility Coordinator ("Coordinator"), in consultation with the SPAC. The Coordinator shall be responsible for accepting and recording concerns, coordinating reviews, and such other duties as may be assigned.

The Building Commissioner and Coordinator shall be ex-officio members of the SPAC.

§9.34.B Appointments; Terms

Voting members shall be appointed for two-year terms. The initial appointments shall be divided between one and two-year terms, so as to establish overlapping terms.

§9.34.C Organization

The voting SPAC members shall select annually, from among themselves by majority vote, a Chairman and a Secretary.

§9.34.D Funding

The SPAC shall have a budget, as may be approved through the Town's regular budget process, for consultants and other expenses. The SPAC shall submit its projected expenses annually as input to the Town's regular budget process. Any expenditures from the SPAC budget shall require a majority vote of the SPAC, and shall be subject to the Town's policies for such expenditures.

§9.35 Powers and Duties

The SPAC Powers and Duties include, but are not limited to, the following:

- To monitor and enhance the Town's compliance with all applicable laws, statutes, policies, and regulations that require (or encourage) access to facilities, programs and services for all members of the public.
- In coordination with Town officers, departments, and other government entities, to endeavor to ensure that all town citizens have equal access to:
  - Town government offices and communications
  - Public and commercial buildings
  - Programs
  - Goods and services
  - Transportation
  - Telecommunications, including the internet
  - Recreational facilities and programs

- To review existing and proposed facilities, programs, and projects undertaken by the Town, and to notify the responsible official or entity of any inadequacies. The SPAC may request that other Town officials, committees, departments, and/or entities provide input to these reviews.
- To undertake public outreach and advocacy for accessibility in the Town
- To periodically, but no less than once per calendar year, report to the Board of Selectmen and the Town Meeting on its activities and findings.
- To provide a mechanism for the public and/or any Town employee to raise concerns about the accessibility of any Town facility, service or program.

, or act or do anything in relation thereto.

Proposed by: BOARD OF SELECTMEN
Board of Selectmen Recommendation:
Advisory Committee Recommendation:
Summary: *This article replaces the current ad-hoc Accessibility Compliance Committee with a standing committee. The existing committee was established to address the issues raised by the 1990 Americans with Disabilities Act, and was thought to be needed for a short time. In the time since, regulations in this area have increased and public demand for accessibility has increased. Since the need has persisted for several decades, a standing committee that is not limited to the ADA is the more appropriate construct.*

ARTICLE 28: To see if the Town will vote to borrow and appropriate the sums of $257,100.00 to authorize the Board of Selectmen to acquire a parcel of land located off of Main Street, identified as Parcel 54-40 by the Town of Southborough Assessor records, consisting of 1.67 acres ± owned by Massachusetts Electric Company d/b/a National Grid, title reference the Worcester Registry of Deeds Book 3320, Page 151, subject to and with the benefit of any easements or rights that may exist of record. and to enter into all agreements and execute any and all instruments as may be necessary to effect said purchase.

; or do or act anything in relation thereto.

Proposed by: BOARD OF SELECTMEN
Board of Selectmen Recommendation:
Advisory Committee Recommendation:
Summary:

ARTICLE 29: To see if the Town will accept the provisions of Chapter 41, Sec. 110A of the Massachusetts General Laws "Office hours on Saturday": "Any public office in any city or town may remain closed on any or all Saturdays as may be determined from time to time, in a city by the city council, subject to the provisions of the city charter, or, in a town, by vote of the town at a special or regular town meeting, and the provisions of section nine of chapter four shall apply in the case of such closing of any such office on any Saturday to the same extent as if such Saturday were a legal holiday."

;or do or act anything in relation thereto.

Proposed by: TOWN CLERK
Board of Selectmen Recommendation:
Advisory Committee Recommendation:
Summary: *Acceptance of this provision of the General Law would extend a voter registration deadline which occurs on a Saturday to the following Monday.*

ARTICLE 30: To see if the Town will vote to amend Section 174-9 Special Permit Requirements, and Section 174-19 Extensions or Alterations to reflect current case law, as marked below (changes in red):

Article I: Miscellaneous Provisions

§ 174-9 **Special permit requirements.**
[Amended 4-14-1986 ATM by Art. 46]

E. Nonconforming uses, lots and structures. Special permits may be issued for the extension, alteration, reconstruction or otherwise structure change of legally nonconforming uses, structures and lots, including a change in the nonconforming use to another nonconforming use, provided that the Board of Appeals finds that such extension, alteration, reconstruction or otherwise structural change shall not be substantially more detrimental to the neighborhood, will not increase the extent of nonconformance in size or in impact and that the cost thereof shall not exceed 50% of the assessed value of the nonconforming structure at the time of application, and further provided that the estimate of the cost of any extension or alteration utilized by the Board of Appeals in evaluating the above specified 50% requirement of the assessed value shall not be less than a cost estimate of such extension or alteration based on a nationally recognized building cost estimate manual or system acceptable to the Zoning Board of Appeals.
[Amended 4-15-2008 ATM by Art. 38]

§ 174-19 **Extensions, alterations, reconstruction or structural changes.**
[Amended 4-10-2000 ATM by Art. 55]

A. Nonconforming structures or uses shall not be extended, reconstructed or structural changes made, except to make them conforming, unless the Board of Appeals authorizes such extension or alteration by special permit upon making findings as provided in § **174-9E**. Any alteration, extension, reconstruction or structural change not listed in subsection B (1) (2) (3) or (4) will require an application to the Board of Appeals.

B. Single-family and two-family residential structures. In the following circumstances, alterations, reconstruction, extension or structural change to a single-family or two-family residential structure shall not be considered an increase in the nonconforming nature of the structure and shall be permitted as of right:
[Amended 10-7-2013 STM by Art. 9]

(1) Alteration, extension, reconstruction or structural change to a structure which complies with all current setbacks, lot coverage and building height requirements but is located on a lot with insufficient area, where the alteration will also comply with all of said current requirements;

(2) Alteration, extension, reconstruction or structural change to a structure which complies with all current setbacks, lot coverage and building height requirements but is located on a lot with insufficient frontage, where the alteration will also comply with all of said current requirements;

(3) Alteration, extension, reconstruction or structural change to a structure which encroaches upon one or more required setbacks, where the alteration will comply with all current setbacks, open lot coverage and building height requirements. The provisions of this Subsection **B(3)** shall apply regardless of whether the lot complies with current area and frontage requirements.

(4) Alteration, reconstruction, extension or structural change as proposed and constructed does not intensify any existing nonconformities or result in any additional nonconformities.

; or do or act anything in relation thereto.

Proposed by: ZONING BOARD OF APPEALS
Board of Selectmen Recommendation:
Advisory Committee Recommendation:
Summary:

ARTICLE 31: To see if the Town will vote to amend the Zoning Bylaw to establish a downtown overlay district as follows:

SECTION XX – VILLAGE MIXED USE DISTRICT (VMUD)

XX.1 Purpose
a) Promote revitalization of Southborough's Downtown to encourage a mixed-use environment.

b) Encourage a diverse mix of business, commercial, office, residential, recreational uses for workers, visitors and residents that are pedestrian/bike friendly.
c) Update the range of commercial uses allowed thereby creating local jobs, provide more diverse local housing opportunities (within mixed use development), and modify dimensional requirements to encourage village-style streetscapes and uses.
d) Increase the town's tax base by creating a thriving small business environment, attracting new enterprises, helping existing businesses, thus promoting economic development.
e) Permit uses that promote conversion of existing buildings in a manner that maintains the visual character and architectural scale of existing development within the district.
f) Encourage live/work/play and create pedestrian friendly walking where the community can gather.

XX.2 Applicability and Administration

XX.2.1
The Village Mixed Use District (VMUD) is hereby established as a zoning overlay for the Downtown Business Village District (DBVD) as shown on the Town of Southborough Zoning Map on file with the Town Clerk. The District boundaries are as indicated on the Map.

XX.2.2
The site and design guideline criteria within this Section shall be applicable to all residential buildings with two or more units and non-residential developments within the district. This includes any new building construction; a change in building use (adaptive reuse of an existing building) or a significant alteration of the existing building facades; work which results in the increase of floor area through either an addition to the principal structure; addition of a new accessory structure, or significant change to an existing accessory structure; or any activity requiring a new curb cut.

XX.2.3
The Planning Board shall be the permit granting authority for the Village Mixed Use District.

XX.2.4
Affordability: For projects greater than eight residential units, projects must include affordable housing units as specified below:

XX.2.4.1 Ownership Units. For all Projects where the Affordable Units proposed are Homeownership Units, not less than twenty percent (20%) of the total housing units constructed in a Project shall be Affordable Housing.

XX.2.4.2 For all Projects where the Affordable Units proposed are Rental Units not less than twenty five percent (25%) of total housing units in any building containing rental units shall be Affordable Housing;

XX.2.4.3 For purposes of calculating the number of units of Affordable Housing required within a Project, any fractional unit of 0.5 or greater shall be deemed to constitute a whole unit.

XX.2.4.4 Affordable Units shall comply with the requirements of Massachusetts Executive Office of Housing and Economic Development requirements for counting towards the Town's Subsidized Housing Inventory.

XX.3 Definitions
Mixed Use Development - A development of two or more compatible land uses, such as residential, office, retail, recreational, and light industrial.

XX.4 Permitted and Prohibited Uses

XX.4.1 Allowed Uses
The following uses are allowed as of right in the Village Mixed Use District:
1) Mixed-use developments
2) Multi-family dwelling up to 9 units per acre only in mixed-use development on the upper floors

3) Community and/or neighborhood centers
4) Retail up to 8,000 sq. ft.
5) Personal and consumer services up to 8,000 sq. ft.
6) Restaurants (no drive-up window)
7) Medical/dental offices
8) Offices
9) Banks (no drive-up window)
10) Bed and breakfast
11) Indoor recreation
12) Artist Live/Work/Gallery

XX.4.2 Allowed Uses by Special Permit
1) Retail over 8,000 sq. ft.,
2) Personal and consumer services over 8,000 sq. ft.,
3) Multi-family dwelling without a mixed-use component, where it can be demonstrated that a commercial component is not financially viable or where such a use would be inconsistent with adjacent uses.
4) Multi-family dwelling in excess of 9 units per acre for parcels less than 2 acres in size and within an existing structure(s), where redevelopment of a structure or structures can accommodate greater than 9 units per acre, not to exceed 16 units per acre, and would be consistent with the architecture of the building(s) and intent of the district.

XX.4.3 Prohibited Uses
1) Retail, personal/consumer services, banks, etc. with drive-up windows
2) Gas stations
3) National chain restaurants and retail stores

XX.5 Restrictions

XX.5.1
Location and Distribution of Uses. The ground floor of a commercial building or mixed-use building (any combination of retail, office, and residential) shall be occupied by commercial uses only. For projects consisting of multiple buildings, commercial use shall be required for the principal building and residential may be permitted on the first floor of secondary buildings upon issuance of a special permit.

XX.5.2
Maximum residential density shall be nine dwelling units per acre, unless allowed through the issuance of a special permit.

XX.6 Intensity of Use
a.) Minimum lot size – 10,000 square feet.
b.) Minimum frontage – 50 ft.
c.) Minimum yards:
- Front – none
- Side – 5 ft.
- Rear – 10 ft.
d.) Maximum building coverage – 75%
e.) Maximum building height – 40 ft.

XX.7 Parking
The following guidelines are included to ensure that new and renovated off-street parking areas are constructed in accordance with the district's desired design character, the provisions of this bylaw, and other town bylaws pertaining to parking.
1) Parking lots for new construction shall be located to the side and rear of the lot unless such a location is not feasible. Parking is prohibited within the front yard. Parking lots that abut public rights of way or grade parking under the building shall be screened with one or a combination of the following:
i. A low wall made of concrete, masonry or other suitable material not exceeding a height of 3 feet.

ii. Raised planters planted with a minimum of 80% evergreen shrubs not to exceed a total height of 6 feet (including planter).
iii. Landscaping consisting of a mix of trees and shrubs provided that 80% of the shrub plantings are evergreen.
2) Walls, fencing and architectural details shall complement the materials of adjacent architectural styles.
3) Where walls are provided, planting areas shall be a minimum width of 4 feet and should be located adjacent to the public right of way.
4) Where possible, parking areas shall be interconnected in a manner that allows the unobstructed flow of pedestrians between uses and parking areas.
5) In large parking lots (10 or more spaces) provision for bicycle racks shall be provided in locations that are safely segregated from automobile traffic and parking.

XX.7.1 Shared parking
Shared parking is the approved use of the same off-street parking spaces for two or more uses where peak parking demand of the different uses occurs at different times of the day, or, where various uses are visited without moving the automobile; and, where the division of parking spaces is a net decrease from the combined total of each use's individual off-street parking requirements, if required separately.

XX.7.1.1 Requirements and Criteria.
Shared parking arrangements are subject to review and approval by the Planning Board subject to the following requirements and criteria:

a) Submission of a reciprocal agreement executed by the owners and operators of the different sources or uses ensuring the long-term joint use of such shared parking, and defining the terms upon which the parking is shared;
b) If required by the Planning Board information concerning the following may be requested:
    a. the hours of operation and parking demand for each use;
    b. the hours of peak demand for parking;
    c. a description of the character of the land use and the parking patterns of adjacent uses;
    d. an estimate of the anticipated turnover in parking space use over a 24 hour period of time;
    e. a site plan showing all proposed parking spaces, including the shared use spaces in the lot and the walking distance to the uses sharing the lot; and
    f. any other information concerning parking deemed necessary by the Planning Board to render a decision.
c) In the event that the conditions for shared parking change, or if the shared parking arrangement is discontinued, the applicant shall notify the Planning Board within 10 days. The Planning Board shall then require the applicant to meet the applicable parking requirements found in Section 4.2.2 Off-Street Parking Schedule

XX.7.2 Decision
A determination shall be made by the Planning Board that the shared parking:
a) is no more than 500 feet from each use sharing the parking facility;
b) hours of operation and peak demand of the uses involved shall not conflict; and
c) will provide an adequate number of spaces for the applicable uses.

XX.7.3 Off-Street Parking Schedule
Multi-family dwelling:
a) Studio and 1 bedroom – 1 space per unit
b) 2 bedroom – 1.5 spaces per unit
c) 3 or more bedrooms – 2 spaces per unit

XX.8 Curb Cuts
Developments shall be designed in a manner that minimizes the number of curb cuts. To the extent feasible, access to businesses shall be provided through one of the following methods:
(a) from an existing side or rear street thus avoiding the principal thoroughfare or (b) from a common driveway serving one or more adjacent properties.

The Planning Board may deny a curb cut if the proposed development is inconsistent with the following guidelines:
i. Curb cuts shall be limited to one unless the Board feels that due to large parcel size an additional cut is justified.

ii. When access is available from a public side or rear street the Board may deny a curb cut from a primary street.
iii. Shared drives are encouraged between adjacent parcels when appropriate.

XX.9 Performance Standards

XX.9.1 Pedestrian and Bicycle Access
Provision for safe and convenient pedestrian access shall be incorporated into plans for new construction of buildings and parking areas and should be designed in concert with landscaping plans noted below. Site plans in the Village Mixed Use District (VMUD) should provide for continuity from sidewalks in public streets to all pedestrian entrances on the site, and walkability should be given primary importance over road speed and other access criteria. New construction should improve pedestrian access to buildings, sidewalks and parking areas and should be completed with consideration of pedestrian safety, handicapped access and visual quality. Where appropriate, applicants are encouraged to provide pedestrian and/or bicycle paths connecting the site with abutting areas in order to promote pedestrian and bicycle circulation and safety in the VMUD. When parking is located in the rear, pedestrian access via a pedestrian-oriented alley or walkway through to the primary street is encouraged.

XX.9.2 Landscaping
Landscaping shall be incorporated into new and redeveloped properties in such a way as to create visual relief and interest, provide shade for pedestrian areas and to screen parking and loading areas. Landscape plans shall be prepared by a registered landscape architect. Landscape plans shall show the location, type, and size of all proposed plantings.

XX.9.2.1 Side Yard Treatment
a.) Where the distance between structures on adjacent lots is 10 feet or less the side yard shall be screened by a solid fence, wall or landscape treatment of evergreen plantings at a height not to exceed 3 feet.
b.) Where the distance between structures on adjacent lots is greater than 10 feet landscaping shall consist of a combination of materials sufficient to break up the view into the side yard but, for safety reasons, in no case should this planting be impermeable.
c.) Side yards may, in the alternative, be established as pedestrian walkways to access parking areas to the rear of the building. Such walkways shall be landscaped and lighted for safety.

XX.9.2.2 Parking Areas
a.) Large parking areas shall be relieved by landscaped islands of a minimum of 8 feet in width, equal in depth to the depth of a typical parking space and located such that there is one island per 10 continuous spaces.
b.) Alternatively, at least 5% of the interior area of the lot shall be devoted to landscaping. Areas described in the above shall have at a minimum one shade tree with a minimum caliper of 2 ½ inches diameter breast height (DBH). Trees planted in such locations shall be planted in protected pervious areas which have a minimum dimension of 5 feet.
c.) Where lots abut public rights of way, shade trees with a minimum caliper of 2 ½ inches, shall be provided within a planting strip no less than 4 feet in width and at a rate of one tree per every 6 continuous spaces.

XX.9.2.3 Trash and Service Areas
a.) All service, loading and trash storage areas visable from a public right of way or from an adjacent residential area shall be screened by one or a combination of masonry, a wood screen, or evergreen plantings to reduce their visual impact.
b.) Loading and service areas shall not face any residential area unless no other location is possible. Loading areas shall be subject to screening requirements stated herein.
c.) Garage doors and loading spaces are prohibited on the front façade of any building unless no other location is feasible.

XX.9.3 Design Regulations

XX.9.3.1 Orientation

Buildings shall be oriented parallel to the front setback line to preserve a consistent façade line with the street. Primary building entrances should easily be identified and be oriented to the street. The primary entry should be clearly visible from the public street which provides the building's main orientation.

XX.9.3.2 Articulation

New and redeveloped buildings should reinforce the character of the existing streetscape by creating visual interest and reinforcing pedestrian scale. The apparent bulk and large wall expanses of multi-story buildings as well as single story buildings of 15' height or more should be minimized by incorporating one or preferably a combination of the following:

i. Windows
ii. Architectural Details
iii. Canopies
iv. Overhangs
v. Indented Bays
vi. Change of Building Materials

The top of such buildings should display a distinct profile or outline incorporating such elements as a projecting parapet, cornice, upper level setback or pitched roofline. When immediately adjacent a building with such articulation, new and redeveloped buildings should provide a treatment that is respectful, such as providing a consistent cornice line where possible.

Large expanses of blank walls are prohibited for commercial and mixed use buildings. The ground floor facade along the primary street shall have continuous storefront windows, with the exception of necessary piers, columns, pilasters, etc.

XX.9.3.3 Transparency

For commercial and mixed- use buildings, a minimum of 60% of the building façade oriented to the street must be comprised of clear windows that provide views to indoor retail space, dining space or product areas when applicable. Where parking occupies the ground floor the same solid to void ratio must be achieved utilizing techniques such as half-walls, grillwork, or landscaped trelliswork or their equal.

XX.9.3.4 Doors and Entrances

a) Buildings must have a primary entrance facing a public street or way and should be visually prominent.
b) In buildings with multiple ground floor tenants' entries should provide a coordinated design theme i.e. a common canopy, architectural projection or awning design.

12.9.3.5 Pedestrian Spaces and Comfort For the purpose of providing a pedestrian friendly environment in the VMUD, new and redeveloped buildings should provide for outdoor seating areas, scaled to the size and demands of the proposed use, where feasible. For example, a large, multi-story project should provide a patio or small plaza area located near the front entry with multiple benches and landscaping. A mixed use project with ground floor retail such as a restaurant may provide an area for outdoor dining which extends the indoor dining space for seasonal use. A ground floor use may provide a sidewalk bench where there is sufficient width.

The following guidelines should be considered in the design and location of pedestrian spaces:

a.) Flexible design to allow for flexible use
b.) Buffering from major vehicular areas such as parking lots or main traffic ways
c.) Lighting for nighttime comfort and safety
d.) Appropriate street furnishing…i.e. benches, trash receptacles
e.) A focal element where appropriate such as a water feature, special landscape feature or public art installation
f.) Decorative paving and seasonal planting
g.) South facing locations
h.) Visual connectivity, especially to important views such as an historic structure
i.) Appropriately scaled to the development

XX.9.3.7 Lighting

Site lighting, security lighting and architectural/landscape lighting should provide the user with illumination levels appropriate for the designed activity (i.e. parking, walking, outdoor dining) while meeting minimum requirements. Illumination levels should also be reasonably uniform throughout the site and strive to minimize glare. Provide adequate lighting levels in all pedestrian areas, including building entries, along walkways, parking areas, and other public areas. Provide the following in lighting plans:
a.) An overlapping pattern of light at a height of about 10-15 feet in lighted pedestrian areas and 20 – 24 feet in parking areas.
b.) Lighting at consistent lumens with a gradual transition to unlighted areas. Highly contrasting pools of light and dark can be temporarily blinding and should be avoided.
c.) In each lighted area, design lighting levels that will allow pedestrians to identify a face 15 yards away (generally, a minimum of 4 foot-candles). Adequate lighting reduces anonymity and gives pedestrians an opportunity to choose another route.
d.) Adequate lighting at all building entrances, exits and corridors between buildings, at least 4 foot candles during active use, especially where doors are recessed.
e.) Confine site lighting to the project site; use shields or other methods to eliminate glare on adjacent properties.
f.) Place light posts and standards so that they do not create hazards for pedestrians or vehicles.
g.) Indicate specific lighting levels in each lighted area.

XX.9.3.8 Quality of site furnishings
Provide for the following site plan elements:
a.) High-quality materials in site furnishings and features, such as durable and easily maintained walls and paving.
b.) Site features and furnishings that discourage vandalism. Furnishings that are easily removed or do not convey an image of care invite misuse.
c.) Safety materials, such as non-slip walkway surfaces.

XX.9.3.9 Signs
a.) It is encouraged that signs that project from the building are to be designed in such a way that they are compatible with the nature of Village District (e.g. wooden "antique-style" signs).
b.) Sign materials in the Village District for hanging signs: Traditional-looking materials such as wood, brass, bronze, or others are encouraged, as they are most appropriate. Wooden signs should be constructed of dense wood that will accept paint readily.

XX.9.3.10 Water Supply Performance Standards
a.) All stormwater runoff generated from development and land use conversion activities shall not discharge untreated stormwater runoff directly to a wetland, local water body, municipal drainage system, or abutting property, without adequate treatment.
b.) Annual groundwater recharge rates shall be maintained, by promoting infiltration and recharge through the use of structural and non-structural methods. At a minimum, annual recharge from the post development site shall equal the annual recharge from pre-development site conditions.
c.) The storm water runoff volume to be recharged to groundwater should be determined using the methods prescribed in the latest version of the Massachusetts DEP Storm Water Management Manual. The recharge requirements shall apply to all activities within the jurisdiction of this by-law except as noted, and unless specifically waived by the Planning Board.
d.) All structural stormwater management facilities shall be selected and designed using the appropriate criteria from the most recent version of the Massachusetts DEP Stormwater Management Manual. For other structural stormwater controls not included in the Massachusetts Stormwater Management Manual, or for which pollutant removal rates have not been provided, the effectiveness and pollutant removal of the structural control must be documented through prior studies, literature reviews, or other means and receive approval from the Planning Board before being included in the design of a Stormwater Management system.

; or do or act anything in relation thereto.

Proposed by: BOARD OF SELECTMEN
Board of Selectmen Recommendation:
Advisory Committee Recommendation:

Summary:

ARTICLE 32: To see if the Town will vote to amend the Code of the Town of Southborough, Zoning Article III, by replacing thereto Section § 174-12.1, entitled Outdoor illumination as presented below.

A. Purpose. This section recognizes the benefits of outdoor lighting and provides clear guidelines for its installation, to help maintain and complement Southborough's character. The intent of this section is to:

[1] Encourage lighting that provides night-time safety, utility, security, productivity, enjoyment, and commerce;
[2] Prevent glare on public roadways;
[3] Protect the privacy of residents;
[4] Promote energy-efficient outdoor lighting;
[5] Limit the total allowable illumination of lots located in the Town of Southborough;
[6] Minimize adverse offsite impacts such as light trespass, and obtrusive light;
[7] Curtail light pollution and reduce skyglow to create a healthy night-time environment for residents of Southborough

Appropriately regulated, and properly installed, outdoor lighting will contribute to the safety and welfare of the residents.

B. Applicability. Outdoor illumination by flood or spot luminaries rated at 900 lumens or more (which is approximately equal to one sixty-watt incandescent light bulb) or by any other luminaires rated at 1,800 lumens or more (which is approximately equal to one one-hundred-twenty-watt incandescent light bulb) shall be subject to the provisions of this section, with the following exceptions:

[1] Emergency lighting;
[2] Hazard warning;
[3] Temporary decorative or holiday lighting;
[4] Public roadway illumination

It shall also not apply to any luminaire intended solely to illuminate any freestanding sign, flag or the walls of any building, but such luminaire shall be shielded so that its direct light is confined to the surface of such sign, flag or building.

[1] The replacement of existing fixtures shall be subject to the provisions of this section. Outdoor illumination that exists at the time of bylaw acceptance will be provided a grace period of five (5) years from date of inception to comply with this bylaw as described herein.
[2] The Planning Board, in performing review pursuant to § 174-10, Site plan approval, may determine that special circumstances of the site, context or design make an alternative lighting design at least equally effective in meeting the purposes of this section and, in such cases, may modify the requirements of this section.

C. Definitions. For the purposes of this section, the following terms shall be defined as indicated below. Although set forth here for convenience, the terms shall have the same effect as if in § 174-2 of this Bylaw.

BACKLIGHT - For an exterior luminaire is the 90-degree quarter-sphere located behind and below the light source. For luminaires with symmetric distribution, backlight will be the same as front light.

BUG RATING – A luminaire classification system that classifies backlight (B), uplight (U), and glare (G) per IES TM-15-11.

CORRELATED COLOR TEMPERATURE – A specification of the color appearance of the light emitted by a lamp, relating its color to the color of light from a reference source when heated to a particular temperature, measured in degrees Kelvin (K).

FIXTURE — The assembly that houses a lamp or lamps, and which may include a housing, a mounting bracket or pole socket, a lamp holder, a ballast, a reflector or mirror, and/or a refractor, lens or diffuser lens.

FRONTLIGHT – For an exterior luminaire is the 90-degree quarter-sphere located in front and below the luminaire.

FULL CUTOFF – A luminaire designed with an opaque shield surrounding and extending below the lamp, such that no direct light is emitted above a horizontal plane.

FULLY SHIELDED LUMINAIRE — A luminaire constructed and installed in such a manner that all light emitted by the luminaire, either directly from the lamp or a diffusing element, or indirectly by reflection or refraction from any part of the luminaire, is projected below the horizontal plane through the luminaire's lowest light-emitting part.
GLARE — Light entering the eye directly from luminaires or indirectly from reflective surfaces that causes visual discomfort or reduced visibility.
HARDSCAPE – Permanent hardscape improvements to the site including parking lots, drives, entrances, curbs, ramps, stairs, steps, medians, walkways and non-vegetated landscaping that is 100 feet or less in width. Materials may include concrete, asphalt, stone, gravel etc.
LAMP — The component of a luminaire that produces the actual light.
LED LAMP– (Light Emitting Diode) An electric lamp with a much longer lifespan than incandescent lighting and low energy consumption.
INDIRECT LIGHT – Light scatter caused by direct light being redirected from a surface.
LIGHT TRESPASS — The shining of direct or indirect light produced by a luminaire beyond the boundaries of the lot on which it is located.
LUMEN — A measure of light energy generated by a light source. One footcandle is one lumen per square foot. For purposes of this bylaw, the lumen output shall be the initial lumen output of a lamp, as rated by the manufacturer.
LUMINAIRE — A complete lighting unit (fixture), consisting of a lamp, or lamps and ballast(s) (when applicable), together with the parts designed to distribute the light (reflector, lens, diffuser), to position and protect the lamps, and to connect the lamps to the power supply
LUMINAIRE LUMENS - For luminaires with relative photometry per IES, it is calculated as the sum of the initial lamp lumens for all lamps within an individual luminaire, multiplied by the luminaire efficiency. If the efficiency is not known for a residential luminaire, assume 70%. For luminaires with absolute photometry per IES LM-79, it is the total luminaire lumens. The lumen rating of a luminaire assumes the lamp or luminaire is new and has not depreciated in light output.
MOUNTING HEIGHT - The height of the photometric center of a luminaire above grade level.
UPLIGHT - For an exterior luminaire is all of the light escaping above the luminaire.

D. Lighting Zones. The Lighting Zone shall determine the limitations for lighting as specified in this section.
LZ0: No ambient lighting
Areas where the natural environment will be seriously and adversely affected by lighting. Impacts include disturbing the biological cycles of flora and fauna and/or detracting from human enjoyment and appreciation of the natural environment. Human activity is subordinate in importance to nature. The vision of human residents and users is adapted to the darkness, and they expect to see little or no lighting. When not needed, lighting should be extinguished.

Zoning Districts: Conservation and Research, Scientific & Professional
LZ1: Low ambient lighting
Areas where lighting might adversely affect flora and fauna or disturb the character of the area. The vision of human residents and users is adapted to low light levels. Lighting may be used for safety and convenience but it is not necessarily uniform or continuous. After curfew, most lighting should be extinguished or reduced as activity levels decline.

Zoning Districts: Residence A and Residence B
LZ2: Moderate ambient lighting
Areas of human activity where the vision of human residents and users is adapted to moderate light levels. Lighting may typically be used for safety and convenience, but it is not necessarily uniform or continuous. After curfew, lighting may be extinguished or reduced as activity levels decline.
Zoning Districts: Business Village

LZ3: Moderately high ambient lighting
Areas of human activity where the vision of human residents and users is adapted to moderately high light levels. Lighting is generally desired for safety, security and/or convenience and it is often uniform and/or continuous. After curfew, lighting may be extinguished or reduced in most areas as activity levels decline.
Zoning Districts: Business Highway, Industrial and Industrial Park

E. Total Site Lumen Limit. The total installed initial luminaire lumens of all outdoor lighting shall not exceed the total site lumen limit. The total site lumen limit shall be determined using the hardscape area and table below. For sites with existing lighting, existing lighting shall be included in the calculation of total installed lumens. The total installed initial luminaire lumens are calculated as the sum of the initial luminaire lumens for all luminaires.

Table 1: Allowed Total Initial Lumens Per Site for Outdoor Lighting by Hardscape Method

LZ-0	LZ-1	LZ-2	LZ-3
Conservation and Research, Scientific & Professional	Residential A and Residential B	Business Village	Business Highway and Industrial and Industrial Park
0.5 lumens per SF of hardscape	1.25 lumens per SF of hardscape	2.5 lumens per SF of hardscape	5.0 lumens per SF of hardscape

F. Correlated Color Temperature (CCT). All proposed LED shall have a correlated color temperature (CCT) between 2200K and 3000K.

G. Exterior lighting plan. Applications subject to the provisions of § 174-10, Site plan approval, shall submit a lighting plan which shall include the following information, except to the extent waived by the Planning Board. All other lighting not subject to the provisions of said § 174-10 does not require a lighting plan but shall meet the standards as set forth in this section, unless as may otherwise be provided herein. The lighting plan shall include the following information and comply with the regulations adopted pursuant to this bylaw:
[1] Location, orientation and type of outdoor luminaire, including the height of the luminaire, both existing and proposed;
[2] Type of lamp, such as metal halide, compact fluorescent, high pressure sodium, LED;
[3] Luminaire manufacturer's specification data, including lumen output, and other photometric data showing cutoff angles, as well as a description of all illuminating devices, fixtures, lamps, supports, reflectors, both existing and proposed; this may include, but is not limited to, catalog cuts and illustrations by manufacturers;
[4] Complete report of BUG rating data for all luminaires (if not already included in the manufacturer's specification data) calculated from photometric data (as per IES TM-15-11) showing compliance with the Planning Board Rules and Regulations for Outdoor Illumination;
[5] Photometric plan at ground level within the interior of the property and at the property boundaries that includes the Total Site Lumen Limit, Limits to Off Site Impact, Light Shielding, and for LED lighting, and the Correlated Color Temperature according to adopted regulations

H. Lighting Control Requirements. Automatic Switching Requirements Controls shall be provided that automatically extinguish all outdoor lighting when sufficient daylight is available using a control device or system such as a photoelectric switch, astronomic time switch or equivalent functions from a programmable lighting controller, building automation system or lighting energy management system, all with battery or similar backup power or device. The Exterior Lighting Plan shall establish curfew time(s) after which total outdoor lighting lumens shall be reduced by at least 30% or extinguished. Lighting reductions are not required for any of the following:
[1] With the exception of landscape lighting, lighting for residential properties including multiple residential properties not having common areas.
[2] When the outdoor lighting consists of only one luminaire.
[3] Code required lighting for steps, stairs, walkways, and building entrances.
[4] Lighting under canopies, in tunnels, parking garages, and similar conditions.
[5] When in the opinion of the Planning Board, lighting levels must be maintained.
[6] Motion activated lighting.
[7] Lighting governed by special use permit in which times of operation are specifically identified.
[8] Businesses that operate on a 24-hour basis.

I. Community outdoor sports/recreational lighting requirements. These requirements are an exemption from the total site lumen limit based on hardscape metrics. Community outdoor sports or recreational facilities will be held to the IDA, IES criteria for outdoor sports lighting. On-field illuminance values will be determined by current IDA, IES set forth in the regulations adopted to implement the intent and purpose of this bylaw. Standard regulations include:

[1] Color, luminaire correlated color temperature (CCT) may not exceed 4000K;
[2] Other lighting, parking and concession area lighting will be considered a separate luminaire system and must meet the applicable lighting standards for the relevant lighting zones;
[3] Shut-off, curfew time shall be no later than 10:00PM (2200 hrs.)

J. Light Shielding for Parking Lot Illumination.
All parking lot lighting shall have no light emitted above 90 degrees from the installed vertical axis.

K. Flickering and flashing lights. No Flickering or flashing lights shall be permitted. Processes, such as arc welding, which create light flashes shall be confine within buildings or shielded to prevent either direct glare or flashing.

L. Absolute height. A luminaire attached to the exterior wall of a building or structure used for area lighting shall be mounted no higher than 15 feet above grade and shall be shielded to control glare. "Wall-pac" lighting fixtures are prohibited. Pole-mounted luminaires shall not exceed 20 feet in height.

M. Pole-mounted fixtures height limitation. Pole mounted fixtures shall not exceed the applicable pole-mounted height limitation of 20 feet for an approved fixture.

N. Lighting levels. Any luminaire with a lamp or lamps rated at a total of 1.800 lumens or more (which is approximately equal to one one-hundred-twenty-watt incandescent light bulb) and all flood or spot luminaires rated at 900 lumens or more (which is approximately equal to one 60-watt incandescent light bulb) shall not emit any direct light above a horizontal plane through the lowest direct-light-emitting part of the luminaire. If any spot or flood luminaire rated 900 lumens or less is directed or focused such as to cause direct light from the luminaire to be cast toward residential buildings on adjacent or nearby land, or to create glare perceptible to persons operating motor vehicles on public ways, the luminaire shall be redirected or its light output controlled as necessary to eliminate such conditions. The Planning Board reserves the right to limit and regulate the amount of illumination on a project site between the hours of 10:00 p.m. and 6:00 as, while understanding the need for safety and security lighting.

O. Light trespass limitations. There shall be no light trespass by a luminaire beyond the property boundaries of the lot on which it is located, except as within a street right-of-way for which there shall be no limit.

; or do or act anything in relation thereto

Proposed by: PLANNING BOARD
Board of Selectmen Recommendation:
Advisory Committee Recommendation:
Summary: *The article proposes to replace the current language in Section § 174-12.1 Outdoor illumination with new language to reduce blue lighting and increase public health based on recommendations from the American Medical Association and the International Dark-sky Association.*

ARTICLE 33: To see if the Town will vote to amend the Code of the Town of Southborough, Zoning Article III, by amending thereto Section § 174-10, entitled Site plan approval as marked below.

§ 174-10

Site plan approval.

[Amended 4-8-1985 ATM by Art. 39; 4-14-1986 ATM by Art. 48; 4-13-1987 ATM by Art. 43; 4-11-1988 STM
by Art. 4; 4-26-1990 ATM by Art. 41]

A. The purpose of the site plan review procedure is to encourage a desirable and compatible character of development within the Town of Southborough and to assure safety, promote logic, imagination and innovation in the design process while complying with all zoning requirements. The requirements of this section shall be applicable to the following:

(1) Any nonresidential development that results in an increase in on-site parking.

(2) All modifications to existing development projects which fall within the applicability of the Town's regulations for parking and loading (§ 174-12) or landscaping (§ 174-13).

(3) Any change in use or reactivation of a facility that has not been in use for a period of two years.

[Added 4-8-1996 ATM by Art. 51]

(4) Multifamily housing for the

elderly. [Added 4-15-1997

ATM by Art. 56]

(5) Adaptive reuse of historic

buildings. [Added 4-25-2017

ATM by Art. 30]

B. Site plan review will be processed by one of the following means:

(1) Minor plan review. Any new development, or expansion in use other than a single-family or two-family residence which adds less than 2,000 square feet of floor area or which would require at least five but fewer than 20 parking spaces regardless of the number of parking spaces existing on the premises, or any change of use of a facility that totals less than 2,000 square feet shall be subject to minor plan review by the Planning Board ~~Site Plan Review Committee~~. ~~The Site Plan Review Committee shall be chaired by the Town Planner and will consist of a Selectmen or its designee, Building Inspector, Highway Superintendent, Board of Health Agent, Superintendent of the Water Department, Police Chief and Fire Chief or their designee, who will meet at a regularly scheduled time and place to review plans.~~ The Planning Board ~~Committee~~ shall also seek the advice of the Conservation Commission in the review of all minor plan submissions.

[Amended 4-8-1996 ATM by Art. 51]

(a) ~~Minor plan review will require 10 copies of the site plan to be submitted to the office of the Planning Board, together with an application form and filing fee~~. A complete application form, filing fee and multiple copies of all submission documents shall be submitted to the office of the Planning Board according to the instructions on the application form. All plans will be prepared at a scale no greater than one inch equals 40 feet on standard twenty-four-by-thirty-six-inch sheets and shall show, as a minimum:

[1] All existing and proposed buildings, including setbacks.

[2] Existing and proposed parking.

[3] Driveway openings.

[4] All property and street lines.

[5] Existing and proposed landscaping.

[6] Existing and proposed signs.

[7] Surfacing, indicating treatment of all surfaces.

[8] Location of all wetlands.

[9] Method of sewage disposal.

[10] Water supply.

[11] Stormwater drainage.

[12] Such other information as the Site Plan Review Committee may reasonably request.

(b) ~~Any dispute arising from the minor plan review process or any plan not receiving unanimous approval from the Site Plan Review Committee shall be referred to the Planning Board for action. The Committee may also refer any site plan that, due to unusual circumstances or a unique situation, it feels should be approved by the Planning Board. All site plans sent to the Planning Board by the Site Plan Review Committee for action will be handled through the minor plan review process.~~

~~[Amended 4-8-1996 ATM by Art. 51]~~

(c) Minor site plan review is not a public hearing. The Planning Board ~~Site Plan Review Committee~~ shall approve, or disapprove ~~or refer to the Planning Board~~ all submittals for minor plan review within 30 days of a completed application to the office of the Planning Board.

(d) Where applicable, all other criteria and conditions of this section will govern minor plan review.

(2) Major plan review. Any new development, or expansion in use other than a single-family or two-family residence which adds 2,000 square feet or more of floor area or which would require 20 or more parking spaces, regardless of the number of parking spaces existing on the premises, or any change of use of a facility that totals 2,000 square feet or more shall be subject to major plan review by the Planning Board. The major site plan submission shall consist of the following elements:

[Amended 4-8-1996 ATM by Art. 51]

(a) Ownership, zoning, use and the general location of structure and topography within 300 feet of the property lines of the site or adjacent land contiguously owned with the site.

(b) ~~All site features, existing or proposed, including but not limited to the following~~ All plans will be prepared at a scale no greater than one inch equals 40 feet on standard twenty-four-by-thirty- six-inch sheets and shall show, as a minimum, all site features, existing or proposed, including but not limited to the following:

[1] Driveways, including widths.

[2] Parking facilities, including dimensions thereof.

[3] Loading facilities.

[4] Service areas.

[5] Street line, including widths.

[6] Roadways, including widths.

[7] Pedestrian walks, including widths and types of surface.

[8] Landscaping designation, specific plantings.

[9] Screening.

[10] Signs, including proposed sizes, mounting heights, types and drafted design.

[11] Lighting, including plan location and detail information, size, type and wattage.

[12] Surfacing, indicating treatment of all surfaces.

[13] Existing trees on the site which are a caliper of six inches or larger.

[14] Wetlands.

[15] Drainage, including detailed design data, pipe sizing, etc.

[16] Stone walls.

[17] Topography at two-foot contour intervals.

[18] Sewage disposal, including detailed design information.

[19] Water supply.

[20] Curbing.

[21] Such other information as the Planning Board may reasonably request.

(c) The construction of the work as detailed on the site plan shall not deviate from the work shown on the approved site plan. Accordingly, the site plan shall contain a sufficient level of detail to ensure the constructability of the project. Supporting details and documentation shall be presented as part of the site plan submission

(3) Incomplete applications for both the minor and major review shall not be accepted by the Planning Board. Following submission of a site plan to the Planning Board, the Board or its designee shall review the plan for completeness within three business days of the submission. Completeness shall be based on the requirements of the ~~this~~ respective subsections for ~~according to~~ minor or major review. If the submission is determined incomplete by the Planning Board or its agent, notice will be provided ~~mailed~~ to the applicant ~~by certified mail~~ within three business days of the submission specifying the deficiencies.

C. The plans for minor or major site plan approval shall be prepared by a professional engineer, land surveyor, architect or landscape architect registered to practice in the Commonwealth of Massachusetts. A complete application form, filing fee and multiple copies of all submission documents shall be submitted to the office of the Planning Board according to the instructions on the application form. ~~and shall be submitted with 11 copies to the office of the Planning Board, together with an application form and a filing fee, if any.~~

D. Approval required.

(1) Site plan approval shall be granted upon determination by the Planning Board that the following are complied with. Any new building construction or other site alteration shall provide adequate access to each structure for fire and service equipment; shall provide ~~and~~ adequate provision for utilities and stormwater drainage consistent with the functional requirements of the Southborough Planning Board's Rules and Regulations for the Subdivision of Land; ~~and~~ shall be so designed that for the given location, ~~and~~ type and extent of land use, the design of building form, building location, egress points, grading and other elements of the development shall be so as to:

(a) Minimize the volume of cut and fill, the number of removed trees six inches in caliper and larger, the length of removed stone walls, the area of wetland vegetation displaced, the extent of stormwater flow increase from the site, soil erosion and the threat of air or water pollution.

(b) Maximize pedestrian and vehicular safety and convenience within the site and egressing from it.

(c) Minimize obstruction of scenic views from publicly accessible locations.

(d) Minimize visual intrusion by minimizing the visibility of parking, storage or other outdoor service areas viewed from public ways or premises residentially used or zoned; minimizing glare from headlights through plantings or other screening; minimizing lighting intrusion through use of such devices as cutoff luminaires confining direct rays to the site; fixture mounting height not higher than 20 feet except adjacent to Route 9; and avoiding unreasonable departure from the character of buildings in the vicinity.

(2) The Planning Board shall adopt and from time to time amend reasonable regulations for the administration of these guidelines.

E. The Planning Board shall hold a public hearing on the application for major site plan approval, with a written notice of the time and place of said hearing being given the applicant and the Board of Selectmen. The applicant is responsible for sending this notice to the certified abutters by certified mail return receipt requested, at least 10 days before the scheduled hearing. The Planning Board shall not act on the application until it has received and given due consideration to the recommendations of the Board of Selectmen or until 10 days have elapsed after the public hearing without receipt of the Selectmen's comments.

F. The Planning Board shall act on a~~n~~ complete application for major site plan approval and shall notify, in writing, the applicant, the Board of Selectmen and the Building Inspector of its action within 60 days of the receipt of the complete application. Failure of the Planning Board to so act and to notify the applicant within said 60 days shall constitute approval of the site plan. The actions allowed by the site plan approval are authorized for a one-year period from the date of grant thereof. The applicant shall be granted a single one-year extension by applying to the Planning Board, in writing, prior to the date of expiration. If the actions permitted are not exercised or the approval not extended, they shall lapse, and a new application

notice and hearing will be required.

G. Any person aggrieved by the action of the Planning Board on a site plan approval application may appeal said action to a Court of competent jurisdiction in accordance with M.G.L. c.40A, Section 17.

[Amended 5-22-2018 STM by Art. 3]

H. Minor departures from the site plan as approved, may be authorized by the Building Inspector after approval of the Planning Board ~~Site Plan Review Committee~~ if required by engineering or other circumstances not foreseen at the time of plan approval. Any change increasing the size of any building or structure, changing the location of any building, parking or access road by more than 10 feet or reducing landscaping or screening may be made only through review by the Planning Board following the same procedures as for an original submittal. Any departure must be requested, in writing, with the basis for the change given. Any change authorized shall be recorded on the file copy of the site plan with the Building Inspector's signature and the date.

I. The removal, fill or change of grade of earth materials, including soil, loam, sand or gravel, undertaken in order to construct or locate buildings, structures and such features accessory thereto as ways, driveways, areaways, walks or parking areas, and therefore exempt from regulations under Chapter 85 of this Code, is a part of construction and development process regulated by the Zoning Chapter. Except as necessary for the construction of detached one- or two-family dwellings and of features accessory thereto, the removal, fill or change of grade of earth materials for the purposes defined above shall be subject to approval under this section. Where the commencement of removal, fill or change of grade of earth materials precedes construction by three months or more, the submission and approval of the site plan may be undertaken in two stages, with the information for the first stage limited to property boundaries, existing and proposed topography at two-foot or lesser contour intervals, the character of the soil to be removed, added or relocated, the location and depth of any service and drainage conduits or pipes and the approximate location of any existing or proposed buildings, structures or physical features accessory thereto. Each stage shall be treated as a separate site plan for the purposes of this section, and the approval of Stage 1 of a site plan shall not be construed to assure the subsequent approval of Stage 2.

J. Compliance. The issuance of an occupancy permit will not be given prior to the satisfactory completion of all elements and conditions of the approved site plan. A temporary occupancy permit may be issued after the satisfactory completion of all items essential to public health and safety and sufficient bonding acceptable to the Planning Board is provided to the Town to cover all outstanding items.

; or do or act anything in relation thereto.

Proposed by: PLANNING BOARD
Board of Selectmen Recommendation:
Advisory Committee Recommendation:
Summary: *This article proposes to amend the Site Plan Approval bylaw by bringing minor site plan approval under the purview of the Planning Board, as opposed to the Site Plan Review Committee and further clarify steps for minor and major site plan approval.*

ARTICLE 34: To see if the Town of Southborough will vote to approve the Southborough Noise Bylaw proposal attached to this document, as amended, or do or act anything in relation thereto.

SOUTHBOROUGH NOISE BYLAW

1.1 Declaration of Policy

Whereas excessive sound can be a serious hazard to the public health and welfare and safety and the quality of life; and whereas a substantial body of science and technology exists by which excessive sound may be substantially abated; and whereas the citizens of Southborough have a right to and should be ensured an environment free from excessive sound that may jeopardize their health or welfare or safety or degrade the quality of life; now, therefore, it is the policy of the Town of Southborough (the "Town") to prevent excessive sound which may jeopardize the health and welfare or safety of its citizens and/or degrade the quality of life.

It shall be unlawful for any person to make, continue to make, permit or cause to be made or continued, any loud, excessive, unnecessary or unusually loud noise or any noise which either annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of reasonable persons of normal sensitivities. Furthermore, it shall be unlawful for any person who has custody and control of the premises to allow or permit another person to make, continue or permit to be made or continued any loud, excessive, unnecessary or unusually loud noise or any noise which either annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of reasonable persons of normal sensitivities within the limits of the Town of Southborough.

1.2 **Definitions**

Except as may be specified herein, acoustical terminology used throughout this Bylaw is that approved as American National Standard Acoustical Terminology [ANSI S1.1-1994] by the American National Standards Institute (ANSI). The following words, phrases and terms as used in this Bylaw shall have the meanings as indicated below:

A. BACKGROUND SOUND LEVEL shall mean the sound level associated with a given environment, being a composite of sounds from all sources excluding the alleged offensive noise, at the location and approximate time at which a comparison with the alleged offensive noise is to be made.

B. CONSTRUCTION shall mean those activities requiring a building permit, and shall also include any site preparation, cemetery burial and caretaking operations, seismic surveys grading, assembly, erection, substantial repair, alteration, or similar action, including demolition, for or of public or private rights-of-way, structures, utilities or similar property.

C. The abbreviation dBA shall mean the A-weighted sound pressure level expressed in decibels and referenced to 20 Micropascals. The abbreviation dBC shall mean the C-weighted sound pressure level expressed in decibels and referenced to 20 Micropascals.

D. EMERGENCY VEHICLE: shall mean any vehicle operated in an effort to protect, provide or restore public safety, including, but not limited to, ambulances, police vehicles and fire vehicles.

E. EMERGENCY WORK: shall mean any work performed in an effort to protect, provide or restore public safety, or work by private or public utilities when restoring utility service or any work performed for the purpose of preventing or alleviating the physical trauma or physical damage threatened or caused by an emergence – an occurrence or set of circumstances involving actual or imminent physical trauma or property damage.

F. ENFORCING PERSON: shall mean any police officer, building official or public health official of the Town or any other Town employee designated by the Town Manager for this purpose.

G. IMPACT DEVICE: shall mean a construction device in which or by which a hammer, meaning a moving mass of hard solid material, is mechanically by means of a working fluid or compressed air caused to repetitively impact upon and transmit kinetic energy to a tool. The tool may be included as a part of the device, as in the case of a moil on a paving breaker or the drill steel of a jackhammer, or it may be a mass to which the impact device is temporarily connected as in the case of a pile and pile driver. Examples of impact devices are pile drivers, paving breakers, power impact hammers, impact wrenches, riveters and stud drivers.

H. INTRUDING NOISE: shall mean the total sound level created, caused, maintained by, or originating from an alleged offensive source at a specified location while the alleged offensive source is in operation.

I. PERSON: shall mean a person, firm, association, co-partnership, joint venture, corporation or any entity recognized by applicable law, public or private in nature.

J. SOUND LEVEL: shall mean the instantaneous A-weighted sound pressure level, in decibels, (dBA) as measured with a sound level meter set to the "A" weighting scale, slow response. On the decibel scale a sound level increase of 10 means the sound is 10 times more intense or powerful.

Decibel levels of some common activities are listed below:

Sound Level - dB	**Source**
50 - 65	normal conversation
60 - 65	laughter
70	hair dryer, vacuum
V Increasing risk of hearing loss V	
80	garbage disposal
85 - 90	lawnmower
100	garbage truck
120	walk behind leaf blower
130	jet takeoff/landing
145	fireworks

K. SOUND LEVEL METER: shall mean an instrument meeting American National Standard Institute's (ANSI) Standard S1.4-1983 for Type 1 or Type 2 sound level meters or an instrument and the associated recording and analyzing equipment, which will provide equivalent data.

1.3 **Designated Noise Zones**

The properties hereinafter described are hereby assigned to the following noise zones:

NOISE ZONE I: All properties utilized as residential uses in accordance with the Town of Southborough Zoning Bylaws and the grounds of any school, hospital or similar health care institution, house of worship or library while the same is in use, and any Cemetery or Open Space.

NOISE ZONE II: All other property used in accordance with the Town's Zoning Bylaw.

1.4 **Exterior Noise Standards**

It shall be unlawful for any person at any location within the area of the Town to create any loud noise, or to allow the creation of any noise, on property owned, leased, occupied or otherwise controlled by such person, which causes the sound level when measured on complainant's property to exceed the greater of:

A. The maximum allowable exterior sound level outlined in Table I; or

B. Five dB over the background sound level.

Table 1. Maximum Allowable Exterior Sound Level		
Noise Level	Daytime level 7:00 AM to 10:00 PM	Nighttime level 10:00 PM to 7:00 AM
I	60 dBA	50 dBA
II	70 dBA	65 dBA

If the intruding noise source is continuous and cannot reasonably be discontinued or stopped for a time period whereby the background sound level can be determined, the measured sound level obtained while the source is in operation shall be compared directly to the maximum allowable exterior sound level outlined in Table I.

1.5 **Construction Noise Standards**

A. Noise associated with construction is permitted between 7:00 AM and 6:00 PM on weekdays and 9:00 AM and 5:00 PM Saturdays provided the sound level from:

1. Non-impact devices do not exceed 70 dBA as measured over a time interval of 1 minute with the sound meter set to slow located on any other property, but at least 50 feet from the construction activity;

2. Impact devices does not exceed 90 dBA as measured with a sound level meter set to slow response located on any other property, but at least 30 feet from the construction activity.

B. Between the hours of 6:00 PM and 7:00 AM on weekdays and Saturday, noise associated with construction, shall be limited by the standards of Section 1.4.

C. Construction activities shall not be allowed on Sundays or legal holidays.

1.6 **Maintenance Noise Standards**

A. Noise associated with maintenance is permitted between 7:00 AM and 6:00 PM on weekdays, 8:00 AM and 6:00 PM on Saturdays and between the hours of 9:00 AM and 6:00 PM on Sunday, provided the sound level does not exceed 70 dBA as measured with a sound level meter set to slow response on any other property, but at least 50 feet from the maintenance;

B. Between the hours of 6:00 PM and 7:00 AM on weekdays, 6:00 PM and 8:00 AM on Saturday and between the hours of 6:00 PM and 9:00 AM on Sunday or a legal holiday, noise associated with maintenance, shall be limited by the standards of Section 1.4.

1.7 **Commercial Trash Collection and Deliveries or Pick-up**

A. The operation of commercial trash compactors or collection of trash, rubbish, refuse or debris, which generates noise in excess of the criteria given in Section 1.4 at any point of public or common pass-by between the hours of 7:00 PM and 7:00 AM is prohibited.

B. Deliveries or pick-ups for commercial or business purposes between 10:00 PM and 6:00 AM are prohibited unless the noise level of such deliveries or pick-ups in nearby residential areas does not exceed the noise criteria listed in Section 1.4.

1.8 **Motor Vehicles or Motorcycles**

Motor vehicles or motorcycles operated on public ways in the Town of Southborough or in any place where the public has the right of access as invitees or licensees may not exceed a maximum sound level of 85 dBA. It is also in violation of the Bylaw to operate a motor vehicle or motorcycle without a sound-limiting device connected to the exhaust system. This prohibits so-called "straight pipe" exhaust systems. This section shall not include screeching sounds emitted from emergency braking. Measurement for the purposes of this Section shall be at a distance of 36 inches from the noise source.

1.9 **Special Provisions**

Noise associated with the following activities shall be exempted from the provisions of this Bylaw:

A. Emergency work or emergency vehicles.

B. The operation of any vehicular alarm provided it terminates within 15 minutes of the initially recorded complaint.

C. Occasional outdoor gatherings, public dances, shows, and sporting and entertainment events provided said events are conducted pursuant to a permit or license issued by the appropriate jurisdiction relative to the staging of said events.

D. The intermittent or occasional use, during the daytime, of homeowners' light residential outdoor equipment

E. Snow removal performed by snow blowers, snow throwers or snow plows when appropriately outfitted with a muffler.

F. Any activity to the extent regulation thereof has been preempted by Town, State or Federal Law or by agreement between Town, State or the Federal Government.

1.10 **Prima Facie Violations**

Any measured noise exceeding the sound level standards as specified in Sections 1.4 through 1.10 may be deemed by the enforcing person to be prima facie evidence of a violation of the provisions of this Bylaw.

1.11 **Penalties for Violations**

A. Violations under Article 1, in the discretion of the enforcing person, may be enforced by non-criminal disposition as provided in MGL Chapter 40, Section 21D.

B. The penalty for a violation under this Bylaw shall be $100 for a first offense, $250 for a second offense, $500 for a third offense, and for each succeeding offense each day or part thereof shall constitute a separate offense.

Proposed by: PETER LAPINE, et al.
Board of Selectmen Recommendation:
Advisory Committee Recommendation:
Summary:

ARTICLE 35: Citizen petition to ban plastics, Styrofoam, or do or act anything in relation thereto.

Proposed by: MICHAEL WEISHAN, ET AL.
Board of Selectmen Recommendation:
Advisory Committee Recommendation:
Summary:

And you are to give notice hereby by posting true and attested copies of the Warrant on the Town website, the Southborough Town House, 17 Common Street, Southborough Senior Center, 9 Cordaville Road, Southborough Library, 25 Main Street, and Southborough Transfer Station, 147 Cordaville Road; seven (7) days at least before the time appointed for such meeting.

Given under our hand this twenty-fifth (25th) day of February, 2020.

_____

Brian E. Shea, Chairman

_____

Martin F. Healey, Vice-Chairman

_____

Daniel L. Kolenda

_____

Lisa M. Braccio

DRAFT

Sam Stivers

BOARD OF SELECTMEN OF THE TOWN OF SOUTHBOROUGH

Attest:

Kenneth M. Paulhus, Constable

DRAFT

TOWN OF SOUTHBOROUGH

OFFICE OF THE BOARD OF SELECTMEN
TOWN HOUSE · 17 COMMON STREET · SOUTHBOROUGH, MASSACHUSETTS 01772-1662
(508) 485-0710 · FAX (508) 480-0161 · selectmenoffice@southboroughma.com

CHARGE

TOWN OF SOUTHBOROUGH
CAPITAL PLANNING COMMITTEE

CAPITAL PLANNING COMMITTEE

The Capital Planning Committee shall be made up of no more than five (5) members, all appointed by the Board of Selectmen, as follows: One (1) member of the Advisory Committee, and four (4) Citizens-At-Large. The four (4) Citizen-At-Large positions shall be filled by residents of the community who are willing to volunteer their time in assisting with the review and evaluation of projects contained within the Town's Capital Plan, and developing strategies to move these projects forward for approval in a financially responsible manner. The Finance Director and Town Administrator shall act as ex-officio members of the Committee. As such, these positions will not count toward the quorum, nor will they have a vote on committee matters.

CHARGE

The primary charge of the Capital Planning Committee is as follows:

- Work with Town Finance Team to maintain town's capital plan. This should be achieved by regular meetings and discussions with Town Departments, Boards, and Committees that will put forward requests for Capital Funding as part of an Annual or Special Town Meeting. While this Committee should have no oversight of the annual operating budget, they should be aware and receive regular updates of the operating budgets to ensure that capital needs are considered in an appropriate order and timing.
- In the immediate term, perform a comprehensive assessment of all owned town facilities and property (including school properties). Work collaboratively with other town boards and committees to provide a plan for construction, remodeling, consolidation, or sale. Provide initial report on or before September 1, 2020 to Board of Selectmen and Advisory Committee.
- In the absence of a formal building committee for a specific project, this Committee should serve as point of initial approval for all project expenses, change orders, and invoices. Projects falling under the oversight of this Committee should specifically be decided as part of or immediately following any Town Meeting appropriation by a vote of the Board of Selectmen based on a recommendation from the Town Administrator.
- If the Board of Selectmen decide to have a separate Building Committee for any specific project, then a member of this Committee shall be appointed.

TERM

The Capital Planning Committee appointments will be for one year terms.

Approved: DRAFT, January 27, 2020

DRAFT

TOWN OF SOUTHBOROUGH

OFFICE OF THE BOARD OF SELECTMEN
TOWN HOUSE · 17 COMMON STREET · SOUTHBOROUGH, MASSACHUSETTS 01772-1662
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TOWN OF SOUTHBOROUGH
CAPITAL PLANNING COMMITTEE

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CHARGE

The primary charge of the Capital Planning Committee is as follows:

- Work with Town Finance Team to maintain town's capital plan. This should be achieved by regular meetings and discussions with Town Departments, Boards, and Committees that will put forward requests for Capital Funding as part of an Annual or Special Town Meeting. While this Committee should have no oversight of the annual operating budget, they should be aware and receive regular updates of the operating budgets to ensure that capital needs are considered in an appropriate order and timing.
- In the immediate term, perform a comprehensive assessment of all owned town facilities and property (including school properties). Work collaboratively with other town boards and committees to provide a plan for construction, remodeling, consolidation, or sale. Provide initial report on or before September 1, 2020 to Board of Selectmen and Advisory Committee.
- In the absence of a formal building committee for a specific project, this Committee should serve as point of initial approval for all project expenses, change orders, and invoices. Projects falling under the oversight of this Committee should specifically be decided as part of or immediately following any Town Meeting appropriation by a vote of the Board of Selectmen based on a recommendation from the Town Administrator.
- If the Board of Selectmen decide to have a separate Building Committee for any specific project, then a member of this Committee shall be appointed.

TERM

The Capital Planning Committee appointments will be for one year terms.

Approved: DRAFT, January 27, 2020

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Article TBD: To see if the Town will vote to adopt as Chapter 9, Article IX 1~~§9.34~~ through 2~~§9.35~~ of the Town bylaws, the following:

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Article IX Southborough Public Accessibility ~~Compliance~~ Committee

§9.34 Purpose

Numerous laws, statutes, policies and regulations require and/or encourage access to facilities, programs and services for all members of the public~~, whether or not having a disability~~. These include, but are not limited to:

- The Americans with Disabilities Act of 1990 - 42 U.S.C. ch. 126 § 12101 et seq
- Regulations promulgated by the Massachusetts Architectural Access Board (521 CMR)
- The Voting Accessibility for the Elderly and Handicapped Act of 1984 - P.L. 98-435, 42 U.S.C. §§ 1973ee–1973ee-6
- The Individuals with Disabilities Education Act – 20 U.S.C. §§ 1400 et seq.
- The Rehabilitation Act of 1973 – USC 31-41c, 29 U.S.C. § 701 et seq
- The Architectural Barriers Act - 42 U.S.C. §§ 4151 et seq.
- Massachusetts Employment Law MGL ch 151B
- Massachusetts Public Accommodation Law - MGL ch 272
- Massachusetts Equal Rights Act - MGL Ch. 93 §§ 102
- Massachusetts Constitution Article CXIV (114)
- Massachusetts Service Animals Law – MGL Ch. 272 §§ 98A

Southborough supports a coordinated approach to monitoring and enhancing public accessibility and ensuring compliance with local, state and federal requirements. In addition, it is desirable to encourage property owners to consider adopting optional policies that increase accessibility. As more fully described in the remainder of this Article IX, this article establishes a committee that will be responsible for developing and implementing this coordination. It will report on status and progress to the Board of Selectmen and the Town Meeting.

~~These requirements, which are increasingly important due to demographic changes and public awareness, necessitate a coordinated approach to monitoring and increasing the Town of Southborough's compliance. In addition, it is desirable to encourage property owners to consider adopting optional policies that increase accessibility. As more fully described in the remainder of this Article IX, this article establishes a committee that will be responsible for developing and implementing this coordination. It will report on status and progress to the Board of Selectmen and the Town Meeting.~~

§9.34.A Establishment; Membership; Qualifications

10. There shall be a Southborough Public Accessibility Committee ("SPAC"), which shall consist of no more than five voting members appointed by the Board of Selectmen, plus the non-voting, ex-officio members identified below. Any non-voting, ex-officio member shall not count toward the calculation of a quorum number for the SPAC for voting purposes.
11. Each voting member shall be a registered voter in the Town and shall not be a Town officer (where a "Town officer" means a Town official who serves in an elected position) or a Town employee (where a "Town employee" means an individual who serves in a Town position established through the Town's Salary Administration Plan, but provided that this exclusion specifically does not apply to individuals who are not serving in a position established through the Town's Salary Administration Plan but who are considered "Municipal Employees" or "Special Municipal

Employees" through their service as a volunteer on another Town board, committee or commission).

~~There shall be an Accessibility Compliance Committee ("ACC"), which shall consist of no more than five voting members appointed by the Board of Selectmen, and the non-voting ex-officio members identified below.~~

~~Each voting member shall be a registered voter in the Town and shall not be a Town officer or employee.~~

The Board of Selectmen shall designate an Public Accessibility Coordinator ("Coordinator"), in consultation with the SPAC. The Coordinator shall be responsible for accepting and recording concerns, coordinating reviews, and such other duties as may be assigned.

~~The Board of Selectmen shall appoint an Accessibility Compliance Coordinator ("Coordinator"), in consultation with the ACC. The Coordinator, under the direction of the ACC, shall be responsible for accepting and recording concerns, coordinating reviews, and such other duties as may be assigned. The Coordinator may be a Town officer or employee and need not be a resident.~~

The Building Commissioner and Coordinator shall be ex-officio members of the ~~ACC~~SPAC.

~~§9.34.B~~ Appointments; Terms

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Voting members shall be appointed for two-year terms. The initial appointments shall be divided between one and two year terms, so as to establish overlapping terms.

~~Voting members shall be appointed for two-year terms. The initial appointments shall be divided among one and two year terms, so as to establish overlapping terms.~~

~~§9.34.C~~ Organization

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The voting SPAC members shall select annually, from among themselves by majority vote, a Chairman and a Secretary.

~~The members shall select, from among themselves, a Chairman and a Secretary.~~

~~§9.34.D~~ Funding

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The SPAC shall have a budget, as may be approved through the Town's regular budget process, for consultants and other expenses. The SPAC shall submit its projected expenses annually as input to the Town's regular budget process. Any expenditures from the SPAC budget shall require a majority vote of the SPAC, and shall be subject to the Town's policies for such expenditures.

~~The ACC shall have a budget for consultants and other expenses. It shall submit its projected expenses to the Town's regular budget process. Any expenditures from its budget shall require a majority vote of the ACC, and be subject to the Town's policies for such expenditures.~~

~~§9.35 Functions~~Powers and Duties

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The SPAC Powers and Duties include, but are not limited to, the following:

- To monitor and enhance the Town's compliance with all applicable laws, statutes, policies, and regulations that require (or encourage) access to facilities, programs and services for all members of the public.
- In coordination with Town officers, departments, and other government entities, to endeavor to ensure that all town citizens have equal access to:
  - Town government offices and communications
  - Public and commercial buildings
  - Programs

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- Goods and services
- Transportation
- Telecommunications, including the internet
- Recreational facilities and programs

- To review existing and proposed facilities, programs, and projects undertaken by the Town, and to notify the responsible official or entity of any inadequacies. The SPAC may request that other Town officials, committees, departments, and/or entities provide input to these reviews.
- To undertake public outreach and advocacy for accessibility in the Town
- To periodically, but no less than once per calendar year, report to the Board of Selectmen and the Town Meeting on its activities and findings.
- To provide a mechanism for the public and/or any Town employee to raise concerns about the accessibility of any Town facility, service or program.

~~The duty of the ACC shall be to monitor and increase the Town of Southborough's compliance with all laws, statutes, policies, and regulations that require (or encourage) access to facilities, programs and services for all members of the public, whether or not having a disability.~~

~~In consort with town officers, departments, and other government entities: the ACC shall endeavor to assure that all town citizens, whether or not having any disability, have equal access to:~~

- ~~Town Government offices and communications~~
- ~~Public and commercial buildings~~
- ~~Programs~~
- ~~Goods and Services~~
- ~~Transportation~~
- ~~Telecommunications, including the Internet~~
- ~~Recreational programs~~

~~The ACC shall review existing and proposed facilities, programs, and projects undertaken by the Town of Southborough, and shall notify the responsible official or entity of any inadequacies. The ACC may request other Town officials, committees, departments, and/or entities to provide input to these reviews.~~

~~The ACC may undertake public outreach and advocacy for accessibility in the Town.~~

~~From time to time, the ACC shall report to the Board of Selectmen and the Town Meeting on its activities and findings.~~

~~The ACC shall provide a mechanism for the public and/or any Town employee to raise concerns about the accessibility of any Town facility, service or program. The ACC (or its designee) shall maintain records of such concerns and their dispositions. To the extent permissible by law, the identities of persons raising concerns shall be confidential, unless confidentiality is waived by such person.~~

~~Subject to available funding, the ACC shall have the authority to engage consultants to evaluate the technical aspects of facilities and/or projects.~~

or act or do anything in relation thereto.

Proposed by: ~~The Accessibility Compliance Committee (Formerly "ADA Committee")~~BOARD OF SELECTMEN
Board of Selectmen Recommendation: TBD
Advisory Committee Recommendation: TBD
Summary: *This article- replaces the current ad-hoc Accessibility Compliance Committee with a standing committee. The existing committee was established to address the issues raised by the 1990 Americans with Disabilities Act, and was thought to be needed for a short time. In the time since, regulations in this area have increased and public demand for accessibility has increased. Since the need has persisted for several decades, a standing committee that is not limited to the ADA is the more appropriate construct.*

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Article TBD: To see if the Town will vote to adopt as Chapter 9, Article IX 1 through ***Error! Bookmark not defined.*** *of the Town bylaws, the following:*

Article IX Southborough Public Accessibility Committee

§9.34 Purpose

Numerous laws, statutes, policies and regulations require and/or encourage access to facilities, programs and services for all members of the public. These include, but are not limited to:

- The Americans with Disabilities Act of 1990 - 42 U.S.C. ch. 126 § 12101 et seq
- Regulations promulgated by the Massachusetts Architectural Access Board (521 CMR)
- The Voting Accessibility for the Elderly and Handicapped Act of 1984 - P.L. 98-435, 42 U.S.C. §§ 1973ee–1973ee-6
- The Individuals with Disabilities Education Act – 20 U.S.C. §§ 1400 et seq.
- The Rehabilitation Act of 1973 – USC 31-41c, 29 U.S.C. § 701 et seq
- The Architectural Barriers Act - 42 U.S.C. §§ 4151 et seq.
- Massachusetts Employment Law MGL ch 151B
- Massachusetts Public Accommodation Law - MGL ch 272
- Massachusetts Equal Rights Act - MGL Ch. 93 §§ 102
- Massachusetts Constitution Article CXIV (114)
- Massachusetts Service Animals Law – MGL Ch. 272 §§ 98A

Southborough supports a coordinated approach to monitoring and enhancing public accessibility and ensuring compliance with local, state and federal requirements. In addition, it is desirable to encourage property owners to consider adopting optional policies that increase accessibility. As more fully described in the remainder of this Article IX, this article establishes a committee that will be responsible for developing and implementing this coordination. It will report on status and progress to the Board of Selectmen and the Town Meeting.

§9.34.A Establishment; Membership; Qualifications

There shall be a Southborough Public Accessibility Committee ("SPAC"), which shall consist of no more than five voting members appointed by the Board of Selectmen, plus the non-voting, ex-officio members identified below. Any non-voting, ex-officio member shall not count toward the calculation of a quorum number for the SPAC for voting purposes.

Each voting member shall be a registered voter in the Town and shall not be a Town officer (where a "Town officer" means a Town official who serves in an elected position) or a Town employee (where a "Town employee" means an individual who serves in a Town position established through the Town's Salary Administration Plan, but provided that this exclusion specifically does not apply to individuals who are not serving in a position established through the Town's Salary Administration Plan but who are considered "Municipal Employees" or "Special Municipal Employees" through their service as a volunteer on another Town board, committee or commission).

The Board of Selectmen shall designate an Public Accessibility Coordinator ("Coordinator"), in consultation with the SPAC. The Coordinator shall be responsible for accepting and recording concerns, coordinating reviews, and such other duties as may be assigned.

The Building Commissioner and Coordinator shall be ex-officio members of the SPAC.

§9.34.B Appointments; Terms

Voting members shall be appointed for two-year terms. The initial appointments shall be divided between one and two-year terms, so as to establish overlapping terms.

§9.34.C Organization

The voting SPAC members shall select annually, from among themselves by majority vote, a Chairman and a Secretary.

§9.34.D Funding

The SPAC shall have a budget, as may be approved through the Town's regular budget process, for consultants and other expenses. The SPAC shall submit its projected expenses annually as input to the Town's regular budget process. Any expenditures from the SPAC budget shall require a majority vote of the SPAC, and shall be subject to the Town's policies for such expenditures.

§9.35 Powers and Duties

The SPAC Powers and Duties include, but are not limited to, the following:

- To monitor and enhance the Town's compliance with all applicable laws, statutes, policies, and regulations that require (or encourage) access to facilities, programs and services for all members of the public.
- In coordination with Town officers, departments, and other government entities, to endeavor to ensure that all town citizens have equal access to:
  - Town government offices and communications
  - Public and commercial buildings
  - Programs
  - Goods and services
  - Transportation
  - Telecommunications, including the internet
  - Recreational facilities and programs
- To review existing and proposed facilities, programs, and projects undertaken by the Town, and to notify the responsible official or entity of any inadequacies. The SPAC may request that other Town officials, committees, departments, and/or entities provide input to these reviews.
- To undertake public outreach and advocacy for accessibility in the Town
- To periodically, but no less than once per calendar year, report to the Board of Selectmen and the Town Meeting on its activities and findings.
- To provide a mechanism for the public and/or any Town employee to raise concerns about the accessibility of any Town facility, service or program.

, or act or do anything in relation thereto.

Proposed by: BOARD OF SELECTMEN
Board of Selectmen Recommendation: TBD
Advisory Committee Recommendation: TBD
Summary: *This article replaces the current ad-hoc Accessibility Compliance Committee with a standing committee. The existing committee was established to address the issues raised by the 1990 Americans with Disabilities Act, and was thought to be needed for a short time. In the time since, regulations in this area have increased and public demand for accessibility has increased. Since the need has persisted for several decades, a standing committee that is not limited to the ADA is the more appropriate construct.*

DRAFT

TOWN OF SOUTHBOROUGH
FIRE DEPARTMENT
32 CORDAVILLE ROAD
SOUTHBOROUGH, MA 01772
(508) 485-3235 (508) 485-3887 (FAX)

ADMINISTRATION

RECEIVED
FEB 03 2020
Southborough Selectmen's Office

DATE: January 31, 2020

TO: Mark Purple, Town Administrator

FROM: Steve Achilles, Fire Chief SA

RE: Donation from Middlesex Savings Charitable Foundation

The department received a generous donation of $10,000.00 from Middlesex Savings Charitable Foundation. I am requesting that this donation offer be forwarded to the Board of Selectmen for their approval.

It is my intent to use the funds to 1) supplement an EMPG grant for a protective clothing dryer, and 2) offset funds expended in our FY20 operating budget, account #55850, for new and replacement protective clothing. Please advise how best to facilitate this request.

Attached is the check and letter from Middlesex Savings.

TOWN OF SOUTHBOROUGH
FIRE DEPARTMENT
32 CORDAVILLE ROAD
SOUTHBOROUGH, MA 01772
(508) 485-3235 (508) 485-3887 (FAX)

ADMINISTRATION

RECEIVED
FEB 03 2020
Southborough Selectmen's Office

DATE: February 3, 2020

TO: Mark Purple, Town Administrator

FROM: Steve Achilles, Fire Chief SA

RE: Donation from Mr. John Mauro

The department received a donation of $100.00 from John and Connie Mauro. I am requesting that this donation offer be forwarded to the Board of Selectmen for their approval.

Attached is the check.

KENNETH M. PAULHUS
CHIEF OF POLICE

TOWN OF SOUTHBOROUGH
POLICE DEPARTMENT

32 Cordaville Road
Southborough, Massachusetts 01772

Emergency: 9-1-1
All Other: (508)485-2121
Business: (508)485-2147
Fax: (508)485-4634
kpaulhus@southboroughma.com

RECEIVED
JAN 30 2020
Southborough Selectmen's Office

To: Honorable Board of Selectmen

From: Chief Kenneth M. Paulhus

Subject: Middlesex Savings Bank Donation

Date: January 30, 2020

Dear Board of Selectmen:

Please consider my request to accept the extremely generous donation of ten-thousand dollars to the Southborough Police Department by the Middlesex Savings Bank Community Office. The contribution is part of an overall five-hundred and twenty-thousand-dollar donation to various first responders in community's (52) throughout the region.

The correspondence from Middlesex Bank includes a request that the funds are not utilized to cover personnel costs. The department plans to expend the resource on training equipment and programs to prepare our staff in providing the best service to the community in the safest manner possible. Additions to our upcoming MILO virtual training system will be of first priority.

Please feel free to contact me with any questions you might have. In closing, I would like to sincerely thank Middlesex Savings Bank on behalf of the entire staff, and residents of the Town of Southborough, for this unique opportunity.

Kenneth M. Paulhus
Chief of Police

Protecting Our Community...Together!

TOWN OF SOUTHBOROUGH

DEPARTMENT OF PUBLIC WORKS

147 CORDAVILLE ROAD – SOUTHBOROUGH, MASSACHUSETTS 01772-1802 – (508) 485-1210 – FAX (508) 229-4444

January 24, 2020

Town of Southborough
Board of Selectmen
Southborough Town House
Southborough, MA 01772

Dear Board of Selectmen:

Please be advised that John and Marlene Calkins, 1940 Willow Bed Cir., #101, Naples, FL have requested that the town buy back two cemetery lots purchased by them in 1998.

If the board approves, they understand that the buyback will be at the price per lot that was originally paid.

Sincerely,

TOWN OF SOUTHBOROUGH
DEPARTMENT OF PUBLIC WORKS

Karen Galligan
Superintendent

TOWN OF SOUTHBOROUGH

Economic Development Committee

TOWN HOUSE · 17 COMMON STREET · SOUTHBOROUGH, MASSACHUSETTS 01772
(508) 485-0710 x3011

RECEIVED
JAN 27 2020
Southborough Selectmen's Office

27 January 2020

Brian Shea, Chair
Board of Selectmen
17 Common Street
Southborough, MA 01772

Dear Members of the Board of Selectman:

The members of the Economic Development Committee are writing to request that the Warrant Article seeking approval at Town Meeting - to change the zoning in the Downtown Village Business District - be withdrawn for consideration at the March 2020 Town Meeting.

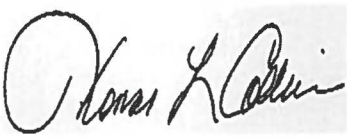
First and foremost, the EDC is concerned that the proposed zoning amendment requires additional work before being submitted for public discussion. In addition, procedural concerns have been raised by the recent letter addressed to Selectperson Lisa Braccio by Town Counsel which EDC seeks to address prior to moving forward. The EDC has learned a great deal throughout this process and will require additional time to produce a proposal that will meet the objectives for which it is intended. Namely, to provide a zoning bylaw that will promote mixed use development of a scale that is in keeping with the small-town nature of our bucolic New England community and in line with the recommendations of the current Master Plan.

The EDC intends to act fully within the confines of all legal and procedural requirements, and will ensure that its efforts going forward include the proper timing and procedures in its collaboration with the Planning Board to amend the zoning bylaw for the Downtown Village Business District. The EDC will take additional time to consult with planning consulting resources, both public and private, as well as to secure technical assistance from legal experts fluent in the language of zoning, to produce a proposed amendment for review.

The EDC continues to appreciate the Board of Selectmen's attention and support in this matter and we look forward to continuing to work with you toward a zoning bylaw which will provide the flexibility and certainty necessary to allow small-scale development and

revitalization in our Downtown Business Village District. We will continue to work with residents and the appropriate boards and committees toward this goal.

Your Sincerely,



Thomas L. Collins,

Chair Economic Development Committee

cc: Board of Selectmen
Mark Purple, Town Administrator
Planning Board

December 6, 2019

Ms. Karen Gallagher
Southborough DPW
Southborough, MA 01772

Dear Ms. Gallagher

My wife Marlene and I have lived in Southborough since 1983, but have now sold our home on 10 Birchwood Drive and will become FL residents effective Jan. 1st, with a summer home in Dennis, MA.

The reason for my letter is that on April 8, 1998 we made a deposit on two burial plots in the Rural Cemetery for $200, graves number 135 & 136 in Range "F", as well as $300 for the perpetual care of the lots. The deed to these lots, No. 0666 is attached.

We are asking the town of Southborough to buy back these plots at the amount we paid, which we understand is less than the current value.

Sincerely yours,

John Calkins Marlene Calkins

John & Marlene Calkins

1940 Willow Bend Cir. #101

Naples, FL 34109

jcalkins10@gmail.com

508-735-2677

KELLY A. O'DONNELL
NOTARY PUBLIC
Commonwealth of Massachusetts
My Commission Expires
March 6, 2026

Kelly A. O'Donnell

Middlesex Savings
CHARITABLE FOUNDATION

Mike Kuza
Vice President

January 28, 2020

Southborough Police Department
Attn: Kenneth Paulhus
32 Cordaville Road
Southborough, MA 01772

Dear Chief Paulhus,

Middlesex Savings Bank has been part of the community for more than 180 years and we appreciate everything your department does to help protect and serve the citizens of Southborough.

In a gesture of support for all that you do, we want to provide the Southborough Police Department with the enclosed contribution of $10,000. This is part of a $520,000 donation that we're gifting to 52 first responders in our community, including 26 police departments. Although there are no specific requirements with this gift, we would ask that your department not utilize these funds on personnel costs. We look forward to reaching out later in 2020 to learn how the gift made an impact on the department.

Best wishes for a happy and successful 2020.

Sincerely,

Mike Kuza
Vice President

SOUTHBOROUGH LIBRARY

DATE: January 28, 2020

TO: The Honorable Board of Selectmen, Town of Southborough

FROM: Ryan Donovan, Library Director

SUBJ: Donation to the Library

To: The Board of Selectmen:

The Southborough Library has received a donation from Joyce Golden in the amount of $16.00. The donation was made because Joyce accidentally damaged a library book.

At this time, the Library Board of Trustees and I wish to accept this donation, to be placed in the "Library Donation" supplemental account. We ask that you agree. Please contact library director Ryan Donovan with any questions or concerns. Thank you.

Ryan Donovan, Library Director

SOUTHBOROUGH LIBRARY

Memo

To: Mark Purple, Town Administrator
Cc: Brian Shea, Chair, Board of Selectmen

From: Ryan Donovan, Library Director

Re: **Recommendation of Library Trustee Appointment**

Date: January 22, 2020

This is to advise you that at their meeting on January 21, 2020, the Southborough Library Board of Trustees met with and reviewed the credentials of several interested Library Trustee candidates for the purpose of providing a recommended candidate to the Board of Selectmen. These individuals included residents Janet Maney, Matthew Berger, Catherine Biondo, and David Ekberg. This is to fill the interim Trustee vacancy left by Nicole De Bonet who resigned as a Library Trustee in November 2019.

After some deliberation, the Board of Trustees unanimously voted 5-0 to recommend Janet Maney to the Board of Selectmen as a new Library Trustee. For many years, Janet Maney served on the Advisory Committee. A majority of the Trustees felt that her experience and years of service on Advisory, as well as her experience and involvement on a variety of other town board and committees, would be an asset for the library. The Trustees plan to make this recommendation at the Selectmen/Trustee joint meeting on 02/11.

Please reach out to me with any questions or concerns.

Ryan Donovan, Library Director

TOWN OF SOUTHBOROUGH

RECREATION DEPARTMENT
SOUTHBOROUGH RECREATION · 21 HIGHLAND ST. · SOUTHBOROUGH, MASSACHUSETTS 01772
(508) 229-4452 · FAX (508) 229-7969
HTTPS://SOUTHBOROUGH.RECDESK.COM

RECEIVED
FEB 05 2020
Southborough Selectmen's Office

Tuesday, February 4, 2020

Attn: Board of Selectman
From: Tim Davis, Recreation Director
CC: Mark Purple, Karen Galligan, Jen Hansen

Re: Depietri Field – Contract Award

Dear Board:

On January 29, 2020 the Recreation Department held a bid opening for the Depietri Field Repairs project approved at FY18 Town Meeting. This was our third round of bids and we are happy to report we received a bid that met the budgeted amount.

North Turf Sports and Golf have submitted a bid of $168,890. After consulting with our hired Landscape Architects, all paperwork and required documentation was received and acceptable. References have been contacted with positive responses.

I am writing to request an official vote from the selectman to award the contract to:

Alan Vadala
Owner, North Turf Sports and Golf
North Attleboro, Ma
Amount: $168,890
Work to commence April 2020 - June 2020.

The field will then be offline to the public until Spring 2021 to ensure two season of proper growth. The School Department has been notified of our intentions and have been consulted when it comes to scheduling. They are in full support.

I will be present at the February 11, 2020 Board of Selectman Meeting and look forward to any questions you may have.

Thank you,

Tim Davis, CPRP
Recreation Director
Town of Southborough

Town of Southborough Depietri Athletic Field Improvements
BID FORM

The undersigned hereby agrees to provide the Town of Southborough with the following costs as specified herein, except as noted:

DESCRIPTION: "Depietri Athletic Field Improvements" **Southborough, Massachusetts.**

1.0 BASE BID:

Seeding	$ 4,890.
Drainage Improvements	$ 15,000.
Irrigation System	$ 27,000.
Furnish and Install of 2" Sand Slit Drainage System	$ 28,000.
Modified Native Soil Mix	$ 20,000.
Other charges:	$ 74,000.
TOTAL BASE BID:	$ 168,890

Company Name: North Turf Sports and Golf Contractors

Address: 491 Hickory Road
North Attleboro, MA 02760

Authorized Signature: Alan Vadala

Printed Name: ALAN VADALA

Title: Secretary / General Manager

Date: 1/21/2020

Telephone Number: 774-766-2516

ANY DEVIATION FROM THE BID SPECIFICATIONS MUST BE CLEARLY STATED

CERTIFICATE OF NON-COLLUSION
ATHLETIC FIELD IMPROVEMENTS

The undersigned certifies under penalties of perjury that this bid or proposal has been made and submitted in good faith and without collusion or fraud with any other person. As used in this certification, the word "person" shall mean any natural person, business, partnership, corporation, union, committee, club, or other organization, entity, or group of individuals.

Alan Vadala
Signature of individual submitting bid or proposal

ALAN VADALA, Secretary
Printed Name and Title of person above

NorthTurf, Inc
Name of business

1/21/2020
Date

LABOR HARMONY AND OSHA TRAINING REQUIREMENTS
ATHLETIC FIELD IMPROVEMENTS

The undersigned certifies under penalties of perjury that he is able to furnish labor that can work in harmony with all other elements of labor employed or to be employed at the work and that all employees to be employed at the worksite and in the work will have completed an OSHA-approved construction safety and health course lasting at least ten (10) hours.

Signature Alan Vadala Date 1/21/2020

Print Name & Title Alan Vadala Secretary

Company Name North Turf, Inc

TAX COMPLIANCE CERTIFICATION
ATHLETIC FIELD IMPROVEMENTS

Pursuant to M.G.L. c. 62C, S49A, I certify under penalties of perjury that, to the best of my knowledge and belief, I am in compliance with all Laws of the Commonwealth relating to taxes.

Name of Person Signing Bid: Alan Vadala

Name of Business: North Turf, Inc

Contact Person: Alan Vadala

PLEASE NOTE: Reference Form must be attached to Bid Form.

SIGNATURE FOR INDIVIDUAL
ATHLETIC FIELD IMPROVEMENTS

NORTH TURF, INC — Name of Company

774-766-2516 — Telephone Number

Alan Vadala, Secretary — Name and Title of Individual Authorized to Sign

508-316-3080 — Fax Number

Alan Vadala — Signature

1/21/2020 — Date

alan@northturf.com — Email

REFERENCE FORM
ATHLETIC FIELD IMPROVEMENTS

Bidders presently or previously serviced by the bidder:

1. Site and Address: Lestage Soccer complex High ST No Attleboro, MA
   Complete New construction - Soccer complex

   Contact Person: Kyle Kummer Tel.# 508-922-7574
   Peter Gale Associates 617-880-9900
   Start Date & Term of Contract: Sep. 2014 - Finished OCT 30, 2014
   Frequency of Service: Completed with in team

2. Site and Address: CLARK school LEXINGTON, MA
   Complete Re build of U-11 Soccer Field

   Contact Person: Chris Filadaro Tel.# 978-201-4446

   Start Date & Term of Contract: August 2016
   Frequency of Service: Completed Project with in team

3. Site and Address: FINO FIELD, MILFORD, MA
   Complete Re build of Varsity Baseball Field

   Contact Person: Jim Hashaun Tel.# 774-287-8863

   Start Date & Term of Contract: Aug 2016 - Completed OCT. 2016
   Frequency of Service: Was A small Delay with water usage, with in team

4. Site and Address: Kingston Intermediate School Kingston, MA
   Complete Re-build of Soccer Complex

   Contact Person: Timothy Dwyer Tel.# 781-405-5233

   Start Date & Term of Contract: Aug. 2017 - Completed Sep 2017
   Frequency of Service: with in team

PLEASE NOTE: Reference Form must be attached to Bid Form.

REFERENCE FORM, CONTINUED
ATHLETIC FIELD IMPROVEMENTS

Bidders presently or previously serviced by the bidder:

5. Site and Address: FOWLER FIELD - MAYNARD, MA
Complete Rebuild Soccer Complex
Aug 2019 - Completed Oct 2019 - with in term

Contact Person: Steve Jones Tel.#: 508-733-3496

Start Date & Term of Contract: Aug 2019 - OCT 2019 Complete
Frequency of Service: _____

6. Site and Address: Sandwich RJ Sports complex, Falmouth, MA
Soccer - Football Field

Contact Person: Jeremiah Pearson Tel.#: 774-392-7923

Start Date & Term of Contract: JUNE 2019 - July 2019
Frequency of Service: Completed with in term

7. Site and Address: Adams Soccer Field, TOWN OF Lexington, MA
Complete Rebuild Soccer Field U-10

Contact Person: Chris Filadoro Tel.#: 978 201-4446

Start Date & Term of Contract: JUNE 2017. Completed 3 weeks
Frequency of Service: With in term

8. Site and Address: Rhode Island Country Club, Barrington, R.I
FAIRWAY - hole #1 Renovation

Contact Person: Steve Thys Tel.#: 774 364-0325

Start Date & Term of Contract: Oct. 2016 - 3 weeks, Completed
Frequency of Service: With in term

SIGNATURES FOR CORPORATION
ATHLETIC FIELD IMPROVEMENTS

North Turf, Inc — Name of Corporation

1/21/2020 — Date

Alan Vadala, Secretary — Printed Name and Title of Duly Authorized Company Officer
Corporate Seal (affix below)

Alan Vadala — Signature

774-766-2516 — Telephone Number

508-316-3080 — Fax Number

alan@northturf.com — E-Mail Address

47-3158509 — FID Number

Alan Vadala — Signature of Clerk

Please furnish the following additional information:

Incorporated in what state? Massachusetts

President: Debra Kiewn

Treasurer: Debra Kiewn

Secretary: Alan Vadala

AIA Document A310™ – 2010

Bid Bond

CONTRACTOR:
(Name, legal status and address)
NORTH TURF, INC.
491 HICKORY ROAD
NORTH ATTLEBORO, MA 02760

SURETY:
(Name, legal status and principal place of business)
UNITED STATES FIRE INSURANCE COMPANY
305 MADISON AVENUE
MORRISTOWN, NJ 07962

This document has important legal consequences. Consultation with an attorney is encouraged with respect to its completion or modification.

Any singular reference to Contractor, Surety, Owner or other party shall be considered plural where applicable.

OWNER:
(Name, legal status and address)
TOWN OF SOUTHBOROUGH
c/o RECREATION DEPARTMENT
21 HIGHLAND STREET
Southborough, MA 01772

BOND AMOUNT: FIVE PERCENT OF ATTACHED BID (5%)

BOND NUMBER: NORTHTURF18

PROJECT: DEPIETRI ATHLETIC FIELD IMPROVEMENTS AT THE NEARY ELEMENTARY SCHOOL, SOUTHBOROUGH, MA.
(Name, location or address, and Project number, if any)

The Contractor and Surety are bound to the Owner in the amount set forth above, for the payment of which the Contractor and Surety bind themselves, their heirs, executors, administrators, successors and assigns, jointly and severally, as provided herein. The conditions of this Bond are such that if the Owner accepts the bid of the Contractor within the time specified in the bid documents, **or** within such time period as may be agreed to by the Owner and Contractor, and the Contractor either (1) enters into a contract with the Owner in accordance with the terms of such bid, and gives such bond or bonds as may be specified in the bidding or Contract Documents, with a surety admitted in the jurisdiction of the Project and otherwise acceptable to the Owner, for the faithful performance of such Contract and for the prompt payment of labor and material furnished in the prosecution thereof; or (2) pays to the Owner the difference, not to exceed the amount of this Bond, between the amount specified in said bid and such larger amount for which the Owner may in good faith contract with another party to perform the work covered by said bid, then this obligation shall be null and void, otherwise to remain in full force and effect. The Surety hereby waives any notice of an agreement between the Owner and Contractor to extend the time in which the Owner may accept the bid. Waiver of notice by the Surety shall not apply to any extension exceeding sixty (60) days in the aggregate beyond the time for acceptance of bids specified in the bid documents, and the Owner and Contractor shall obtain the Surety's consent for an extension beyond sixty (60) days.

If this Bond is issued in connection with a subcontractor's bid to a Contractor, the term Contractor in this Bond shall be deemed to be Subcontractor and the term Owner shall be deemed to be Contractor.

When this Bond has been furnished to comply with a statutory or other legal requirement in the location of the Project, any provision in this Bond conflicting with said statutory or legal requirement shall be deemed deleted herefrom and provisions conforming to such statutory or other legal requirement shall be deemed incorporated herein. When so furnished, the intent is that this Bond shall be construed as a statutory bond and not as a common law bond.

Signed and sealed this **20th** day of **January , 2020.**

	NORTH TURF, INC. (Principal) (Seal)
(Witness)	(Title)
Trina Elsman	UNITED STATES FIRE INSURANCE COMPANY (Surety) (Seal)
(Witness)	Melanie A. Bonnevie
	(Title) MELANIE A. BONNEVIE, ATTORNEY-IN-FACT

CAUTION: You should sign an original AIA Contract Document, on which this text appears in RED. An original assures that changes will not be obscured

Init.

AIA Document A310 ™ - 2010. Copyright © 1963, 1970 and 2010 by The American Institute of Architects. All rights reserved. WARNING: This AIA® Document is protected by U.S. Copyright Law and International Treaties. Unauthorized reproduction or distribution of this AIA® Document, or any portion of it, may result in severe civil and criminal penalties, and will be prosecuted to the maximum extent possible under the law. Purchasers are permitted to reproduce ten (10) copies of this document when completed. To report copyright violations of AIA Contract Documents, e-mail The American Institute of Architects' legal counsel, copyright@aia.org. 061110

POWER OF ATTORNEY
UNITED STATES FIRE INSURANCE COMPANY
PRINCIPAL OFFICE - MORRISTOWN, NEW JERSEY

01378414320

KNOW ALL MEN BY THESE PRESENTS: That United States Fire Insurance Company, a corporation duly organized and existing under the laws of the state of Delaware, has made, constituted and appointed, and does hereby make, constitute and appoint:

Heidi Rodzen, Robert E. Shaw, Jr., Joline L. Binette, Melanie A. Bonnevie

each, its true and lawful Attorney(s)-In-Fact, with full power and authority hereby conferred in its name, place and stead, to execute, acknowledge and deliver: Any and all bonds and undertakings of surety and other documents that the ordinary course of surety business may require, and to bind United States Fire Insurance Company thereby as fully and to the same extent as if such bonds or undertakings had been duly executed and acknowledged by the regularly elected officers of United States Fire Insurance Company at its principal office, in amounts or penalties not exceeding: Twelve Million, Five Hundred Thousand Dollars ($12,500,000).

This Power of Attorney limits the act of those named therein to the bonds and undertakings specifically named therein, and they have no authority to bind United States Fire Insurance Company except in the manner and to the extent therein stated.

This Power of Attorney revokes all previous Powers of Attorney issued on behalf of the Attorneys-In-Fact named above and expires on January 31, 2021.

This Power of Attorney is granted pursuant to Article IV of the By-Laws of United States Fire Insurance Company as now in full force and effect, and consistent with Article III thereof, which Articles provide, in pertinent part:

> Article IV, Execution of Instruments - Except as the Board of Directors may authorize by resolution, the Chairman of the Board, President, any Vice-President, any Assistant Vice President, the Secretary, or any Assistant Secretary shall have power on behalf of the Corporation:
>
> (a) to execute, affix the corporate seal manually or by facsimile to, acknowledge, verify and deliver any contracts, obligations, instruments and documents whatsoever in connection with its business including, without limiting the foregoing, any bonds, guarantees, undertakings, recognizances, powers of attorney or revocations of any powers of attorney, stipulations, policies of insurance, deeds, leases, mortgages, releases, satisfactions and agency agreements;
>
> (b) to appoint, in writing, one or more persons for any or all of the purposes mentioned in the preceding paragraph (a), including affixing the seal of the Corporation.
>
> Article III, Officers, Section 3.11, Facsimile Signatures. The signature of any officer authorized by the Corporation to sign any bonds, guarantees, undertakings, recognizances, stipulations, powers of attorney or revocations of any powers of attorney and policies of insurance issued by the Corporation may be printed, facsimile, lithographed or otherwise produced. In addition, if and as authorized by the Board of Directors, dividend warrants or checks, or other numerous instruments similar to one another in form, may be signed by the facsimile signature or signatures, lithographed or otherwise produced, of such officer or officers of the Corporation as from time to time may be authorized to sign such instruments on behalf of the Corporation. The Corporation may continue to use for the purposes herein stated the facsimile signature of any person or persons who shall have been such officer or officers of the Corporation, notwithstanding the fact that he may have ceased to be such at the time when such instruments shall be issued.

IN WITNESS WHEREOF, United States Fire Insurance Company has caused these presents to be signed and attested by its appropriate officer and its corporate seal hereunto affixed this 22nd day of August 2019.

UNITED STATES FIRE INSURANCE COMPANY

Anthony R. Slimowicz, Executive Vice President

State of Pennsylvania)
County of Philadelphia)

On this 22nd day of August 2019, before me, a Notary public of the State of Pennsylvania, came the above named officer of United States Fire Insurance Company, to me personally known to be the individual and officer described herein, and acknowledged that he executed the foregoing instrument and affixed the seal of United States Fire Insurance Company thereto by the authority of his office.

Commonwealth of Pennsylvania – Notary Seal
Tamara Watkins, Notary Public
Philadelphia County
My commission expires August 22, 2023
Commission number 1348843

Tamara Watkins (Notary Public)

I, the undersigned officer of United States Fire Insurance Company, a Delaware corporation, do hereby certify that the original Power of Attorney of which the foregoing is a full, true and correct copy is still in force and effect and has not been revoked.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of United States Fire Insurance Company on the 20TH day of JANUARY 20 20

UNITED STATES FIRE INSURANCE COMPANY

Al Wright, Senior Vice President

SKILLINGS - SHAW AND ASSOCIATES

103 PARK STREET, 2ND FLOOR
LEWISTON, ME 04240
207/753-7300
207/753-7310 FAX

BID BOND RESULTS

CONTRACTOR'S TRADE NAME: **NORTH TURF, INC.**

BOND NO.: **NORTHTURF18** BID DATE: **1/24/2020**

OBLIGEE: **TOWN OF SOUTHBOROUGH**

DESCRIPTION OF PROJECT: **DEPIETRI ATHLETIC FIELD IMPROVEMENTS AT THE NEARY ELEMENTARY SCHOOL, SOUTHBOROUGH, MA.**

PLEASE FILL IN FIRM NAME AND BID PRICES OF THREE LOWEST BIDDERS:

FIRM:_____ AMOUNT $ _____

FIRM:_____ AMOUNT $ _____

FIRM:_____ AMOUNT $ _____

IF YOUR BID IS NOT LISTED ABOVE - WHAT WAS YOUR BID PRICE? $ _____

COMMENTS:_____

_____

_____

Please fax this completed form to our agency as soon as possible.

Town of Southborough - Depietri Field Improvements

Bidder:	Himlick Landscaping	Cassidy Landscaping	Macura	mountain view
Seeding	7,000	35,000	8,918	18,750
Drainage Improvements	13,000	39,500	26,127	22,000
Irrigation System	40,000	45,750	42,340	46,000
Furnish and Install Drainage System	30,000	40,750	24,742	24,000
Modified Native Soil Mix	50,000	43,000	31,864	36,250
Other Charges	108,000	30,500	61,167	122,750
Total Base Bid	228,000	234,500	195,158	269,750

Town of Southborough - Depietri Field Improvements

Bidder:	Ronald Marini	North Turf	JL construction	
Seeding	10,000	4.890	8,500	
Drainage Improvements	30,000	15,000	18,000	
Irrigation System	60,000	27,000	55,000	
Furnish and Install Drainage System	30,000	28,000	44,000	
Modified Native Soil Mix	79,000	20,000	16,000	
Other Charges	265,200	74,000	198,100	
Total Base Bid	474,200	168,890	339,600	

TOWN OF SOUTHBOROUGH

OFFICE OF THE TOWN CLERK

Mr. Brian E. Shea, Chair
Southborough Board of Selectmen
17 Common Street
Southborough, MA 01772

February 10, 2020

Re: Annual Town Election ballot – Library Board of Trustees vacancies

Dear Mr. Shea:

Due to the two resignations from the Library Board of Trustees, the Board of Selectmen need to vote to add these extra two positions to the ballot for the Annual Town Election. The motion should be:

I move to place the following on the Tuesday, May 12, 2020 Annual Town Election ballot:

- Library Board of Trustees, vacancy for 2 years, vote for one.
- Library Board of Trustees, vacancy for 1 year, vote for one.

Please let me know if you have any questions.

Sincerely,

James F. Hegarty
Southborough Town Clerk

TOWN HOUSE · 17 COMMON STREET · SOUTHBOROUGH, MASSACHUSETTS 01772-1662
(508) 485-0710 EXT 3005 · FAX (508) 480-0161 · townclerk@southboroughma.com

TOWN OF SOUTHBOROUGH **Tel: 508-485-1210**
DEPARTMENT OF PUBLIC WORKS **Fax: 508-229-4444**

147 Cordaville Road
Southborough, MA 01772

DATE: February 5, 2020

MEMORANDUM

TO: **Southborough Board of Selectmen**
CC: **Mark Purple, Town Administrator**
FROM: **Karen Galligan, DPW Superintendent**
SUBJECT: **Water Rate Increase**

The Department of Public Works (DPW) has been working with Matt Abrahams of The Abrahams Group to review Southborough's current water rates in relation to future expenditures. As you know, the Water Budget is fully funded through the water rates. Unfortunately, the review revealed that, without raising the water rates, the Water Enterprise Fund is projected to run at a deficit for the next five years. This shortfall occurred because Southborough's water rates have not increased since September 2016, but employee pay, benefit costs, the cost of water, and capital project debt have increased during that time.

Current Water Rates		
Tier 1	0-1000CF*	Minimum (varies by meter size)
Tier 2	1001-2000CF	$3.73/100CF
Tier 3	2001-3000CF	$4.26/100CF
Tier 4	3001-6000CF	$5.33/100CF
Tier 5	6000CF and up	$6.40/100CF

There is a 25% reduction on the Minimum rate for seniors

*** CF=cubic foot – a cubic foot of water is equivalent to 7.48 gallons**

The following goals were used to develop new rates:

- A retained earnings target of 20% of the water budget's expenditures. Retained earnings will help mitigate projected increases in debt due to planned capital projects.
- Minimize the impact on the low-end user, which includes the majority of senior users.
- Ensure the impact on the average residential user (average Southborough use 2600CF/bill) is manageable.
- Increase rates at the highest tiers where the usage may be considered to be non-essential.

The DPW looked at several different percent increases and several tier changes to try to meet the above goals. The Finance Team weighed in on the options developed. The options were also presented to the Public Works Planning Board for discussion and opinions.

The option that met the criteria and that also kept the Enterprise Fund from being at a deficit each year was endorsed by both groups. This option consists of the following changes:

Changing the water volumes for the Tiers

Tier 1	0-750CF
Tier 2	751-3000CF
Tier 3	3001-10000CF
Tier 4	!0000CF and up

Determining what the current rate for the new Tiers would equate to:

	Current Range	Current Rate	New Range	Adjusted Current Rate
Tier 1	0-1000CF	Minimum	0-750	No Change
Tier 2	1001-2000CF	$3.73/100CF	751-3000CF	No Change ($3.73/100CF)
Tier 3	2001-3000CF	$4.26/100CF	3001-10000CF	$5.86/100CF (average of Tiers 4 & 5)
Tier 4	3001-4000CF	$5.33/100CF	10000CF and up	$10.00/100CF (new value)
Tier 5	6000CF and up	$6.40/100CF	NA	NA

After the new Tiers and their equivalent current rates were developed, each tier was increased by 17%.

The proposed new rates are below:

	Tier 1(Minimum)	Tier 2	Tier 3	Tier 4
Meter Size	750CF	751-3000 (CF)	3000-10000 (CF)	10001 and up (CF)
5/8”	$34.36	**$4.36/100CF**	**$6.68/100CF**	**$10.00/100CF**
5/8” Senior	$25.76			
¾”	$46.86			
¾” Senior	$35.14			
1”	$56.33			
1” Senior	$42.25			
1 ½”	$71.90			
2”	$93.75			
3”	$156.28			
4”	$286.79			

I have attached The Abrahams Group’s analysis of how this change will affect different users bills, both quarterly and annually. The sheets also show what percentage of current bills fall within each of the tiers.

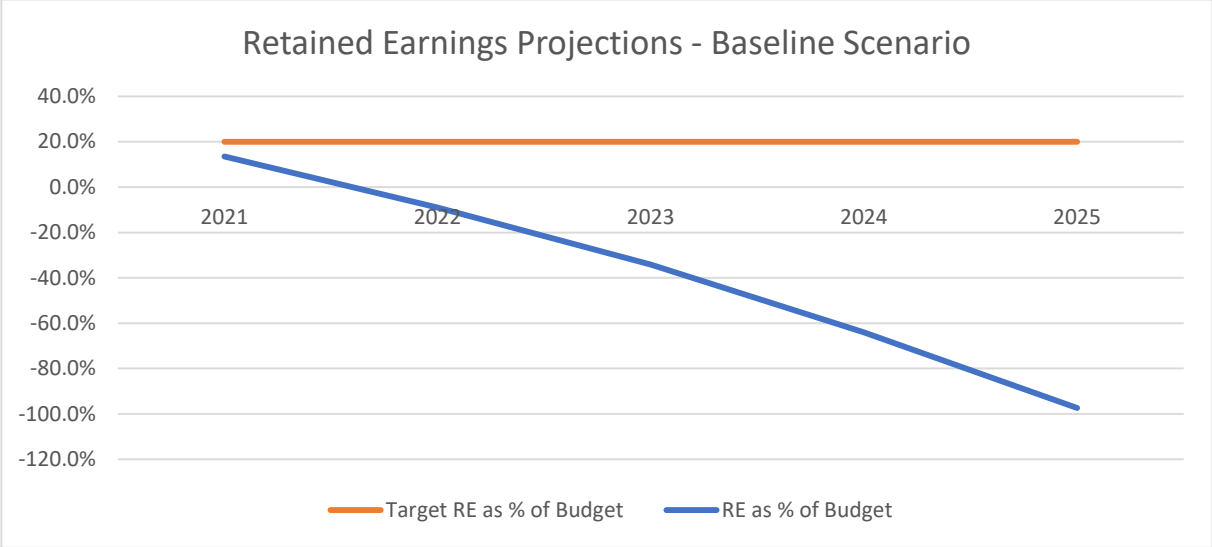
I have also attached pages from the 2019 MWRA Rate Survey. This survey normalizes all rates by assuming water usage of 12000CF/year. Currently, Southborough’s yearly rate at 12000CF/year is $437.88 (or $0.00488/gallon), 9th lowest of the 10 MWRA fully supplied, water only, communities. This rate change will bring a Southborough resident’s cost for 12000CF/year to $486.24/year (or $0.00542/gallon). With all other community’s rates remaining the same, this will move Southborough’s water rates into the 8th lowest position.

The rate change is requested to begin after the March reading, so that the July bill will be at the new rates.

MWRA SYSTEMWIDE SUMMARY DATA 2019		
	2018	**2019**
Avg. combined water and sewer cost	$1,602.90	$1,659.63
Percent change from prior year	2.8%	3.5%
WATER BILLING FREQUENCY		
Semi-Annual	8	8
Tri-Annual	2	2
Quarterly	42	42
Bi-Monthly	2	2
Monthly	6	6
WATER RATE STRUCTURE		
Ascending Block with Base/Minimum Charge	34	35
Ascending Block only	12	12
Flat Rate with Base/Minimum Charge	7	7
Flat Rate only	6	5
Fixed Fee	1	1
SENIOR CITIZEN/LOW-INCOME DISCOUNTS		
Senior Discount	17	17
Low-Income Discount	7	7
Both	7	7
Neither	29	29
DEBT SERVICE EXCLUSION	3	3
CHANGES IN COMBINED WATER AND SEWER CHARGES		
Decrease	2	2
No change	16	13
0% to 10% increase	39	39
10% to 20% increase	3	0
20% to 30% increase	0	1
30% to 40% increase	0	1
40% to 50% increase	0	0
Greater than 50% increase	0	0

Target Retained Earnings as % of Budget:	20.0%

Baseline	2021 PROJECTED	2022 PROJECTED	2023 PROJECTED	2024 PROJECTED	2025 PROJECTED
Surplus/Deficit	$ (537,975)	$ (540,695)	$ (645,069)	$ (931,116)	$ (1,062,759)
Projected Retained Earnings	$ 325,201	$ (215,494)	$ (860,563)	$ (1,791,679)	$ (2,854,438)
RE as % of Budget	13.5%	-8.9%	-34.2%	-64.0%	-97.4%
Target RE as % of Budget	20.0%	20.0%	20.0%	20.0%	20.0%



User Impact

User Type	Usage per Bill (Avg.)	Current Bills		New Bills		Diffs	
		$ per Bill	$ Total Year	$ per Bill	$ Total Year	$ per Bill	$ Total Year
Low-End SEN User	475	$ 22.02	$ 88.08	N/A	N/A	N/A	N/A
Low-End RES #1	75	$ 29.37	$ 117.48	N/A	N/A	N/A	N/A
Low-End RES #2	800	$ 29.37	$ 117.48	N/A	N/A	N/A	N/A
Avg. RES (2,600/bill)	2,775	$ 101.83	$ 407.30	N/A	N/A	N/A	N/A
High-End RES #1	11,025	$ 599.87	$ 2,399.46	N/A	N/A	N/A	N/A
High-End RES #2	45,675	$ 2,832.05	$ 33,984.63	N/A	N/A	N/A	N/A
High-End Non-RES #1	27,483	$ 1,664.11	$ 19,969.28	N/A	N/A	N/A	N/A
High-End Non-RES #2	41,367	$ 2,561.85	$ 30,742.17	N/A	N/A	N/A	N/A

Billing Data by Tier

Residential

Includes Residential and Residential Institution account types

Tier	# Bills	% Bills	Usage	% Usage	Billings	% Billings
1	3,170	25.67%	11,197,800	34.54%	$ 386,086.10	27.00%
2	4,613	37.35%	6,959,900	21.47%	$ 259,604.27	18.16%
3	1,982	16.05%	3,517,200	10.85%	$ 149,832.72	10.48%
4	1,580	12.79%	4,848,500	14.96%	$ 258,425.05	18.07%
5	1,005	8.14%	5,895,000	18.18%	$ 375,884.72	26.29%
Totals	**12,350**	**100.00%**	**32,418,400**	**100.00%**	**$ 1,429,832.86**	**100.00%**
		Average:	2,625		$ 115.78	

Non-Residential

Includes any account not residential or municipal.

Tier	# Bills	% Bills	Usage	% Usage	Billings	% Billings
1	310	32.80%	767,500	13.20%	$ 56,727.44	16.62%
2	139	14.71%	565,600	9.73%	$ 21,096.88	6.18%
3	84	8.89%	458,600	7.89%	$ 19,536.36	5.72%
4	153	16.19%	969,300	16.67%	$ 51,663.69	15.14%
5	259	27.41%	3,053,200	52.51%	$ 192,314.64	56.34%
Totals	**945**	**100.00%**	**5,814,200**	**100.00%**	**$ 341,339.01**	**100.00%**
		Average:	6,153		$ 361.21	

Municipal

Includes Other account type

Tier	# Bills	% Bills	Usage	% Usage	Billings	% Billings
1	38	54.29%	39,300	14.35%	$ 3,016.46	17.96%
2	14	20.00%	23,900	8.73%	$ 891.47	5.31%
3	5	7.14%	14,200	5.18%	$ 604.92	3.60%
4	8	11.43%	27,100	9.89%	$ 1,444.43	8.60%
5	5	7.14%	169,400	61.85%	$ 10,841.60	64.54%
Totals	**70**	**100.00%**	**273,900**	**100.00%**	**$ 16,798.88**	**100.00%**
		Average:	3,913		$ 239.98	

Seniors Only

Shows seniors data only (also part of Residential table above)

Tier	# Bills	% Bills	Usage	% Usage	Billings	% Billings
1	728	47.86%	1,245,200	51.33%	$ 35,228.01	39.43%
2	504	33.14%	518,900	21.39%	$ 19,354.97	21.66%
3	128	8.42%	222,100	9.15%	$ 9,461.46	10.59%
4	114	7.50%	266,600	10.99%	$ 14,209.78	15.90%
5	47	3.09%	173,300	7.14%	$ 11,091.20	12.41%
Totals	**1,521**	**100.00%**	**2,426,100**	**100.00%**	**$ 89,345.42**	**100.00%**
		Average:	1,595		$ 58.74	

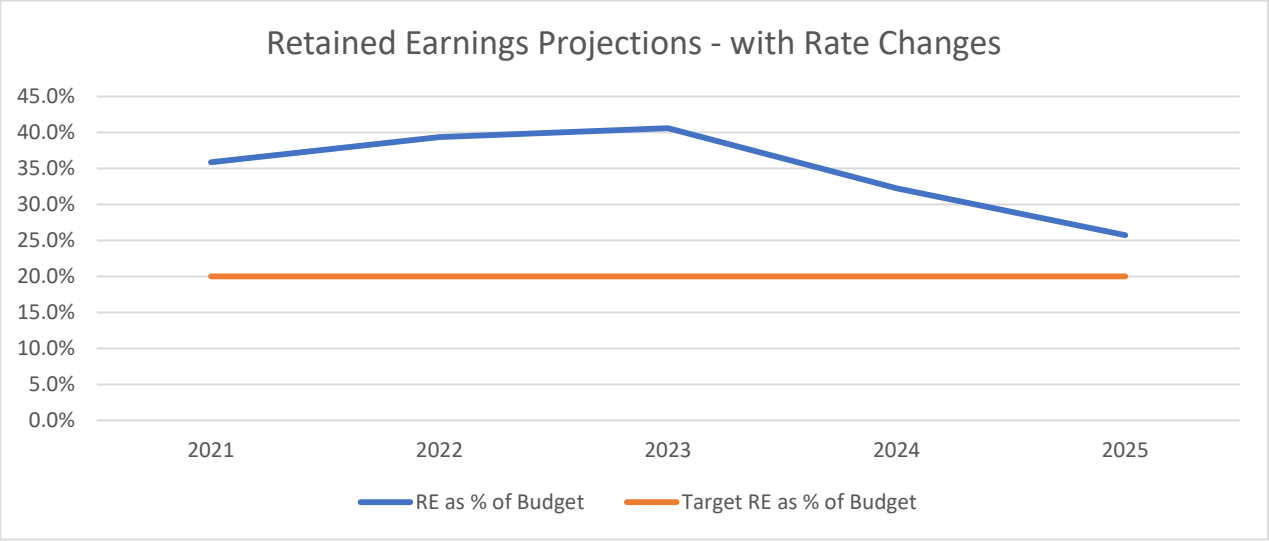
Description	2017 ACTUAL	2018 ACTUAL	2019 ACTUAL	2020 BUDGETED	2020 PROJECTED	2021 PREL. BUD.	2021 PROJECTED	2022 PROJECTED	2023 PROJECTED	2024 PROJECTED	2025 PROJECTED	COMMENTS
Revenues and Other Sources												
TAX TITLE WATER LIENS	$ 2,052	$ 3,748	$ 3,437	$ -	$ 3,079	$ -	$ 3,079	$ 3,079	$ 3,079	$ 3,079	$ 3,079	FY20-FY25, three-year average FY17-FY19
TT INT WTR LIEN	$ 201	$ 1,559	$ 1,056	$ -	$ 938	$ -	$ 938	$ 938	$ 938	$ 938	$ 938	FY20-FY25, three-year average FY17-FY19
WATER LIENS (Tied to a FY)	$ 44,608	$ 61,134	$ 43,654	$ -	$ 49,799	$ -	$ 49,799	$ 49,799	$ 49,799	$ 49,799	$ 49,799	FY20-FY25, three-year average FY17-FY19
OTHER SERVICE C RATES-BUSRESI	$ 2,084,521	$ 1,765,167	$ 1,819,049	$ 1,973,806	$ 1,728,096	$ 2,247,064	$ 1,728,096	$ 1,728,096	$ 1,728,096	$ 1,728,096	$ 1,728,096	FY20-FY25, assume FY19 amount less 5% as FY20 is trending in comparison
OTHER SERVICE C SERVICE	$ 90	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	Assume none since none in FY18 and FY19
OTHER SERVICE C OTHER CHARGES	$ 59,665	$ 52,881	$ 47,423	$ -	$ 50,000	$ -	$ 50,000	$ 50,000	$ 50,000	$ 50,000	$ 50,000	FY20-FY25, three-year average FY17-FY19, lowered a bit to be conservative
WTR FINAL READING FEE	$ 4,413	$ 5,472	$ 4,768	$ -	$ 4,884	$ -	$ 4,884	$ 4,884	$ 4,884	$ 4,884	$ 4,884	FY20-FY25, three-year average FY17-FY19
WATER DEMAND FEES	$ 1,952	$ 5,282	$ 3,360	$ -	$ 3,531	$ -	$ 3,531	$ 3,531	$ 3,531	$ 3,531	$ 3,531	FY20-FY25, three-year average FY17-FY19
Investment Income	$ -	$ -	$ -	$ 28,160	$ 28,160	$ 28,160	$ 28,160	$ 28,160	$ 28,160	$ 28,160	$ 28,160	FY20-FY25, assume FY20 budgeted amount
Other Available Funds	$ -	$ -	$ -	$ 131,239	$ -	$ 131,239	$ -	$ -	$ -	$ -	$ -	Just include budgeted amount for FY20 and also for FY21
Sub Total	**$ 2,197,502**	**$ 1,895,243**	**$ 1,922,745**	**$ 2,133,205**	**$ 1,868,488**	**$ 2,406,463**	**$ 1,868,488**	**$ 1,868,488**	**$ 1,868,488**	**$ 1,868,488**	**$ 1,868,488**	
General Fund Subsidy	$ -	$ -	$ -	$ 68,904	$ 68,904	$ -	$ -	$ -	$ -	$ -	$ -	Included A-2 amount for FY20, Heidi confirmed that subsidy will happen
Total Revenues and Other Sources	**$ 2,197,502**	**$ 1,895,243**	**$ 1,922,745**	**$ 2,202,109**	**$ 1,937,392**	**$ 2,406,463**	**$ 1,868,488**	**$ 1,868,488**	**$ 1,868,488**	**$ 1,868,488**	**$ 1,868,488**	
Expenditures and Other Uses												
Salaries	$ 336,035	$ 334,049	$ 339,522	$ 343,867	$ 343,867	$ 355,405	$ 355,405	$ 366,068	$ 377,050	$ 388,361	$ 400,012	FY20 from Budget; FY21 on increased 3.0% yearly
Expenses	$ 1,253,774	$ 1,292,633	$ 1,190,650	$ 1,317,400	$ 1,317,400	$ 1,341,950	$ 1,341,950	$ 1,382,209	$ 1,423,675	$ 1,466,385	$ 1,510,377	FY20 from Budget; FY21 on increased 3.0% yearly
Encumbrances	$ 59,171	$ 17,595	$ 33,140	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	Amounts encumbered on Encumbrances (59999) line
Articles	$ -	$ 104,295	$ 27,017	$ -	$ -	$ 95,000	$ 95,000	$ 45,000	$ -	$ -	$ 70,000	Includes article expenses FY17-FY19 and future articles for equipment
Long-Term Debt (Existing)	$ 411,428	$ 404,621	$ 397,602	$ 390,479	$ 545,978	$ 474,115	$ 474,115	$ 460,715	$ 447,315	$ 432,084	$ 413,696	FY20 budget and projected differ due to water main cleaning bonded 6/19
Long-Term Debt (New)	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ 77,000	$ 354,800	$ 379,600	Projected debt based on capital projects in latest capital plan
Short-Term Debt Interest	$ -	$ -	$ -	$ 47,357	$ 47,357	$ -	$ -	$ 11,000	$ 40,000	$ 5,000	$ -	FY20 budgeted; future years based on projected debt due to capital plan
Sub Total	**$ 2,060,408**	**$ 2,153,193**	**$ 1,987,931**	**$ 2,099,103**	**$ 2,254,602**	**$ 2,266,470**	**$ 2,266,470**	**$ 2,264,991**	**$ 2,365,039**	**$ 2,646,630**	**$ 2,773,684**	
Indirect Costs	$ 65,000	$ 90,000	$ 90,000	$ 131,239	$ 131,239	$ 139,992	$ 139,992	$ 144,192	$ 148,518	$ 152,973	$ 157,563	FY21 amount budgeted; increased 3.0% yearly
Total Expenditures and Other Uses	**$ 2,125,408**	**$ 2,243,193**	**$ 2,077,931**	**$ 2,230,342**	**$ 2,385,841**	**$ 2,406,463**	**$ 2,406,463**	**$ 2,409,183**	**$ 2,513,557**	**$ 2,799,603**	**$ 2,931,247**	
Excess (Deficiency) of Revenues and												
Available Funds > Expenditures and Other Uses	**$ 72,094**	**$ (347,950)**	**$ (155,186)**	**$ (28,233)**	**$ (448,449)**	**$ -**	**$ (537,975)**	**$ (540,695)**	**$ (645,069)**	**$ (931,116)**	**$ (1,062,759)**	
Retained Earnings Summary												
Undesignated Fund Balance as of July 1, 2019			$ 1,311,625									
Available Undesignated Fund Balance/Retained Earnings Start of FY					$ 1,311,625		$ 863,176	$ 325,201	$ (215,494)	$ (860,563)	$ (1,791,679)	
Current Year Surplus/(Deficit)					$ (448,449)		$ (537,975)	$ (540,695)	$ (645,069)	$ (931,116)	$ (1,062,759)	
Projected Retained Earnings Balance					**$ 863,176**		**$ 325,201**	**$ (215,494)**	**$ (860,563)**	**$ (1,791,679)**	**$ (2,854,438)**	
Projected Retained Earnings Balance as % of Budget					36.2%		13.5%	-8.9%	-34.2%	-64.0%	-97.4%	

New Tiers:	Tier	Start	End	Rate
These tiers would be in	1	1	750	Minimum
place for FY21, which	2	751	3,000	$ 4.36
includes a 17.0% increase	3	3,001	10,000	$ 6.86
for the meter charge and	4	10,001	+	$ 10.00
Tiers 2-3.	5	-	-	$ -

	2021	2022	2023	2024	2025
Rate Increases:	17.0%	5.0%	5.0%	5.0%	5.0%

Increase on Meter Charge?	Yes	No	No	No	No

Rate Impact	2021 PROJECTED	2022 PROJECTED	2023 PROJECTED	2024 PROJECTED	2025 PROJECTED
Surplus/Deficit	$ 322	$ 84,840	$ 72,066	$ (117,800)	$ (148,454)
Projected Retained Earnings	$ 863,498	$ 948,338	$ 1,020,404	$ 902,604	$ 754,150
RE as % of Budget	35.9%	39.4%	40.6%	32.2%	25.7%
Target RE as % of Budget	20.0%	20.0%	20.0%	20.0%	20.0%



User Impact

User Type	Usage per Bill (Avg.)	Current Bills $ per Bill	Current Bills $ Total Year	New Bills $ per Bill	New Bills $ Total Year	Diffs $ per Bill	Diffs $ Total Year
Low-End SEN User	475	$ 22.02	$ 88.08	$ 25.76	$ 103.04	$ 3.74	$ 14.96
Low-End RES #1	75	$ 29.37	$ 117.48	$ 34.36	$ 137.44	$ 4.99	$ 19.96
Low-End RES #2	800	$ 29.37	$ 117.48	$ 37.09	$ 148.35	$ 7.72	$ 30.87
Avg. RES (2,600/bill)	2,775	$ 101.83	$ 407.30	$ 127.73	$ 510.92	$ 25.91	$ 103.62
High-End RES #1	11,025	$ 599.87	$ 2,399.46	$ 773.13	$ 3,092.53	$ 173.27	$ 693.07
High-End RES #2	45,675	$ 2,832.05	$ 33,984.63	$ 4,302.31	$ 51,627.72	$ 1,470.26	$ 17,643.09
High-End Non-RES #1	27,483	$ 1,664.11	$ 19,969.28	$ 2,572.62	$ 30,871.39	$ 908.51	$ 10,902.11
High-End Non-RES #2	41,367	$ 2,561.85	$ 30,742.17	$ 3,871.48	$ 46,457.72	$ 1,309.63	$ 15,715.55

Billing Data by Tier

Residential

Includes Residential and Residential Institution account types

Tier	# Bills	% Bills	Usage	% Usage	Billings	% Billings
1	1,795	14.53%	8,689,950	26.81%	$ 451,720.74	24.33%
2	7,970	64.53%	12,984,950	40.05%	$ 566,676.20	30.52%
3	2,145	17.37%	7,522,100	23.20%	$ 516,170.26	27.80%
4	440	3.56%	3,221,400	9.94%	$ 322,140.00	17.35%
5	-	0.00%	-	0.00%	$ -	0.00%
Totals	**12,350**	**100.00%**	**32,418,400**	**100.00%**	**$ 1,856,707.20**	**100.00%**
		Average:	2,625		$ 150.34	

Non-Residential

Includes any account not residential or municipal.

Tier	# Bills	% Bills	Usage	% Usage	Billings	% Billings
1	247	26.14%	599,100	10.30%	$ 66,371.10	14.30%
2	286	30.26%	1,192,600	20.51%	$ 52,046.26	11.21%
3	247	26.14%	1,796,600	30.90%	$ 123,283.59	26.55%
4	165	17.46%	2,225,900	38.28%	$ 222,590.00	47.94%
5	-	0.00%	-	0.00%	$ -	0.00%
Totals	**945**	**100.00%**	**5,814,200**	**100.00%**	**$ 464,290.95**	**100.00%**
		Average:	6,153		$ 491.31	

Municipal

Includes Other account type

Tier	# Bills	% Bills	Usage	% Usage	Billings	% Billings
1	36	51.43%	30,800	11.24%	$ 3,529.26	14.75%
2	21	30.00%	46,600	17.01%	$ 2,033.67	8.50%
3	10	14.29%	41,100	15.01%	$ 2,820.30	11.79%
4	3	4.29%	155,400	56.74%	$ 15,540.00	64.96%
5	-	0.00%	-	0.00%	$ -	0.00%
Totals	**70**	**100.00%**	**273,900**	**100.00%**	**$ 23,923.23**	**100.00%**
		Average:	3,913		$ 341.76	

Seniors Only

Shows seniors data only (also part of Residential table above)

Tier	# Bills	% Bills	Usage	% Usage	Billings	% Billings
1	458	30.11%	1,007,750	41.54%	$ 41,216.77	35.56%
2	902	59.30%	978,450	40.33%	$ 42,700.54	36.84%
3	143	9.40%	382,300	15.76%	$ 26,233.62	22.63%
4	18	1.18%	57,600	2.37%	$ 5,760.00	4.97%
5	-	0.00%	-	0.00%	$ -	0.00%
Totals	**1,521**	**100.00%**	**2,426,100**	**100.00%**	**$ 115,910.93**	**100.00%**
		Average:	1,595		$ 76.21	

ANNUAL WATER AND SEWER CHARGES IN COMMUNITIES RECEIVING SERVICES FROM THE MWRA 2019

	Water	Sewer
Arlington (W/S)*	$711.44	$842.24
Ashland (S)	-	1,649.60
Bedford (S/partial W)	791.00	1,313.00
Belmont (W/S)	877.88	1,622.20
Boston (W/S)	652.66	907.31
Braintree (S)	-	970.00
Brookline (W/S)	626.40	1,066.80
Burlington (S)	-	407.16
Cambridge (S/partial W)	380.00	1,386.00
Canton (S/partial W)	643.40	1,073.00
Chelsea (W/S)	656.40	1,136.40
Chicopee (W)	514.00	-
Clinton (W/S)	375.52	281.64
Dedham (S/partial W)	642.00	937.28
Everett (W/S)	291.60	793.20
Framingham (W/S)	820.80	1,034.40
Hingham (S)	-	1,313.60
Holbrook (S)	-	933.60
Leominster (partial W)	488.24	-
Lexington (W/S)	575.20	1,184.00
Lynn (partial W)	467.04	-
Lynnfield (W)	448.00	-
Malden (W/S)	682.08	797.76
Marblehead (W)	689.00	-
Marlborough (partial W)	852.00	-
Medford (W/S)	725.28	1,080.96
Melrose (W/S)	931.60	1,439.12
Milton (W/S)	838.80	1,459.68
Nahant (W)*	1,106.40	-
Natick (S)	-	1,232.00
Needham (S/partial W)	472.20	1,225.32
Newton (W/S)	911.80	1,448.20
Northborough (partial W)	643.24	-
Norwood (W/S)	667.44	957.96
Peabody (partial W)	421.00	-
Quincy (W/S)	800.40	1,202.04
Randolph (S)	-	1,029.40
Reading (W/S)	1,244.40	1,323.60
Revere (W/S)	469.20	1,414.80
Saugus (W)	680.80	-
Somerville (W/S)	672.72	1,338.12
South Hadley (W)	530.40	-
Southborough (W)	437.88	-
Stoneham (W/S)	776.40	1,226.40
Stoughton (S/partial W)	555.84	1,269.60
Swampscott (W)	882.80	-
Wakefield (S/partial W)	860.40	1,289.60
Walpole (S)	-	904.42
Waltham (W/S)	407.28	715.32
Watertown (W/S)	559.20	1,074.00
Wellesley (S/partial W)	471.96	1,102.80
Weston (W)	362.00	-
Westwood (S/partial W)	642.00	832.00
Weymouth (S)	-	1,122.60
Wilbraham (W)	494.40	-
Wilmington (S/partial W)	525.20	672.00
Winchester (S/partial W)*	312.80	357.60
Winthrop (W/S)	1,374.00	1,374.00
Woburn (S/partial W)	329.78	256.52
Worcester (partial W)	440.40	-
AVERAGE	$641.82	$1,068.12
Percent change	3.4%	3.56%

Water and Sewer Charges are based on an annual water consumption of 120 HCF ≈90 kgal.

(*) Indicates communities that utilize the debt service exclusion as permitted under General Law 59 Section 21C(n).

Combined Annual Water and Sewer Charges for Communities Receiving Services from the MWRA
Household Usage Based on Local, State & Federal Data 2019

Charges include MWRA, community, and alternatively supplied services.
Rates based on consumption provided to DEP by the communities and calculated by MWRA staff.

	Household Usage (HCF)	Household Usage (gal)	Water	Sewer	Combined
Belmont	79.8	59,684.2	$611.70	$1,103.11	$1,714.81
Milton	86.5	64,727.0	$596.50	$1,008.22	$1,604.72
Nahant	86.6	64,806.1	$798.81	$798.81	$1,597.63
Stoneham	87.3	65,307.3	$564.89	$892.30	$1,457.19
Lexington	103.5	77,434.0	$473.69	$964.83	$1,438.53
Wakefield	70.5	52,714.5	$535.01	$790.38	$1,325.39
Hingham	76.0	56,845.5	$473.62	$832.16	$1,305.78
Marblehead	79.1	59,202.3	$478.61	$820.94	$1,299.55
Reading	59.3	44,365.9	$615.07	$654.22	$1,269.29
Needham	88.1	65,912.4	$353.68	$896.38	$1,250.07
Winthrop	54.4	40,685.1	$622.79	$622.79	$1,245.57
Wellesley	86.8	64,918.3	$355.39	$802.57	$1,157.96
Ashland	63.9	47,808.4	$267.95	$888.53	$1,156.47
Walpole	85.3	63,840.1	$458.09	$643.25	$1,101.34
Newton	59.7	44,626.8	$421.18	$674.16	$1,095.34
Melrose	47.9	35,865.7	$375.19	$656.77	$1,031.96
Swampscott	75.1	56,198.6	$571.41	$458.72	$1,030.13
Brookline	71.9	53,751.3	$309.71	$686.98	$996.69
Dedham	71.3	53,321.5	$421.57	$543.67	$965.24
Westwood	71.3	53,321.5	$421.57	$484.15	$905.72
Canton	68.3	51,060.1	$314.87	$589.77	$904.63
Chelsea	60.4	45,142.2	$330.12	$571.52	$901.64
Northborough	51.7	38,691.1	$283.89	$586.57	$870.46
Framingham	57.4	42,908.3	$368.04	$471.58	$839.62
Randolph	59.0	44,111.8	$359.48	$479.91	$839.39
Bedford	62.9	47,076.4	$300.25	$514.11	$814.36
Braintree	58.1	43,444.3	$325.22	$488.27	$813.49
Stoughton	52.3	39,096.6	$256.86	$553.00	$809.86
Holbrook	55.1	41,197.2	$376.17	$428.49	$804.67
Somerville	49.5	37,025.8	$230.68	$559.80	$790.48
Arlington	57.0	42,641.8	$351.60	$436.14	$787.74
Weymouth	53.1	39,704.3	$284.22	$480.38	$764.59
Watertown	55.0	41,104.4	$256.08	$491.82	$747.90
Medford	52.0	38,929.8	$299.80	$446.37	$746.17
Lynn	65.3	48,818.7	$253.23	$480.35	$733.59
Revere	46.6	34,893.7	$182.40	$550.00	$732.40
Wilmington	72.2	54,003.3	$288.99	$404.30	$693.30
Marlborough	45.7	34,219.5	$324.81	$334.88	$659.69
Saugus	72.8	54,473.4	$368.98	$262.94	$631.92
Malden	61.6	46,079.4	$280.91	$344.36	$625.27
Natick	66.3	49,592.3	$151.87	$467.15	$619.02
Chicopee	60.6	45,303.1	$249.52	$366.88	$616.40
Norwood	60.4	45,158.3	$269.12	$333.76	$602.88
Cambridge	39.7	29,687.6	$119.86	$467.14	$587.00
Woburn	86.1	64,413.8	$329.78	$256.52	$586.30
Worcester	58.9	44,021.7	$215.99	$367.24	$583.23
Leominster	57.4	42,968.2	$251.78	$271.32	$523.10
Boston	40.5	30,282.7	$215.91	$302.18	$518.08
Everett	55.8	41,728.4	$135.56	$368.75	$504.31
Weston	143.3	107,196.7	$501.87		$501.87
Waltham	53.9	40,295.3	$165.38	$294.13	$459.52
Wilbraham	55.5	41,485.8	$228.50	$227.40	$455.90
Peabody	58.6	43,822.6	$193.92	$258.37	$452.29
Winchester	91.5	68,476.2	$213.78	$228.70	$442.48
Quincy	42.0	31,407.1	$280.06	$140.20	$420.26
Clinton	67.5	50,471.3	$204.22	$153.16	$357.38
Lynnfield	91.0	68,097.8	$315.54		$315.54
Southborough	87.0	65,085.4	$297.35		$297.35
South Hadley	60.0	44,897.5	$295.29		$295.29
Burlington	52.8	39,475.2	$84.40	$87.36	$171.76
Average (minus non-sewered communities)			**$340.58**	**$523.00**	**$863.58**

Southborough (W)

Residential Water Rates:	
Last adjusted:	September 2019
Next adjustment scheduled:	Unknown
Fund:	Special Revenue
Minimum charge (⅝" meter) includes first 10 HCF	$29.37
>10 – 20 HCF	$ 3.75/HCF
>20 – 35 HCF	$ 4.26 "
>35 – 80 HCF	$ 5.33 "
>80 HCF	$ 6.40 "
Billing Frequency:	Quarterly

Residential Sewer Rates:	
Last adjusted:	Not applicable
Next adjustment scheduled:	Not applicable
Fund:	Not applicable
Community not sewered.	
Billing Frequency:	N/A

Annual Cost AWWA Standard for Historical Comparison (120 HCF ≈ 90,000 gals.)		
Utility	Rate	Change from 2018
Water	$437.88	0.18%
Sewer	$0.00	0.00%
Combined	**$437.88**	**0.18%**

Annual Cost Based on Local, State & Federal Data (87.01 HCF – See Appendix C for Data & Calc.)	
Water	$297.35
Sewer	$0.00
Combined	**$297.35**

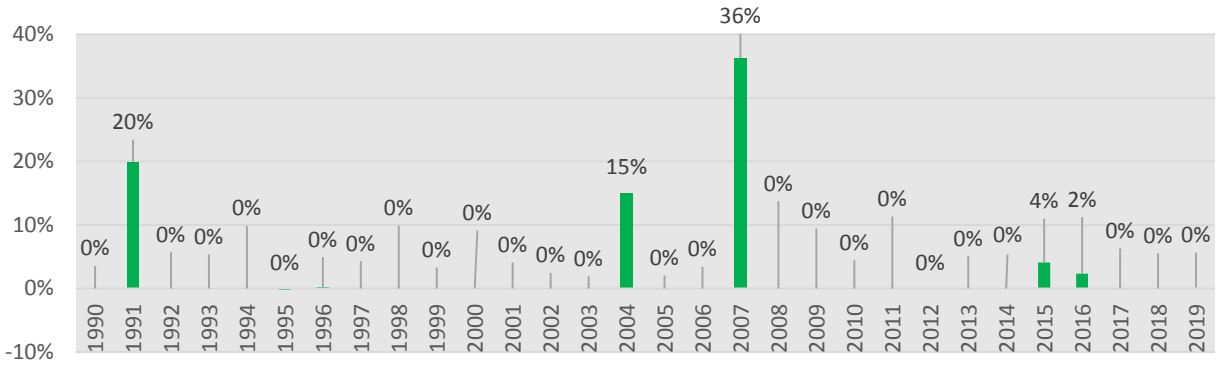
Commercial Water Rates:	**Commercial Sewer Rates:**
Same as residential	N/A

Additional 2019 Data by Community			
Does this Community Use Second Meters?	No	Does this Community Offer Senior and/or Low Income Discounts?	Yes, Senior
Water System		**Sewer System**	
MWRA Charges as % of Total Community Water Expenses	50 – 75%	MWRA Charges as % of Total Community Sewer Expenses	N/A
Miles of water pipeline replaced/rehabilitated in FY19	1 – 3	Miles of sewer pipeline replaced/rehabilitated in FY19	N/A
Water Capital Needs over Next Five Years	$0 – 10 million	Sewer Capital Needs over Next Five Years	N/A
Anticipated Water Capital Spending over Next Five Years	$1 million - $5 million	Anticipated Sewer Capital Spending over Next Five Years	N/A
Stormwater			
Current Funding Source of Stormwater-Related Costs:		Tax Levy (DPW Budget)	

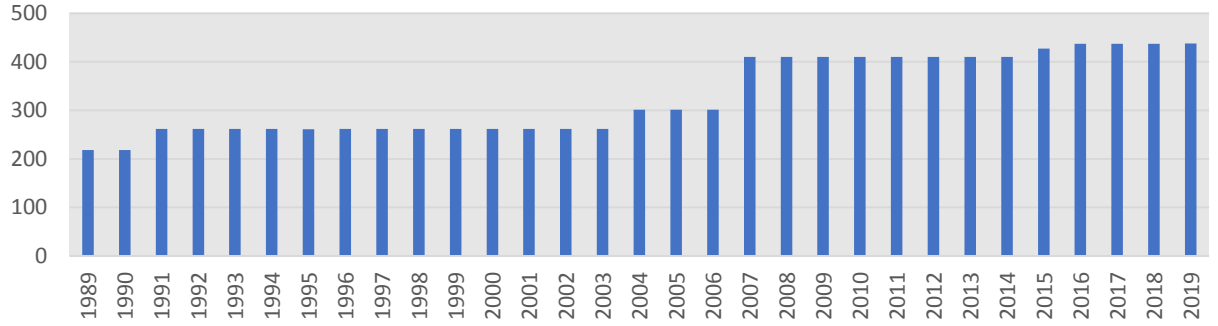
Southborough (W)

FY 2020 MWRA Assessments			
	FY19	FY20	% Change
Water	$866,571	$927,672	7.10%
Sewer	N/A	N/A	N/A
Combined	$866,571	$927,672	7.10%

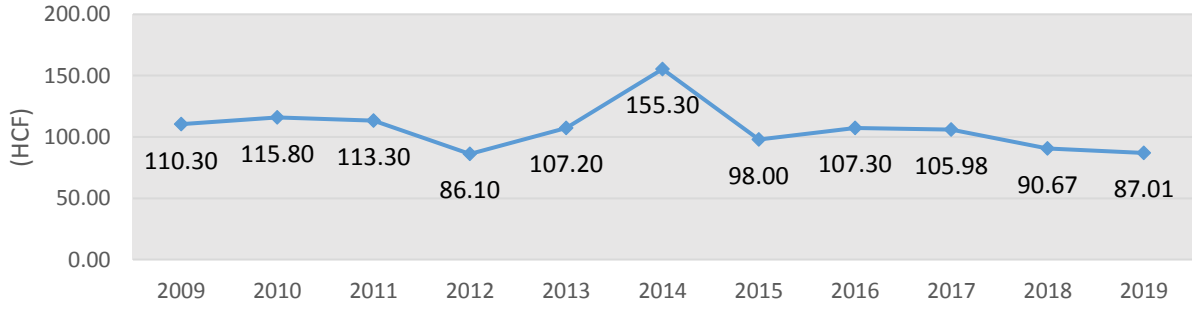
Combined Rate Increases 1990 through 2019



Combined Water and Sewer Rates 1989 through 2019



Average Household Water Use 2009 through 2019



PROFESSIONAL SERVICES PROPOSAL

CLIENT:	Southborough Conservation Dept. Attn: Melissa Danza 17 Common Street Southborough, MA 01772	DATE:	January 21, 2020
CONSULTANT:	Lucas Environmental, LLC 500A Washington Street Quincy, MA 02169	PROJECT:	Breakneck Hill Cons. Land Southborough, MA

Per your request, Lucas Environmental, LLC (LE) is pleased to submit this proposal for professional services for the proposed wetland due diligence investigation at the Breakneck Hill Conservation Land located in Southborough, Massachusetts. The scope of the investigation is limited to the historic dumping area in the northwestern portion of the property, adjacent to the lot located at 60 Breakneck Hill Road ("Area of Interest"). The goal of the investigation is to determine the current extent of regulated wetland resources within the Area of Interest as well as an estimate of wetland resources that may have been impacted by the historic dumping of debris in the area.

Unless executed within 30 calendar days of the above date, this proposal, including all of its terms and conditions will not be considered valid. For the purposes of this proposal, it is assumed that LE will have access and permission to enter the project sites to complete the following Scope of Services.

A. SCOPE OF SERVICES

1.0 FIELD SERVICES

LE will complete the wetland delineation and site investigations of the Area of Interest as detailed in the following scope of services.

1.1 Wetland Delineation

A Professional Wetland Scientist (PWS) will delineate wetland resource areas within and immediately adjacent to the Area of Interest. It is assumed the client will obtain landowner permission for environmental surveys occurring off-property prior to the initiation of the survey efforts.

Wetland areas will be identified in accordance with the Massachusetts Department of Environmental Protection Division of Wetlands and Waterways Handbook for Delineating Bordering Vegetated Wetlands under the Massachusetts Wetlands Protection Act (1995), the U.S. Army Corps of Engineers (USACE) Wetland Delineation Manual (1987), and Northcentral and Northeast Regional Supplement v 2.0 (2014), and the Town of Southborough Wetlands Protection Bylaw.

Resource area boundaries identified will be flagged with nylon surveyor's tape and each flag will be labeled with a unique alpha-numeric code. It is our understanding that location/survey of the flags will be completed by others. Data will be collected in order to characterize each resource area and prepare the MassDEP BVW Field Delineation Data Forms to the extent conditions permit data collection, although no forms will be prepared at this time. Representative photographs of wetlands and adjacent uplands will also be taken. A wetland sketch will also be prepared under this task.

1.2 Historic Photo Interpretation & Summary Memorandum

As available, LE will source available historic photos of the subject area (ideally, stereoscopic pairs) for the purpose of interpretation to determine "pre-dump" wetland conditions. Based upon the limitations of available photographs, LE will prepare a sketch and accompanying memorandum describing the approximate limits of the previous wetland extent. The cost for purchase of aerial historic photos is estimated below.

B. FEES

The lump sum fee to perform the services listed in the Scope of Services is described below by task.

Task #	Task		Fee
1.0	**FIELD SERVICES & REPORTING**		
1.1	Wetland Delineation		$900.00
1.2	Aerial Photo Interpretation & Summary Memorandum		$1,200.00
		1.0 Subtotal	$2,100.00
		PROJECT SUBTOTAL	**$2,100.00**
		+ ESTIMATED EXPENSES	**$500-750.00**
		PROJECT TOTAL	**$2,600.00-$2,850.00**

Reimbursable expenses are included in the Fees provided in the Proposal as noted above. Reimbursable expenses are anticipated to be primarily for the acquisition of high resolution historic aerial photographs, but may also include: copy and reproduction costs, research materials, and vehicle mileage per the current IRS standard mileage rates for business. Any additional reimbursable fees, above and beyond those described in the Scope of Services and Fees in the Proposal, are to be approved ahead of time by the client via an Additional Services Proposal (ASP).

C. SERVICES NOT INCLUDED

Lucas Environmental, LLC would be pleased to provide the services described below for mutually agreed upon additional compensation. **These services are not included in the Scope of Work as noted above.**

- Additional field reports/memorandums/summaries not included in this Scope;
- Additional Environmental Permitting: Preparation of permit application packages for local, state and federal permits not identified in the Scope of Services;
- Additional site walks/meetings, if required;
- Functions and Values Assessment;

- Vernal pool surveys; Wildlife Surveys and Habitat Analyses; Rare Species Surveys;
- NHESP Consultation and Permitting;
- Environmental monitoring;
- Field Survey of wetland resource areas;
- On-site soil testing is not included;
- Coordination and review of Massachusetts Historical Commission records; and
- Other services not listed specifically under the Scope of Services above.

D. SERVICE AGREEMENT SIGNATURES

Please execute this document in the space provided below and return the original copy to our office. Receipt of the signed proposal and receipt of the retainer will serve as notice to proceed. If you have any questions or comments, please do not hesitate to contact me at 617.405.4860 or mdv@lucasenvironmental.net.

By the signing of this proposal, you indicate your acceptance of the terms and conditions contained herein, and you give authorization to proceed with the Scope of Services indicated.

Sincerely,
LUCAS ENVIRONMENTAL, LLC

Matthew Varrell, Manager, PWS
Project Manager/Environmental Consultant

ACCEPTANCE OF PROPOSAL & AUTHORIZATION TO PROCEED

This proposal is hereby authorized and accepted as executed below by the Town of Southborough. The signatory below also hereby warrants that he/she has full authority to act for, in the name of, and on behalf of the Town of Southborough to authorize this Agreement.

Signatory

Print Name/Title

Date of Authorization

Compensation and Payment
Unless otherwise provided for in writing, Lucas Environmental, LLC (hereafter referred to as LE) shall be compensated for its services and shall be reimbursed for costs and expenses reasonably incurred in its performance or professional services. Materials will be billed at cost; mileage will be billed per the current IRS standard mileage rates for business, unless other terms are outlined with this Proposal. Unless specifically excluded or other terms are outlined within this Proposal, LE shall require a signed Proposal to start work on this Project and retainer if included in the Proposal. **LE shall submit invoices that are due and payable upon receipt.** Billing is submitted monthly to the Client based upon the tasks performed (at applicable rates), plus reimbursable expenses not included in the Proposal. If Client disagrees with any portion of an invoice, it shall notify LE within seven (7) days of receipt of the invoice, and shall pay the portion not in dispute. On amounts not paid within thirty (30) days of invoice date, Client shall pay interest from invoice date until payment is received at a rate of 1.5 percent. A second invoice shall be sent when the invoice is thirty days (30) days past due. **Unpaid balances more than thirty (30) days will result in cessation of all project-related work until the portion of the overdue balance is paid in full.** If LE has stopped work on this Project for a reason, LE will not be held not responsible for consequences, financial or otherwise, associated with project delays or final completion thereof. Additional services and/or revisions to work outlined in this contract will be performed at additional costs when applicable or per an approved fee by the client. LE or any of its sub vendors shall not commence with any additional services until written authorization of an amended Scope of Services is approved by the Client. Prior to performing any work on the property, LE reserves the right to post a notice of contract. The parties to this contract specifically agree that LE has no obligation to release drawings or other documents until the final bill for services associated with the production of those documents has been paid in full. Prior to the execution of this Proposal, LE reserves the right to take measures necessary to evaluate the credit history of the Client and subsequently cancel or modify this Proposal as deemed necessary.

Proprietary Information
All documents, drawings, specifications, plans, related reports, calculations, maps, charts, specifications, electronic data, information and any and all documents enumerated in, or prepared under, this Proposal prepared, provided, or procured by LE are instruments of service. LE shall retain all common law, statutory and other reserved rights, including copyright in those instruments of service. Drawings, specifications, and other documents and materials and electronic data are furnished for use solely with respect to this Project. LE will provide Client will a specific number of copies of plans, reports or other media generated by LE as defined in the Scope of Services. Additional copies will be provided for a fee. Designs, documents, specifications, and other work produced by LE will not be provided to any third party unless specifically requested by the Client, and if requested, will be provided for an additional fee.

Dispute Resolution
Client and LE agree that they shall first submit any and all unsettled claims, counterclaims, disputes, and other matters in question between them arising out of or related to this Agreement to mediation in accordance with industry standard mediation rules of the American Arbitration Association, effective as of the date of this Agreement.

Force Majeure
Neither party shall be deemed in default of this Agreement to the extent that any delay or failure in the performance of its obligations results from any cause beyond its reasonable control and without negligence.

Indemnification
Client and LE each agree to indemnify and hold the other harmless, and their respective officers, employee, agents and representatives, from and against liability for all claims, losses, damages, and expenses, including reasonable attorney's fees, to the extent such claims, loses, damages, or expenses are caused by the indemnifying party's negligent acts, errors or omissions. In the event claims, losses, damages, or expenses are caused by the joint concurrent negligence of the Client and LE, they shall be borne by each party in proportion to its negligence.

Modifications or Changes
In the event of material change in LE's Scope of Services or LE's time or other conditions for the performance of services, through no fault of LE, the compensation due LE and the time allowed for LE's performance shall be equitably adjusted. Any such change shall be by a duly executed written instrument.

No Third Party Beneficiaries
Unless expressly provided otherwise in this Agreement, nothing in this Agreement shall be construed to create, impose, or give rise to any duty owed by LE to any Contractor, Contractor's subcontractor, supplier, other individual or entity, or to any surety for or employee of any of them. All duties and responsibilities undertaken pursuant to this Agreement will be for the sole and exclusive benefit of Client and not for the benefit of any other party.

Opinions of Cost
Any opinions or estimates of probable construction or implementation costs prepared or verbally indicated by LE represent LE's professional judgment based on its experience and available information. However, since LE has no control over the cost of labor, materials, equipment, or services furnished by others, over contractor's methods or determining prices, or over competitive bidding or market conditions, LE cannot and does not guarantee that proposals, bids, or actual costs will not vary from LE's opinions, estimates or evaluations of cost.

Other Consultants or Contractors
LE shall not have any duty or authority to direct or supervise any separate consultants or contractors of Client to provide their means, methods, sequences, safety procedures, or programs or to stop or otherwise suspend their activities, LE shall not be responsible for the failure of Client's separate consultants or contractors to fulfill their responsibilities and Client agrees to indemnify, hold harmless, and defend LE against any claims arising out of such failures.

Responsibility for Permits, Approvals, and Regulatory Reporting
Unless specifically identified in the scope of services, LE shall provide technical criteria, written descriptions, and design data for Client's use in filing applications for permits from or approvals of governmental authorities having jurisdiction over the Project and shall assist Client in consultations with such authorities.

Responsibilities of Client
So far as to not delay the services of LE, Client shall designate in writing a person to act as its representative with respect to LE's services; provide all criteria and full information as to Client's requirements for the Project; place at LE's disposal all available information pertinent to the Project and any site where services are to be performed; provide or arrange for legal access and make all provisions for LE to enter any site where services are to be performed; give prompt written notice to LE whenever Client observes or otherwise becomes aware of any development that affects the scope or timing of LE's services; and provide any notices required to be given to governmental authorities in connection with LE's services, except for such notices LE has agreed in writing to give. LE shall be entitled to rely upon the information, services, and instructions provided by Client and Client's Representative.

Other Information
LE will rely upon commonly used sources of data, including database searches and agency contacts. LE does not warranty the accuracy of the information obtained from those sources and unless specifically requested by the Client will not independently verify such information.

Standard of Care
The standard of care for all professional service performed or furnished by LE under this agreement will be the skill and care used by members of the environmental consulting industry practicing under similar circumstances at the same time and in the same locality. LE makes no warranties, either express or implied, under this Agreement or otherwise, in connection with LE's services.

Termination of Contract
Client may terminate this Agreement with seven days prior written notice to LE for convenience or cause. LE may terminate this Agreement for cause with seven days prior written notice to Client. **Failure of Client to make payments when due shall be cause for suspension of services or, ultimately, termination, unless and until LE has been paid in full all amounts due.**

Limitation of Liability
To the fullest extent permitted by the law, the total liability of LE and its subconsultants and subcontractors to Client for any and all injuries, claims, losses, expenses or damages whatsoever from any cause or causes, including, but not limited to, strict liability, breach of contract, breach of warranty, negligence, or errors and omissions (collectively "claims") shall not exceed three thousand dollars and zero cents ($3,000.00) or LE's total fee, whichever is greater. In no event shall LE, its subconsultants or subcontractors be liable for punitive, special, incidental or consequential damages. Client, as a material inducement for LE to enter into this agreement, waives all claims against, forever discharges and promises not to sue LE for all claims. Client agrees to look solely to LE for the satisfaction of any claims arising from or relating to this agreement that client would otherwise have against LE absent the waiver set forth above.

TOWN OF SOUTHBOROUGH

BOARD OF SELECTMEN Meeting Minutes

Meeting Date: Tuesday, January 21, 2020, 6:30 P.M.
Location: McAuliffe Hearing Room, 17 Common Street, Southborough, MA
Present: Brian Shea, Marty Healey, Lisa Braccio, Sam Stivers and Town Administrator Mark Purple
Absent: Daniel Kolenda

I. Chairman Shea called the meeting to order at 6:30 P.M.

II. **Public Comment**
None

III. **Scheduled Appointments**
Cultural Council Update: Mary Piekarz, Chair
Ms. Piekarz introduced Ms. Davis to the Board and gave a background of the charge of the Council. She stated the Council is allocated money from the Mass Cultural Council yearly and give about $5,000 worth of grants to fund activities for Southborough residents. She described the recent art exhibits sponsored by the Council and one currently on display in the Library. Ms. Piekarz added that they funded the music at the food truck event, an arts and crafts fair on Heritage Day and helped Sophia Brady host an open mic night that was attended by about 150 people for her Scouts Gold Award. She added that the greatest challenge is a lack of space for meetings and art display.

Ms. Davis stated she had attended some Cultural Council meetings and their goal is to identify artist in Town, advertise more and get more people involved in the arts. She reiterated the need for more space and urged the Town to think about dedicated space for the Council and art display. Ms. Piekarz added that they have had to turn an artist away because the space available, mainly the Library, was inadequate for her work. Ms. Davis stressed the need for arts and culture to revitalize the Town.

Mr. Healey said he has attended some of the Cultural Council's events and commented on the talent of the artists and the palpable energy. He suggested they reach out to the EDC to as the arts can be part of economic development. Ms. Davis replied they would like to part of the economic development in Southborough and would like to present their ideas for arts and culture to increase business in Town. He requested the Council continue to update the Board about space and suggested tying in local businesses to display artwork. Ms. Braccio commended the Council for their work and suggested they work with the schools to integrate programs to inspire youth and use their display space. Ms. Piekarz stated that some grants are awarded to the Library to host classes for the youth but survey responses indicated residents wanted more classes and events for adults. She stated the challenge is lack of space and the ability to charge and therefore pay for events. She added that Denise Johnson is a member and a teacher at Neary.

Mr. Stivers thanked them for their work and suggested the Council reach out to St. Mark's and Fay Schools to utilize their display space. He that the Master Plan Committee has a goal to create a sense of community and generate places where residents could gather and interact. Mr. Stivers said the Cultural Council is a key element to reaching that goal. He added that hiring a

part-time grant writer for the Town could assist the Council find and apply for grants. He asked Ms. Piekarz to talk about some of the grants the Council has provided. Ms. Piekarz stated they have funded events for the Interboroughs Band, Summer Concert Series, classes at the Library and the Messiah Concert at Pilgrim Church. Mr. Stivers asked how those interested in these grants could apply. Ms. Piekarz replied that any group or individual can apply and applications are due in October and are available on the website.

Volunteer Interview for appointment: Lynn Davis, Cultural Council; term 1/22/20-1/21/22
Chairman Shea told Ms. Piekarz that it was a benefit to have the applicant present with her to illustrate the applicant's knowledge and passion for the Cultural Council. Chairman Shea made a motion to appoint Lynn Davis, Cultural Council; term 1/22/20-1/21/22. Mr. Stivers seconded. The motion passed all in favor (4-0-0).

Police Chief Paulhus

i. Appoint Student Officer Austin Chapski to Probationary Officer effective 2/15/2020
Chief Paulhus requested the Board approve the appointment of Student Officer Austin Chapski to Probationary Officer effective February 15, 2020 upon a successful graduation from the MPTC Police Academy on February 14, 2020. He said Mr. Chapski will then enroll in the FTO Program and his pay status will change from $700 per week to $969.69 per week per the Union contract. Chief Paulhus stated the Mr. Chapski is a resident of Southborough and has been a dispatcher for the department. Ms. Braccio made a motion to appoint Student Officer Austin Chapski to Probationary Officer effective 2/15/2020. Mr. Healey seconded. The motion passed all in favor (4-0-0).

ii. Appoint Jeffrey Norton as Full-Time Student Police Officer effective 2/24/2020
Chief Paulhus asked the Board to consider the appoint of Jeffrey Norton as a Full-Time Student Police Officer effect 2/24/2020 when the Boylston Police Academy will begin. He gave a background of Mr. Norton's experience and stated his employment history, background check and interview skills reflect a high level of communication skills. Chief Paulhus added that Mr. Norton worked for St. Mark's School and has familiarity with Southborough. He was hired as a part-time dispatcher last May and has been successful in that role. Chief Paulhus stated Mr. Norton will step down from his current role as part-time communications officer and will receive a salary of $700 per week as a full-time Student Officer per the Union contract. Upon graduation from the MPTC Academy in Boylston, he will transition to a full-time Probationary Officer per the Union contract. Ms. Braccio made a motion to appoint Jeffrey Norton as a Full-Time Student Police Officer effective 2/24/2020. Mr. Healey seconded. The motion passed all in favor (4-0-0).

iii. Appoint Stephanie Fontaine as Part-Time Communications Officer start date TBD
Chief Paulhus explained the need for more part-time dispatchers and asked the Board to consider his recommendation of Stephanie Fontaine as Part-Time Communications Officer. He said Ms. Fontaine has a long history of employment in customer service and has certifications in NextGen 9-1-1 and the Association of Public-Safety Communication Officials. He asked for the Board's approval pending a successful passing of background checks. Mr. Stivers asked if Ms. Fontaine had any connections or experience in Southborough. Chief Paulhus replied that she did not but having the certifications will make for a smooth transition. Ms. Braccio made a motion to appoint Stephanie Fontaine as Part-Time Communications Officer with a start date TBD. Mr. Healey seconded. The motion passed all in favor (4-0-0).

iv. Approve Citizens Police Academy with Northborough and Westborough

Chief Paulhus explained the program and its success from 2018. He stated the Citizens Police Academy runs for eight weeks and they will be partnering with Northborough and Westborough for the first ever BORO's CPA. He told the Board that the Department currently partner with Northborough and Westborough for the Junior Police Academy, the Jail Diversion Counselor and other resources. He said Southborough will host the 2020 CPA in the training room of the Public Safety Building and will be under the direction of Officer John Woodford and Officer Stephen Neivert. Chief Paulhus recommended the program to all residents. Mr. Healey asked how many people could enroll. Chief Paulhus said because of the larger size of the training room in the new building, the program could accept up to 35 people. He added that the Academy would be held Wednesdays from 6:00 P.M. to 9:00 P.M. beginning in late March or early April. The registration will be split evenly between the three towns. Ms. Braccio made a motion to approve the Citizens Police Academy with Northborough and Westborough. Mr. Healey seconded. The motion passed all in favor (4-0-0).

Brian Ballantine, Finance Director – Continued discussion of FY2021 budget

Mr. Ballantine told the Board he created a five-year budget estimate without going into a deficit. He requested the Board vote on a budget concept this evening. Mr. Ballantine gave an overview of the five-year projection and listed the assumptions used to maintain in the positive. These included operational and school budgets remaining at 3.5%, the inclusion of a meals tax, removing placeholder requests for future years, extending bond terms further into the future, placing a cap from fiscal year 2021 to 2026, and replacing the hopper at the Transfer Station instead of a full renovation. The latter would save the town $3 million in the capital plan and debt paying forward. Mr. Ballantine informed the Board that Norfolk Academy has two applicants this year which adds $89,000 to the budget. He said this could almost be offset by the revenue updates for the ambulance fund. He requested the Board decide tonight on additional items they may want to include in the budget.

Mr. Stivers said he felt there are items that are the right thing to do for the Town and wanted them included in the budget. He listed his support for the ADA budget, Building Department hours, Conservation Commission administrative support, Municipal Technology Committee support, Police budget and Southborough Youth and Family Services support. He stated that these items would be an increase of $200,000 and listed assumptions that could be in the favor of the Town such as a smaller school budget.

Ms. Braccio stated she agreed with the support Mr. Stivers spoke to but felt that if the Board decided to add items to the budget, they needed to find where to take the funds from for the purpose of sustainability. Mr. Healey agreed. He suggested that if there were a fall town meeting, there is a possibility that some expenditures could be delayed until then for a clearer view of the financial standpoint of the Town. Chairman Shea stated he asked Mr. Ballantine to present a scenario to add a part-time employee for Youth and Family Services and a full-time Police Officer for fiscal year 2021 into the budget projection. He said these additions would put the Town in the negative financially but felt these positions should be a priority. There was discussion on the ramifications of adding a part-time employee for Youth and Family Services. Mr. Purple added that in order to stay under the cap for fiscal year 2024, the Board will have to cut approximately $70,000 barring all assumptions hold true. He asked the Board to decide if there were any additions they wanted to put back into the budget. He added that fiscal year 2022 will be tight and the Board now has a preview into the next five years in terms of debt issues. Mr. Stivers countered that assumptions could be favorable for the Town as well and said

that the Board should fund what is right for the Town and reassess the financial impact throughout the process.

Kathy Cook, Chair of the Advisory Board, told the Board that fiscal year 2022 will be the most challenging year as the tax rate increase is estimated at 8%. She stated that Advisory had not voted on the budget yet, but speaking as the Chair, she believes there should be a special town meeting in the fall. She would like the Capital Budget Committee to be reinvigorated and stated Jason Malinowski was open to being Chair. She said the focus of the committee would be on capital and coming up with creative ways to lower the expenses and increase revenue while also supporting services. Ms. Cook said the Advisory Board had heard a presentation from the Economic Development Committee regarding their proposed zoning bylaw change and she felt they would not be ready for town meeting in March. She stated they would most likely benefit from more preparation time and they could be on the agenda for a fall town meeting as well.

Mr. Purple asked the Board to support the concept of no new hours or positions in fiscal year 2022 due to the lack of any sustainable revenue to support these items. There was discussion and Ms. Braccio reminded the Board that in the future, they could vote to change this decision. Mr. Healey made a motion to support a plan of no additional hours or positions in fiscal year 2022 unless there is a clearly identifiable new revenue stream that could support those items. Ms. Braccio seconded. Mr. Stivers said it was a great concept but there are items that should be supported and a need to find new ways to fund them. He said, with that caveat, he will support the motion. The motion passed all in favor (4-0-0).

There was continued discussion regarding adding new positions for fiscal year 2021 and Ms. Braccio asked if a police officer position was not included into this budget if the overtime budget would increase. She indicated that if the cost of overtime evened out the cost for additional officer, the position should be added. Mr. Purple replied that if an officer were not included in this budget, the Police Chief would most likely not be giving back overtime as he usually does. Ms. Braccio requested the number of overtime hours expected for fiscal year 2021 if there are no additional officers. Mr. Purple agreed to work on those numbers with the Chief for next meeting. The Board agreed to add a meeting on February 4th dedicated solely to the budget and requested the Advisory Board attend. Ms. Cook confirmed that the Advisory Board could attend the February 4th meeting.

IV. Reports

Town Administrator's Report

- Update on 2020 Annual Town Meeting Warrant

Mr. Purple said he distributed an update on the Town Warrant and there are 35 articles with a possibility of an additional article from a citizen petition. He said the potential article is being reviewed by the Town Clerk to certify signatures for a noise bylaw. He added that more information is needed for the project at Kallander Field and St. Mark's Bell Tower and therefore the list of bonds has not been completed. He said article sixteen is being reviewed by Bond Counsel for borrowing and the four articles before the Planning Board are being reviewed by Town Counsel.

Mr. Purple stated he received a letter from Town Counsel that he distributed to the Board regarding the process the EDC has taken to bring their proposed bylaw to the Planning Board. He stated that because it was received so late, he will not make any comments this evening.

Chairman Shea said that Ms. Cook identified that the proposed zoning bylaw change should have been acted on by the Board before going to the Planning Board. He continued that the letter outlines a number of ways in which the document could have gone before the Planning Board and none were properly met. Chairman Shea stated he was unsure the Board had the time to work on this article in time for the signing of the warrant. He suggested this may be an article that could come before the Board for a fall town meeting.

Mr. Purple suggested the Board consider deferring the reinstating of the Capital Committee to a fall meeting. He added he had not heard back from National Grid regarding parcel 54-40. He said National Grid was checking the parcel to determine the status of the land. He has reached out to National Grid and will update the Board when he receives a response.

Chairman's Report

Chairman Shea told the Board that he has requested a meeting with the DPW Superintendent and the Conservation Agent to understand the actions taken on Deerfoot Road regarding the tree removal. He has also requested an opinion from Town Counsel regarding the authority of the DPW for tree removal of sick and diseased trees. He will reach out to the Deerfoot Road residents once he has more information.

Chairman Shea stated that the memo on the naming of space for the Public Safety Building has been sent to the Board. He asked the Board to review and send any questions or comments to Mr. Purple.

Members' Reports

- Update on PILOT discussions

Mr. Healey updated the Board on his PILOT discussions with St. Mark's and Fay Schools. He said both were productive and receptive to his ideas. Mr. Healey spoke with both schools about how they view the roll of non-profits in communities and expressed interest in continuing to be good neighbors. He gave an example of a policy the City of Boston created that billed their non-profits for 25% of the tax they would be responsible for had they not been non-profit institutions and the unsuccessful result. He stated having discussions were much more productive and noted that the Board of Trustees from both schools had no interest in a contractual relationship with the Town. He said they felt the most favorable route would be as an ad-hoc and continual discussion of expenditures tied to their mission and the Town. Mr. Healey stated he will continue his discussions with St. Mark's and Fay Schools and believes they will be positive for both parties.

Ms. Braccio extended condolences to the family of Donald Banks who had recently passed. Mr. Banks was a Southborough Reserve Police Officer and a Water Specialist with the Southborough DPW.

Mr. Stivers reported that the Master Plan Committee met last week with Representative Dykema and Senator Eldridge with a focus on transportation issues. They had shared that the State and Mass DOT are interested in undertaking projects to address transportation issues in the Metrowest. He said there could be potential funding for projects that are ready to begin. Mr. Stivers said they talked about sidewalks, causeways and pedestrian and local bus transportation. He recommended creating a group to reach out to the Town to compile a list of projects residents would want that could potentially be a candidate for this funding. He added that Representative Dykema was very supportive of finding more parking at the T-Station. Mr. Stivers

suggested the possibility of the Planning Board, EDC and/or Trails Committee working together for specific project ideas.

Mr. Stivers stated the Public Works Planning Board meets Monday evening to review the Complete Streets Program. He added that the Board will need to vote on this in the future. He said he hopes the draft policy is posted with the agenda for the public to review prior to the meeting.

Mr. Stivers stated with the current process gaps with the EDC and their zoning amendment proposal, it is a good opportunity for the Board to discuss options for revitalizing the downtown. He commended the EDC for creating traction on this topic and he would like to work on the initiative in the future.

V. Consent Agenda

a. Approval of Regular Session minutes from January 7, 2020
Mr. Stivers held consent agenda item "a." Mr. Stivers stated the dates for the Mater Plan Committee and Public Works Planning Board were incorrectly noted in the January 7, 2020 Regular Session meeting minutes. He sent Mr. Purple his corrections and requested the Board accept the changes for accuracy. Chairman Shea made a motion to approve the Regular Session minutes from January 7, 2020 as amended. Mr. Healey seconded. The motion passed all in favor (4-0-0).

b. Accept resignation of Lou Palecki from Golf Course Committee
Ms. Braccio held consent agenda item "b." Ms. Braccio thanked Mr. Palecki for the work he had done on the Golf Course Committee including the renovation of the course, working with the CPC and assisting in the successful opening of the course to the public during the construction of the Public Safety Building. Chairman Shea agreed and made a motion to accept the resignation of Lou Palecki from the Golf Course Committee. Mr. Healey seconded. The motion passed all in favor (4-0-0).

c. Chairman Shea made a motion to accept the donation of $100.00 from M. Hasbrouck and J. Gibbons for the Fire Department Ambulance Fund. Mr. Healey seconded. The motion passed all in favor (4-0-0).

d. Chairman Shea made a motion to sign the warrant for the March 3, 2020 Presidential Primaries. Mr. Healey seconded. The motion passed all in favor (4-0-0).

e. Chairman Shea made a motion to appoint Keith L. Ackley to Board of Registrars of Voters, term 6/30/20. Mr. Healey seconded. The motion passed all in favor (4-0-0).

f. Clerk notice to BOS regarding hours of Early Voting for the Presidential Primary
Chairman Shea held agenda item "f." Chairman Shea invited the Town Clerk to speak. Mr. Hegarty explained that early voting is available to all residents starting Monday, February 24th from 8:00 A.M. to 7:00 P.M. through Thursday, February 27th and Friday, February 28th from 8:00 A.M. to noon. He added that parents who will be requesting absentee ballots for their children in college should call and provide the email address and phone number of their children in order for the Town Clerk's Office to send a reminder to return their ballot. Mr. Purple suggested the Board meet at 7:00 P.M. instead of 6:30 P.M. on February 25th in order for the Town Clerk's Office to conduct early voting. The Board agreed. Chairman Shea made a motion to accept early voting for the Presidential Primary. Mr. Healey seconded. The motion passed all in favor (4-0-0).

g. Chairman Shea made a motion to approve the Executive Session minutes from January 7, 2020. Mr. Healey seconded. The motion passed all in favor (4-0-0).

VI. Other Matters Properly Before the Board

Review of proposed Accessibility Compliance Committee bylaw article

Mr. Purple stated that Chairman Shea, Mr. Healey and Mr. Stivers submitted suggested changes to the proposed charge of Accessibility Compliance Committee and distributed it during the meeting. Mr. Healey stated he changed the name of the committee to the Southborough Public Accessibility Committee because he felt it was more welcoming and more in line with their functions. The Board agreed to the change and Mr. Purple agreed to incorporate it in the next draft. Mr. Stivers stated that most of his proposed changes was wordsmithing for clarity. Mr. Healey stated his proposed changes had the same function for better clarity. There was discussion on changes throughout the document; specifically, the role of "coordinator" listed in section 9.34.A. It was agreed that Mr. Purple would take on this role but would not report to the Committee.

Mr. Stivers added he incorporated definitions and language regarding quorum for clarity. Ms. Braccio, Mr. Healey and Chairman Shea agreed to the changes. Mr. Purple affirmed he would add this language to the draft document. Mr. Healey pointed out his changes to Section 9.35 and there was discussion on the final proposed language. Mr. Healey agreed to update the draft document with all the changes agreed to by the Board and send it to Mr. Purple. Mr. Purple agreed to distribute it to the Board and the ADA Committee for review.

VII. Executive Session

At 8:50 P.M. the Board entered into Executive Session per M.G.L. Chapter 30A §2 I (exemption 2) for negotiations with the Police Chief on a successor employment agreement; the Board will not be returning to Open Session at the conclusion of Executive Session. Roll Call: Shea, aye; Healey, aye; Braccio, aye; Stivers, aye.

Upcoming Meetings
February 11, 2020
February 25, 2020

Respectfully submitted,

Kathleen Barry, Recording Secretary

List of Documents referred to at the January 21, 2020 BOS Meeting:

- Citizen's Activity Form, Lynn Davis
- Letter from Chief Paulhus to BOS re: Officer Austin Chapski dated 1.8.20
- Letter from Chief Paulhus to BOS re: Full-Time Student Officer Appointment dated 1.8.20
- Letter from Chief Paulhus to BOS re: Part-Time Telecommunications Officer/Dispatcher dated 1.13.20
- Southborough Police Department Personnel Order dated 1.13.20
- Letter from Chief Paulhus to BOS re: BORO'S Citizens Police Academy dated 1.13.20
- FY21 Budget presentation for 1.21.20 BOS Meeting

- Regular Session Minutes: January 7, 2020
- Letter of Resignation, Lou Palecki
- Letter of Donation Receipt, Southborough Fire Department dated 11.21.19
- Warrant for 2020 Presidential Primaries
- Letter from Town Clerk Hegarty to BOS re: Appointment of Mr. Keith L. Ackley to Board of Registrars of Voters dated 1.14.20
- Early Voting Notice, Presidential Primary Election
- Draft of Article IX Accessibility Compliance Committee
- Annual Town Meeting Record, March 28, 2020
- Draft Accessibility Compliance Committee Article with Marty Healey's edits
- Draft Accessibility Compliance Committee Article with Sam Stiver's edits
- Draft Accessibility Compliance Committee Article with Brian Shea's edits
- Draft Annual Warrant 2020
- Letter from Town Counsel to BOS re_Legal Opinion Request TCO No. 20-3089 dated 1.21.20

DRAFT

TOWN OF SOUTHBOROUGH

BOARD OF SELECTMEN Meeting Minutes

Meeting Date: Monday, January 27, 2020, 7:30 A.M.
Location: McAuliffe Hearing Room, 17 Common Street, Southborough, MA
Present: Brian Shea, Marty Healey, Sam Stivers, Lisa Braccio
Absent: Dan Kolenda

I. Chairman Shea called the meeting to order at 7:30 A.M.

II. **Consent Agenda**

a. Chairman Shea made a motion to assign the January 17, 2020 OML Complaint filed by Ginny Kremer to Labor Counsel Tim Norris for response. Mr. Healey seconded. Mr. Healey asked if there is any indication that these complaints will cease. Mr. Purple said no. Mr. Stivers asked why the Board doesn't simply make public the entire matter. Mr. Shea said that there are certain protections under labor law for the former employee. Mr. Stivers said that he needs to understand better those protections. Mr. Healey said that the Board may want to make a comment that indicates that all records that can be made public have been done so. Mr. Purple will work with Labor Counsel to craft such a statement. The motion passed all in favor (4-0-0).

III. **Adjournment:** At 7:38 A.M., Ms. Shea made a motion to adjourn the meeting. Mr. Healey seconded. The motion passed all in favor (4-0-0).

Upcoming Meetings
February 11, 2020
February 25, 2020

Respectfully submitted,

Brian Shea, Chairman

List of Documents referred to at the January 24, 2020 BOS Meeting:

- January 17, 2020 OML Complaint from Ginny Kremer

DRAFT

Required Form of Vote to Submit a Statement of Interest (SOI) to the

Massachusetts School Building Authority

Southborough Board of Selectmen

Margaret A. Neary School

Resolved: Having convened in an open meeting on February 11, 2020, prior to the SOI submission closing date, the Southborough Board of Selectmen, Southborough, Massachusetts, in accordance with its charter, by-laws, and ordinances has voted to authorize the Superintendent to submit to the Massachusetts School Building Authority the Statement of Interest dated February 13, 2020 for the Margaret A. Neary School located at 53 Parkerville Road, Southborough, Massachusetts which describes and explains the following deficiencies and priority category for which an application may be submitted to the Massachusetts School Building Authority in the future as identified on the Statement of Interest Form (#5), "Replacement, renovation or modernization of school facility systems, such as roofs, windows, boilers, heating and ventilation systems, to increase energy conservation and decrease energy related costs in a school facility"; specifically, the replacement and renovation of the asphalt roofing structures which are rated in poor or failed condition, given that dozens of repairs have been performed to repair roof seams and flashing, and patch roof leaks. Several areas need immediate repair to avoid costly leaks; and herby further specifically acknowledges that by submitting this Statement of Interest Form, the Massachusetts School Building Authority in no way guarantees the acceptance or the approval of an application, the awarding of a grant or any other funding commitment form the Massachusetts School Building Authority, or commits the City/Town/Regional School District to filing an application for funding with the Massachusetts School Building Authority.

Duly Voted by the Southborough Board of Selectmen, February 11, 2020

And that, the Certification of the vote was duly recorded by:

_____ **Dated:** _____

Southborough Town Clerk

Required Form of Vote to Submit a Statement of Interest (SOI) to the

Massachusetts School Building Authority

Southborough Board of Selectmen

Mary E. Finn School

Resolved: Having convened in an open meeting on February 11, 2020, prior to the SOI submission closing date, the Southborough Board of Selectmen, Southborough, Massachusetts, in accordance with its charter, by-laws, and ordinances has voted to authorize the Superintendent to submit to the Massachusetts School Building Authority the Statement of Interest dated February 13, 2020 for the Mary E. Finn School located at 60 Richards Road, Southborough, Massachusetts which describes and explains the following deficiencies and priority category for which an application may be submitted to the Massachusetts School Building Authority in the future as identified on the Statement of Interest Form (#5), "Replacement, renovation or modernization of school facility systems, such as roofs, windows, boilers, heating and ventilation systems, to increase energy conservation and decrease energy related costs in a school facility"; specifically, the replacement and renovation of the asphalt roofing structures which are rated in poor or failed condition, given that dozens of repairs have been performed to repair roof seams and flashing, and patch roof leaks. Several areas need immediate repair to avoid costly leaks; and herby further specifically acknowledges that by submitting this Statement of Interest Form, the Massachusetts School Building Authority in no way guarantees the acceptance or the approval of an application, the awarding of a grant or any other funding commitment form the Massachusetts School Building Authority, or commits the City/Town/Regional School District to filing an application for funding with the Massachusetts School Building Authority.

Duly Voted by the Southborough Board of Selectmen, February 11, 2020

And that, the Certification that the vote was duly recorded by:

_____ Dated: _____

Southborough Town Clerk

Required Form of Vote to Submit a Statement of Interest (SOI) to the

Massachusetts School Building Authority

Southborough Board of Selectmen

P. Brent Trottier Middle School

Resolved: Having convened in an open meeting on February 11, 2020, prior to the SOI submission closing date, the Southborough Board of Selectmen, Southborough, Massachusetts, in accordance with its charter, by-laws, and ordinances has voted to authorize the Superintendent to submit to the Massachusetts School Building Authority the Statement of Interest dated February 13, 2020 for the Trottier Middle School located at 49 Parkerville Road, Southborough, Massachusetts which describes and explains the following deficiencies and priority category for which an application may be submitted to the Massachusetts School Building Authority in the future as identified on the Statement of Interest Form (#5), "Replacement, renovation or modernization of school facility systems, such as roofs, windows, boilers, heating and ventilation systems, to increase energy conservation and decrease energy related costs in a school facility"; specifically, the replacement and renovation of the asphalt roofing structures which are rated in poor or failed condition, given that dozens of repairs have been performed on both the field of the roof and replacing missing ridge caps. Several areas need immediate repair to avoid costly leaks; and herby further specifically acknowledges that by submitting this Statement of Interest Form, the Massachusetts School Building Authority in no way guarantees the acceptance or the approval of an application, the awarding of a grant or any other funding commitment form the Massachusetts School Building Authority, or commits the City/Town/Regional School District to filing an application for funding with the Massachusetts School Building Authority.

Duly Voted by the Southborough Board of Selectmen, February 11, 2020

And that, the Certification that the vote was duly recorded by:

_____ **Dated:** _____

Southborough Town Clerk

From: Mark Purple
To: Katie Barry
Subject: FW: Updated ADA bylaw
Date: Tuesday, February 11, 2020 1:44:55 PM
Attachments: signature.asc

One more thing for tonight. Mr. Litt submitted these thoughts on additional changes to the SPAC bylaw, which the Board will consider tonight as part of the agenda item under Other Business.

Thx.

Mark J. Purple
Town Administrator
Town of Southborough
P: 508-485-0710
F: 508-480-1061

From: Timothe Litt <timothe@litts.net>
Sent: Monday, February 10, 2020 8:10 AM
To: Mark Purple <mpurple@southboroughma.com>; William Sines <wsines@southboroughma.com>; Bonnie Phaneuf <bphaneuf@southboroughma.com>; v.acampora@verizon.net; wbwarren@alum.mit.edu; hdavisinc@gmail.com
Cc: Laurie Livoli <llivoli@southboroughma.com>; John Parent <jparent@southboroughma.com>
Subject: Re: Updated ADA bylaw

Mark,

Thank you for the markup. I have several comments, as follows:

- Overall, the changes are consistent with the original intent. Thanks to all who contributed.
- 9.34 - "Southborough supports" - "Southborough requires"
  Also, "enhancing" - "improving" (or "increasing") - "enhancing" is a weasel word.
- 9.34A "no more than five" - "five" - My mistake - I originally had a range.
- 9.34A "Quorum number" - delete "number", it's redundant
- 9.34A describing who is and isn't a Town Employee seems excessive - there is a common understanding, used in other bylaws. However, if the language remains, the SAP references are not sufficient. Town Employees are also union employees, and (like yourself) contract employees. They should not be voting members.

  Perhaps: A "Town Employee" is any person holding a non-elected, paid position in the Town other than a volunteer who is deemed a Municipal or Special Municipal employee solely for the purposes of MGL Chapter 268A.
- 9.35 - bullet 2 "town citizens" - "Town citizens"
- 9.35 - last bullet - add (restore)

  The SPAC (or its designee) shall maintain records of such concerns and their dispositions. To the extent permissible by law, the identities of persons raising such concerns shall be

confidential, unless confidentiality is waived by such person.

Thanks again.

On 06-Feb-20 11:05, Mark Purple wrote:

> Good morning.
>
> Attached is the latest draft (redline and clean versions) of the ADA Committee bylaw, as revised by the Board of Selectmen at their last regular meeting. The Board will be finalizing the draft at their February 11 meeting for inclusion the Town Meeting warrant.
>
> Thank you.
>
> Mark
> **Mark J. Purple**
> **Town Administrator**
> **Town of Southborough**
> **P: 508-485-0710**
> **F: 508-480-1061**

From: Mark Purple
To: Katie Barry
Subject: FW: Water Rate Memo
Date: Tuesday, February 11, 2020 4:52:51 PM

In the event it becomes part of the discussion under water rates tonight, you will need this for associated documents for the minutes.

Thanks.

Mark J. Purple
Town Administrator
Town of Southborough
P: 508-485-0710
F: 508-480-1061

From: Karen Galligan <kgalligan@southboroughma.com>
Sent: Tuesday, February 11, 2020 4:27 PM
To: Brian Shea <bshea@southboroughma.com>; Martin Healey <mhealey@southboroughma.com>; Daniel Kolenda <dkolenda@southboroughma.com>; Lisa Braccio <lbraccio@southboroughma.com>; Sam Stivers <sstivers@southboroughma.com>
Cc: Mark Purple <mpurple@southboroughma.com>
Subject: Water Rate Memo

Members of the Board and Mark,

I was reviewing the memo for tonight's meeting and I found two issues that, although they don't change the recommendation, should be noted.

First, I transposed the decimal units in the Tier 3 column of the proposed new rates in the memo to the Selectmen. The cost per cubic foot of water for water usage of 3001 to 10000 CF should be $6.86 (not $6.68). This typo did not affect the calculations in the memo, since the calculations were for 3000CF. The typo was also not part of Matt Abrahams calculation sheets.

Second, however, the normalized MWRA cost, although not effected by the typo was mis-calculated and should be $529.67 (not $486.24) at the new rates. That places Southborough sixth highest out of the 10 fully supplied, water only, MWRA communities (not eighth).

Thanks,

Karen Galligan
DPW Superintendent

RCV'D Town Clerk
3/18/20
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TOWN OF SOUTHBOROUGH

BOARD OF SELECTMEN Meeting Minutes

Meeting Date: Tuesday, February 25, 2020, 7:00 P.M.
Location: McAuliffe Hearing Room, 17 Common Street, Southborough, MA
Present: Brian Shea, Marty Healey, Lisa Braccio, Sam Stivers and Town Administrator Mark Purple
Absent: Daniel Kolenda left the meeting at 7:39 P.M.

I. Chairman Shea called the meeting to order at 7:00 P.M.

II. **Public Comment**
None

III. **Scheduled Appointments**
Joint meeting with the Board of Library Trustees to fill a Trustee vacancy
Chairman Shea stated that this topic was discussed at the last meeting and needed to be revisited tonight to commence an official joint vote to fill the Trustee vacancy. Mr. Donovan stated that the recommendation for Janet Many to fill this position has not changed since last meeting. Ms. Landry stated the Board of Library Trustees voted unanimously to recommend Janet Many as the interim Trustee. Chairman Shea asked Ms. Maney if she had pulled election papers. Ms. Maney replied that she had not and she is working with Mr. Hegarty to do so. Mr. Purple informed the Boards that both need to make a roll call vote as the Board and Board of Library Trustees are meeting jointly. Chairman Shea made a motion to fill the vacancy on the Board of Library Trustees with Ms. Maney as recommended. Mr. Healey seconded. Roll Call: Shea, aye; Healey, aye; Braccio, aye; Kolenda, aye; Stivers, aye. Landry, aye; Yazdani, aye; Vachris, aye; Davis, aye. The motion passed unanimously (9-0-0).

Town Meeting warrant article presentations
Chairman Shea stated there are ten articles listed that the Board has not yet taken a position on. He reminded the public that the intent is for the Board to receive more information about the articles and either take a position of support, of no support or to wait until Town Meeting. He asked presentations be limited to five minutes.

i. Article 5 – Salary Administration Plan
Betsy Rosenbloom, Chair of the Personnel Board, informed the Board that the materials included in the package have the summary of changes the Personnel Board is recommending. She thanked the Personnel Board for volunteering their time to work on the Plan. Chairman Shea thanked Ms. Rosenbloom and the Personnel Board for their work and the summary they created. The rest of the Board reiterated his sentiments and there were no questions. Ms. Rosenbloom thanked Mr. Purple and Ms. Hale for their support of the Personnel Board. Chairman Shea made a motion to support Article 5 – Salary Administration Plan. Mr. Healey seconded. The motion passed all in favor (5-0-0).

ii. Article 8 – FY2021 Water Enterprise Fund budget
Mr. Purple told the Board the full Water Enterprise Fund budget is included in their packet which is the same budget used to create the water rate structure changes approved by the Board at the last meeting. There were no questions or comments from the Board. Chairman Shea made a

motion to support Article 8 – FY2021 Water Enterprise Fund budget. Mr. Stivers seconded. The motion passed all in favor (5-0-0).

iii. Article 14 – MSBA project for Finn School boiler

Mr. Martineau, Superintendent of Schools, stated that in January of 2019 the School Committee submitted a statement of intent to replace the Finn School boiler through the Mass School Building Authority. He said the project to replace in-kind two oil fired burners with 85% efficiency was approved for MSBA. Mr. Martineau stated that propane was not a viable option because there is no area to store the tanks and EverSource does not provide natural gas in the area of the school. There was discussion on whether upcoming EverSource projects would provide an opportunity for Finn School to be supplied with natural gas. Ms. Galligan stated that the projects will be located on Southville Road and River Street and natural gas will not be available for Finn School. The total cost of the project is $990,180. Mr. Martineau explained that the MSBA reimburses 36.89% of the total cost of the project which would come to $365,246. The cost to the Town is $624,903. Mr. Purple informed the Board that MSBA gives a lump sum in the beginning of the project and the Town will only be borrowing the amount attributed and not the full cost. Chairman Shea made a motion to support Article 14 – MSBA project for Finn School boiler. Mr. Kolenda seconded. The motion passed (4-0-1). Mr. Healey recused as this is a borrowing article.

iv. Article 19 – CPA – Kallander Field project

Andrew Mills, Vice Chair of the CPC, informed the Board that the CPC articles have been unanimously voted in approval by the CPC as provided in the packet except for the change in wording in Article 20. He stated that a feasibility study was approved at Town Meeting last year and completed. Mr. Mills said the CPC voted unanimously to recommend to rehabilitate Kallander Field at the cost of $238,750 in CPA funds to the 2020 Town Meeting. Tim Davis, Recreation Director, stated they worked with a landscape architect and the final plans provided will address the issues plaguing Kallander Field. He stated that he has been working with Ms. Galligan to create a maintenance plan that will ensure the issues will not return. Chairman Shea asked if there was a schedule in place for the project. Mr. Davis stated the specifications for the bidding process is complete with a July 1 start date for the winning bidder. He said the goal was for the Field to be ready in spring 2021.

Mr. Stivers asked if the architect has full confidence that the project will fix the issues at the Field. He asked what obligation the architect had to the Field if the issues were not fixed. Mr. Davis stated he will look at the contract but reiterated that the Town will need to follow the maintenance plan to ensure the Field conditions do not deteriorate. Ms. Braccio commended the Recreation Commission for following a path that addressed the many concerns with the Field. She asked Mr. Davis if the studies considered the water flowing from the hill and he replied that they had. Mr. Healey asked if any of the abutters were aware of the progress made on the project. Mr. Davis replied that he has not heard from any abutters since coming into office and the work will be done to Town property only. Mr. Healey asked for Mr. Purple to reach out to the abutters to make them aware of the status of the project. Mr. Purple stated once bids are received, the Board will schedule a meeting with abutters to make sure they are aware of the project schedule. Mr. Stivers asked Mr. Smith if he was in support of these plans regarding stormwater management. Mr. Smith replied that he had seen the plans this evening and requested the inclusion of a more detailed drawing of the swale in the plans. Mr. Smith stated that as long as the swale is of an acceptable size to handle the drainage, he is comfortable with

the project plans. Chairman Shea made a motion to support Article 19 – Kallander Field project. Ms. Braccio seconded. The motion passed all in favor (4-0-0).

v. Article 20 – CPA – St. Mark's Church bell tower project

Andrew Mills, Vice-Chair of the Community Preservation Committee recused himself from this matter. Ben Smith, CPC member, stated there was an error in the language of this article and the request is for $300,000 not the $200,000 as written. He said the CPC voted on the change this evening and it passed (3-1-1). He added that the additional $100,000 would come from the General Reserve Fund. Mr. Smith introduced Mr. Blanchette, a member of St. Mark's Church.

Mr. Blanchette gave a historical background of St. Mark's Church and its involvement in the community. He stated the bell tower is falling into disrepair and has a five-year window to execute on needed renovations. He said the there has been an application filed for the bell tower to be listed on the National Register of Historical Places but has not yet been accepted. He added that request for an additional $100,000 is due to the fact that the application has not yet been approved. St. Mark's Church has received $50,000 in emergency funding from the Mass Historical Commission and the Parish committed to $350,000. Mr. Blanchette stated the overall cost for the repairs to the bell tower is $750,000. Chairman Shea asked where the additional $50,000 needed for the full repairs would come from. Mr. Blanchette stated they will continue to apply through the Mass Historical Commission for the final funding amount. He added that there are no religious depictions on the bell tower and it is free standing. Mr. Smith added that Town Counsel had opined that this project is fundable using CPA funds.

Mr. Healey stated that Mr. Butler had sent a letter regarding concerns on the inability to separate Church and State in this project and would like any documentation from the Mass Historical Society determining otherwise. Mr. Blanchette agreed to provide that information. Ms. Braccio stated that because of the concerns raised in Mr. Butler's letter and the increase in funding request, she was not ready to take a position. Chairman Shea explained that CPC funding is a combination of tax on Southborough property owners and a match that has been continually declining from the State. He explained his rationale for supporting CPC projects and he is not yet convinced this is a good use of tax payer's money. Mr. Stivers said he would like to hear a response to Mr. Butler's concerns from Town Counsel. Mr. Butler outlined a Supreme Court case from 2018 where citizens from the Town of Acton sued the Town for funding a similar project supported by the Mass Historical Commission. He added that the project was eventually pulled and the Town incurred approximately $250,000 in legal fees. He felt the St. Mark's Bell Tower project could put the Town at risk for this type of lawsuit. Chairman Shea suggested the Board decide whether to support Article 20 – St. Mark's bell tower project at Town Meeting. The Board agreed.

vi. Article 28 – Zoning bylaw – Special permits, alterations

Deborah DeMuria, member of the Zoning Board of Appeals, explained that the objective of the bylaw amendment is to bring clarity to the language and allow changes as of right to properties with pre-existing non-conforming lots or structures as long as the non-conformity is not increased in any way. She stated these sections of the Town Code have been very controversial and a recent special permit application brought the issue to the attention of the Zoning Board. She stated Town Counsel opined on the issue and referenced new case law outlining that a building permit and not a special permit were to be issued in these scenarios. Ms. Braccio asked if Town Counsel had reviewed the language. Ms. DeMuria replied he had. Mr. Healey asked how these types of projects had been handled up until now. Ms. DeMuria replied that the applicant

would need to apply for a special permit before the Zoning Board of Appeals. Ms. DeMuria stated the updated language will allow for these scenarios to apply for a building permit and not require zoning relief. Mr. Healey asked if the Building Commissioner supported this article. Ms. Barry replied in the affirmative. Chairman Shea made a motion to support Article 28 – Special permits, alterations. Mr. Healey seconded. The motion passed all in favor (4-0-0).

vii. Article 29 – Zoning bylaw – Outdoor illumination

Marnie Hoolahan, member of the Planning Board introduced Destin Heilman of 7 Harris Drive who has been consulting on this proposed bylaw. Ms. Hoolahan gave background on the reasoning for the proposed bylaw change which included environmental protection and increased safety for citizens and the environment inspired by the Dark Skies Initiative. Mr. Heilman expanded on this topic and explained that the update will be bring the bylaw up to date with modern ways to allow developers to use lights and will be more flexible. He explained there will be a color cutoff and a limit of 3,000 Kelvins as recommended the Dark Sky Association and ADA. Ms. Hoolahan explained the formatting changes and BUG rating. Mr. Healey stated he felt this was a good idea and explained his concerns regarding the enforceability as written in the proposed bylaw. He said he felt residents would embrace this bylaw more without the heavy-handedness regarding enforcement and stated he was not sure the burden of proof could be shifted to the homeowner. He added that the language that describes a site visit at night from a Town representative does not sound practical. Mr. Heilman said the enforcement section was taken verbatim from the Town of Pepperell's lighting bylaw. Mr. Healey asked if the Town of Pepperell conducted any site visits and felt that if the bylaw was successful, it was due to citizen by-in and not enforcement. He suggested they step back from an enforcement approach.

Ms. Hoolahan said it is a challenge to keep compliance and the Building Commissioner would be the single line of enforcement. Mr. Healey stated that the language in Subsection 1 of the proposed bylaw is sufficient. Chairman Shea asked the percentage of residential properties that would have violations. Mr. Heilman stated the bylaw proposed set standards in moving forward and lights would have to come into compliance at the end of their lifetime. Ms. Braccio asked how enforcement would proceed with commercial properties in violation. Ms. Hoolahan stated it would be the responsibility of the Building Commissioner to enforce the bylaw. Mr. Healey asked the potential cost for a property owner out of compliance. Mr. Heilman stated it would be zero. He gave an example of a parking lot in violation and explained they would need to come to full compliance when 50% of the fixtures needed replacement. Ms. Hoolahan added that the same would apply to homeowners in violation. Mr. Stivers stated that this bylaw is long overdue and asked for data and feedback from the Town of Pepperell regarding enforcement and instances where that was challenged or escalated to court. Ms. Braccio asked how residents will be informed of the bylaw updates and Ms. Hoolahan outlined their information sessions before Town Meeting and said she will work with Mr. Heilman and the Planning Board to form ideas for publicity after Town Meeting. Ms. Braccio asked if Christmas lights would be excluded and Ms. Hoolahan replied in the affirmative. Chairman Shea stated that he would like to attend other information sessions to learn more and would like to hold off on a position. The Board agreed. Chairman Shea stated the position will be printed as "at Town Meeting" in the warrant.

viii. Article 30 – Zoning bylaw – Site Plan review

Meme Luttrell from the Planning Board stated this article brings the bylaw in line with Town Code Chapter 9 § 23 which requires that all voting members of town committees are residents. She said the Site Plan Committee consists of department heads; some who do not reside in Southborough. The bylaw would move the jurisdiction of Minor Site Plan review from the Site

Plan Committee to the Planning Board. Ms. Luttrell explained the Minor Site Plan review process. Mr. Healey asked if the Site Plan Committee had a position regarding this article. Ms. Luttrell replied that the Planning Board had not heard any comments from them and added the Town Planner is in favor of this article. Chairman Shea made a motion to support Article 30 – Site Plan review. Mr. Stivers seconded. The motion passed all in favor (4-0-0).

ix. Article 31 – Citizen petition – Noise bylaw

The petitioner, Mr. Lapine did not have a presentation and opened the discussion for questions from the Board. Chairman Shea asked if he could use a gas-powered lawn mower at his house under this proposed bylaw. Mr. Lapine responded that he could as it would it would fall under the exemptions in the bylaw. Ms. Braccio asked how "light residential outdoor equipment" was defined. Mr. Lapine responded that it would be typical home equipment. Ms. Braccio asked if because the definition is not specified in the bylaw, that the equipment allowed would be left to the discretion of those that enforce the bylaw and Mr. Lapine answered in the affirmative. Mr. Healey asked if the Police Department would be enforcing this bylaw and if he had spoken with Chief Paulhus. Mr. Lapine responded yes to both questions and stated that the only concern he heard from the Chief was the challenge of using sound meters. Mr. Healey asked how the enforcement would be carried out and voiced his concern that additional officers were added to keep the Town safe; not to enforce civil matters. Mr. Lapine described the process from the Police receiving a complaint to responding and evaluating whether a violation occurred. He added that the violation would be determined by the Police at their discretion based on what they hear or if it were outside normal hours outlined in the bylaw. Ms. Braccio voiced her concern that specific items are not listed as exempt and the amount of complaints that could be brought because of the lack of clarity. Ms. Braccio added that she had concerns about enforcement and felt this bylaw was too restrictive. She gave feedback on the tables provided in the document and outlined the requirements from OSHA that are less restrictive.

Mr. Kolenda stated he would like to work on a noise bylaw with the Board and Police Chief in the coming year to allow for more public input and to create unified support for Town Meeting in 2021. Mr. Stivers said a noise bylaw is long overdue and had worked with Chief Paulhus in the past to create a draft. He added bylaws similar to this have worked in other communities and gives leverage to the enforcement arm to diffuse a noise complaint before resulting in fines. Mr. Healey stated that he agrees with Mr. Kolenda and does not feel the bylaw as written is enforceable. He stated a bylaw based on hours would be more beneficial. Mr. Kolenda made a motion for the Board to not Support Article 31 - Noise bylaw. Mr. Healey seconded. The motion passed (4-1-0). Mr. Stivers opposed.

x. Article 32 – Citizen petition – Plastics ban

The proponent was not in attendance and no presentation was made. Chairman Shea proposed to include the Board's decision as "at Town Meeting" in the annual warrant for Article 32 – Plastics Ban. The Board agreed.

xi. Any other warrant article included on the draft March 28, 2020 warrant

Ms. Braccio asked for a discussion of the EDC budget request of $10,000 included in Article 7. She stated that the Advisory Committee raised concerns about the proposed EDC budget at their recent meeting and she agreed that the grant the Committee received could cover a lot of the items listed in their budget request. Ms. Braccio stated her concerns of potentially using tax payer funds to support a board or committee. She voiced concern about including a line item on the budget that could carry over a large yearly cost. Ms. Cook stated that Advisory will be voting

on the budget tomorrow evening and this is one of their two concerns. She added that she agrees with Ms. Braccio's statements. Ms. Braccio asked if the Board were open to revisiting this line item.

Mr. Stivers stated he raised this concern when the request from the EDC was first received. He felt the funds would be more appropriate for a part-time grant writer. Mr. Healey stated he had concerns that lowering the EDC's budget could send a message that the Board does not support the Downtown Initiative. He said the Board has not supported the EDC as they should and moving forward, the support of the Board needs to improve. Ms. Braccio agreed that the EDC needs more of the Board's support but was concerned that this could set precedent for a board, committee, or citizen to come forward and request a large budget. She gave examples of others who successfully executed Town inditiatives without asking for more funding from the Town. Mr. Stivers said he is in support of the Downtown Initiative and felt that more value would come from more involvement in the project from the Board. Mr. Healey asked if Advisory had reservations due to the project itself or the concerns raised in this discussion. Ms. Cook stated Advisory supports the EDC initiative but does not think the Advisory Committee supports the EDC budget. She added that the EDC had some confusion as to how the $10,000 amount came about when they presented to Advisory. Chairman Shea stated he was concerned lowering the budget would send a message of non-support and suggested a meeting with the EDC to discuss their budget and other items. He added that the Board could hold their position until Town Meeting to gather more information. The Board agreed to invite the EDC to their next meeting.

IV. Reports

Town Administrator's Report

None

Chairman's Report

Chairman Shea reminded Town employees and volunteers to send in their acknowledgement of receipt of the Conflict of Interest Summary to the Town Clerk.

Chairman Shea informed the public that there will be a public hearing with MassDOT Thursday February 27th from 6:30-8:30 P.M. at Finn School. He stated the hearing will be regarding the traffic impact of an upcoming project to repair bridges on the Mass Pike in the summer of 2021. Chairman Shea said he will be inviting representatives from MassDOT to discuss the anticipated traffic impact on the Town with the Board. The roadways due to be impacted are Woodland, Cordaville and Parkerville Roads. He added that correspondence from the Town regarding the identification of timeframes that would cause conflicts are due in July. He asked Mr. Purple to work with Ms. Galligan and others to identify and apprise MassDOT of these potential conflicts. Mr. Purple agreed to do so.

Members' Report

Mr. Healey requested that Mr. Purple reach out to Ms. Galligan and update the public and Town website as to when construction for the Main Street Project will begin and impact roads. Mr. Purple agreed to do so.

Mr. Stivers stated he attending the MassDOT briefing session in Westborough regarding the repairing of bridges in Southborough and surrounding towns. He explained why the project has been accelerated due to traffic impact. He said MassDOT was not receptive to his suggestion to

enhance the look of the bridges as they repair them. He encouraged the Board to make a similar request.

Mr. Stivers wanted to comment on the proposed Plastic Ban bylaw and referenced a study done on the ban imposed in California that has been in effect since 2007. He said it was found that single bag use did decrease but the alternatives used did not get the reduction in plastic as expected. Mr. Stivers added that paper bag use increased which also has an adverse environmental impact. He said it is advantageous to think about how to encourage people to reuse their bags more frequently and added that some areas had implemented fees per bag.

Consent Agenda

a. Approval of Regular Session minutes: February 4, 2020; February 11, 2020
Mr. Stivers asked to hold item "A." Mr. Stivers stated the motion Mr. Kolenda made in the February 4, 2020 meeting minutes regarding the support of the Police and Youth and Family Services positions was unclear. He had sent language to clarify this motion to Mr. Purple. Mr. Kolenda agreed with the proposed language change from Mr. Stivers for the February 4, 2020 minutes. Mr. Stivers made a motion to approve the February 4, 20202 meeting minutes with his requested edit and the February 11, 2020 meeting minutes as proposed. Mr. Kolenda seconded. The motion passed all in favor (5-0-0).
b. Mr. Kolenda made a motion to approve the appointment of Maintenance Technician position for Facilities Department. Mr. Healey seconded. The motion passed all in favor (5-0-0).
c. Mr. Kolenda made a motion to approve the refinancing request for LIP unit at 10B Fitzgerald Lane. Mr. Healey seconded. The motion passed all in favor (5-0-0).
d. Mr. Kolenda made a motion to approve of meeting minutes of January 7, 2020 for Public Safety Building Naming Subcommittee. Mr. Healey seconded. The motion passed all in favor (5-0-0).
e. Mr. Kolenda made a motion to approve the new on-site manager for CommCan Inc. Mr. Healey seconded. The motion passed all in favor (5-0-0).

V. Other Matters Properly Before the Board

<u>EDC request for BOS to sponsor Downtown Zoning Mixed Use overlay article for the Fall Town Meeting</u>

Chairman Shea stated he was supportive of the concept and would like to meet with the EDC regularly to assist with the project. He added he would like more information on this article and a proposed schedule in order for it to be included in the Fall Town Meeting. He suggested inviting the EDC to attend the next Board meeting. Ms. Braccio agreed and stated she supports the concept and is ready to take a position of support this evening. Mr. Healey stated he did not think a vote was needed and would like to hear from the EDC regarding their budget request. Chairman Shea asked Mr. Purple to invite the EDC to the March 10th meeting and to inform them the Board is supportive of being the sponsor on this article. Mr. Purple agreed to do so.

VI. On a motion made by Mr. Stivers, seconded by Mr. Healey and voted all in favor, the meeting was adjourned at 9:16 P.M.

Upcoming Meetings
March 10, 2020
March 24, 2020

Respectfully submitted,

Kathleen Barry, Recording Secretary

List of Documents referred to at the February 25, 2020 BOS Meeting:

- Draft March 28, 2020 town warrant
- Proposed Revisions for the FY21 Personnel Bylaw Entitled "The Salary Administration Plan" For Spring Town Meeting 2020
- Town of Southborough Budget Request FY 21 (Water)
- Letter from Laurie Livoli to Mark Purple dated 2.20.20
- Draft Regular Session Meeting Minutes 2.4.20
- Draft Regular Session Meeting Minutes 2.11.20
- Memorandum from John Parent to BOS dated 2.19.20
- Letter from Catherine Racer of DHCD to Brendalee Hird dated 6.16.17
- Letter from Mark Purple to Brendalee Hird dated 6.15.17
- Draft Public Safety Naming Sub-Committee Meeting Minutes 1.7.20
- Letter from Peter Goodney dated January 7, 2020 to the Board of Selectmen
- Letter from Marijke Munsiff-Vegting to Mark Purple dated 2.10.20
- Letter from John Butler to Andrew Mills, Marty Healey, Sam Stivers and Kathy Cook dated 2.23.20
- Letter from Mark Purple to BOS dated 2.24.20 re_CommCan, Inc. New On-Site Manager
- Letter from Marijke Munsiff-Vegting to Brian Ballantine and Mark Purple dated1.29.20
- Pictures of St. Mark's Bell Tower presented by CPC
- Handout from St. Mark's Church representative

ANNUAL WARRANT

of the

TOWN OF SOUTHBOROUGH

MASSACHUSETTS

For the Annual Town Meeting
on

March 28, 2020

1:00 – 5:00 p.m.
7:00 – 11:00 p.m.

Contents

Page No.

Town Finance Terminology 4
Introduction to the Rules of Town Meeting 5

Articles

1. To Hear Reports 9
2. Acceptance of Monies from Contributors 9
3. Borrowing Authorization 9
4. Authorize Board of Selectmen and Supt. of Schools/Three Year Contracts 9
5. Amend the Personnel Salary Administration Plan 10
6. Amend Borrowing Authorization for Public Safety Building Project 24
7. Fiscal Year 2020 Budget 24

Moderator 25
Elected Board of Selectmen 25
Board of Selectmen 25
Advisory Committee 25
Reserve Fund 25
Town Accountant 25
Audit 25
Elected Board of Assessors 25
Assessors 26
Treasurer/Collector 26
Legal 26
Personnel Board 26
Special Legal Counsel 26
Municipal Technology Committee 26
Technology 26
Other Operation Support 26
Elected Town Clerk 27
Town Clerk 27
Conservation Commission 27
Planning Board 27
Zoning Board of Appeals 27
Open Space 27
Economic Development Committee 27
Public Buildings and Properties Maintenance 27
Public Accessibility Committee 28
Police Department 28
Fire Department 28
Building Department 28
Civil Defense 28
Animal Control Officer and Animal Inspector 28
Department of Public Works – Highway, Cemetery, Tree 28
Elected Board of Health 29
Board of Health 29
Council on Aging 29
Youth Commission 29
Veterans' Services 29
Library 29
Recreation Commission 29
Historical Commission 29

DRAFT

Contents

Page No.

Articles (cont.)

Memorial Day 30
Debt Principal and Debt Interest 30
Employee Benefits 30
Budget Capital 30
Court Judgments 30
Liability Insurance 30
Elected School Committee 31
Southborough Schools 31
Algonquin Regional High School 31
Assabet Valley Regional Technical High School 32
Norfolk County Agricultural High School 32

8. Fiscal Year 2021 Water Budget 33
9. General Government Capital Items (Non-borrowing) 33
10. General Government Capital Items (Borrowing) 34
11. Payment to Retirees for Accrued Leave Time 34
12. Insurance Deductible Account 34
13. Facilities Maintenance Fund 34
14. MSBA Project for Finn School Boiler 35
15. Annual Authorization of Revolving Fund Amounts 35
16. Appropriation from CPA Funds – Administrative 36
17. Appropriation from CPA Funds – Debt Payment for Burnett House 36
18. Appropriation from CPA Funds – Debt Payment for Library Façade Project 37
19. Appropriation from CPA Funds – Kallander Field Construction 37
20. Appropriation from CPA Funds – St. Mark's Church Bell Tower Renovation 37
21. Adopt MGL to Increase Property Exemptions 37
22. Amend Town Code – Increase Qualification Period for Appointments 38
23. Adopt MGL to Reduce Speed Limit in Thickly Settled Areas 38
24. Adopt MGL to Designate Safety Zones 38
25. Adopt MGL to Implement Local Meals Tax 38
26. Amend Town Code – Southborough Public Accessibility Committee 39
27. Adopt MGL for Saturday Office Hours 40
28. Amend Town Code – Zoning – Miscellaneous Provisions 41
29. Amend Town Code – Zoning – Outdoor Illumination 42
30. Amend Town Code – Zoning – Site Plan Review 48
31. Citizen Petition – Amend Town Code: Noise Bylaw 52
32. Citizen Petition – Amend Town Code: Reduce Plastic Waste 56

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Town Finance Terminology

The following terms are frequently used in the Advisory Committee Report and at Town Meeting. For your convenience, we provide the following definitions.

Surplus Revenue: (Often referred to as "Excess and Deficiency")
The fund represents the amount by which the Cash, Accounts Receivable and other floating assets exceed the liabilities and reserves.

Available Funds: (Often referred to as "Free Cash")
The amount of the Unreserved Fund Balance (Surplus Revenue) account over and above uncollected taxes of prior years constitutes "free cash" or "available funds".

Overlay:
The Overlay is the amount raised by the Assessors in excess of appropriations and other charges for the purpose of creating a fund to cover abatements and exemptions as granted.

Overlay Reserve:
This is the accumulated amount of the Overlay for various years not used or required to be held in the specific Overlay account for a given year, and may be used by vote of the town for extraordinary or unforeseen purposes or voted into the Reserve Fund.

Stabilization Fund:
An outside section of Chapter 138 of the Acts of 1991 (the FY92 State budget) modifies limitations on the Stabilization Fund appropriation process by enabling communities to appropriate from this fund for any non-capital, lawful purpose without Emergency Finance Board approval (section 333). Beginning in FY92, the Stabilization Fund will thus become a source of revenue for general operating expenses for communities.

The Stabilization Fund is a mechanism for setting aside money for capital projects. It equalizes the effect of capital expenditures over time, as capital appropriations can change considerably from year to year. The balance in the fund will build up during years when expenditures for capital items are low. During years with high capital expenditures, the community will transfer money from the fund to reduce the project's impact on the tax rate or the amount of borrowing required for the project.

A community may appropriate up to 10% of its tax levy each year, as long as the balance in the Stabilization Fund does not exceed 10% of the community's equalized valuation. Interest earned on any fund balance is retained as part of the fund.

Appropriations into a Stabilization Fund can be made at either an annual or special town or district meeting. Chapter 94 of the Acts of 1985 permits appropriations to be made from a Stabilization fund at a special town or district meeting, not just at the annual meeting. Regardless of the timing, appropriations from the Stabilization Fund require a two-thirds vote by the appropriating authority. Until the FY92 state budget, a community could only appropriate from the Stabilization Fund for a none-capital purpose with the approval of the Emergency Finance Board.

Reserve Fund:
This fund is established by the voters at the Annual Town Meeting only and may be composed of (a) an appropriation (not exceeding 5% of the tax levy of the preceding year), (b) money transferred from Overlay Reserve, or (c) both. Transfers from the Reserve fund may be made only by the Advisory Committee and are for "extraordinary or unforeseen expenditures" only.

Conservation Fund:
For land purchases and any other conservation use.

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Introduction to the Rules of Town Meeting

Southborough's Town Meeting is an open town meeting in which all registered voters may participate. Town Meeting is a deliberative assembly, conducted via a defined process, charged with considering a maximum number of questions of varying complexity in a minimum amount of time and with full regard to the rights of the majority, strong minority, individuals, absentees and all of these together. In other words, we gather for the purpose of conducting the Town's business thoughtfully and efficiently.

AUTHORITY

The three elements of authority at Town Meeting are a quorum of one hundred (100) registered voters or more, the Clerk and the Moderator. Of these three, the quorum is the most important.

The Town Clerk is responsible for voter registration, certification of a quorum, setting up the hall and keeping the record of the proceedings. He may also officiate Town Meeting in the absence of a Moderator.

The Moderator presides at and regulates the proceedings, decides all questions of order, and makes declarations of all votes. No one may speak on an issue without being recognized by the Moderator. It is the Moderator's responsibility to approve the distribution of materials, and persons wishing to do so must seek his permission. The Moderator appoints Tellers and alternates for the purpose of counting votes of the meeting.

THE WARRANT

All matters to be considered at Town Meeting must be published in the Town Meeting Warrant, which is the responsibility of the Board of Selectmen. The primary and most important purpose of the Warrant is to notify voters in advance the nature of the business to be taken up at Town Meeting. By state law, Town by-law or custom, several business articles (such as budget appropriations) must be presented in the Town Warrant each year for consideration. Other items are added by warrant articles proposed by Town officials, committees, boards, or groups of ten or more registered voters. The Advisory Committee reviews the Warrant, making recommendations on all the items of business to be presented. In accordance with the Town by-laws, all articles in the Warrant are considered in the order in which they appear in the Warrant, unless the Town Meeting votes to change the order for reasons that reasonable people would entertain.

PARTICIPATION

Any voter wishing to participate in Town Meeting must go to one of the floor microphones and wait to be recognized by the Moderator. Upon recognition by the Moderator, first state your name and address, and then state your business.

Anyone whose name is not on the list of registered voters requires the approval of either the Moderator or a majority of the Meeting to sit in the voting area.

All remarks shall be limited to the subject then under discussion. It is improper to indulge in references to personalities, and all expressions of approval or disapproval, such as applause or booing, are out of order. The Moderator may request any person to keep silent. If after warning from the Moderator, a person refuses to be silent or persists in other disorderly behavior, the Moderator may order a person to withdraw and if he fails to withdraw, may order a police officer to remove such person from Town Meeting.

Individuals who have a personal or financial interest with respect to a matter may speak or vote thereon but should frankly disclose their interest. However, no Town Meeting voter should accept compensation for participating without disclosing that fact.

There is no fixed time limit to the debate of any question. However, out of consideration for the others in attendance and the need to give adequate time to all matters coming before Town Meeting, each individual who speaks should make an effort to be as brief as possible and avoid repeating facts, views or opinions already expressed by others.

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Anyone wishing to make a presentation with respect to any article must, prior to Town Meeting, obtain the Moderator's approval.

In order to give all a fair opportunity to speak, no one who has addressed any particular motion shall speak again, except to answer questions, until all others wishing to speak to the motion have done so.

HOW ARE MOTIONS CLASSIFIED?

Main Motions
Motions of this group are for the bringing of questions, or propositions, before Town Meeting for consideration. Only one main motion can be considered at a given time, and once introduced such a motion excludes all other main motions until it has been disposed.

Subsidiary Motions
Motions of this group have are for the modification or disposition of the main motion that is being considered. Their existence as motions depends entirely upon the principal motion to which they are subordinate. Since they relate to the question then under consideration, it is in order to propose them when a main motion is pending and to vote upon them before voting upon the main motion.

Privileged Motions
Motions of this group have no connection whatsoever with any main motion, but are motions of such importance that they are entitled to immediate consideration. These motions have the privilege of temporarily setting aside the main business then before Town Meeting.

Incidental Motions
Motions of this group have few characteristics in common, but for convenience have been grouped into one class. The name "incidental" applies because they arise only incidentally out of the business of Town Meeting.

RULES RELATIVE TO MOTIONS

A motion is the means of bringing a proposal or question for consideration by Town Meeting. When first put forward it is a motion; after it is seconded and acknowledged by the Moderator, it becomes the question or proposal. Except for complimentary resolutions (the presentation of which must be approved in advance by the Moderator), no main motion shall be entertained unless it's substance is contained within the scope of a Warrant article. Upon completion of debate, articles will be voted upon.

The Moderator shall determine whether a motion, or any discussion relative to a motion, is within the scope of the Warrant article under consideration. That is, the motion and the debate must be relevant to the article as written in the Warrant, since the purpose of the Warrant is to apprise voters of the actions to be taken at Town Meeting.

Articles only give notice to the voters and do not initiate action; motions do. Motions may be withdrawn; articles may not be withdrawn – articles must be acted upon by Town Meeting.

There are four types of amendments: striking out, inserting, striking out and inserting, and substitution. Motions to amend may be hostile as long as they are germane. An amendment to a motion is an amendment of the first rank; an amendment to an amendment is of the second rank; there can be no amendment beyond that of the second rank.

Some motions do not lead to a final determination by Town Meeting. A motion to commit or to refer sends the matter to an existing board or committee or one to be established. The motion to postpone indefinitely disposes of the question without bringing it to a direct vote. The motion to postpone indefinitely should not be confused with the motion to table which only temporarily delays a vote. As previously stated, articles may not be withdrawn; so when the Meeting does not wish to act on a particular article, the proper motion is to postpone consideration indefinitely.

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Motions to reconsider shall be entertained when new information is available that is materially different than was presented (or could have been presented) at the time of the original vote on the article. Articles may be reconsidered only once. If a motion to reconsider is passed by the necessary 2/3 vote, it brings the original article back to the floor (which requires a new motion and additional debate); if the motion to reconsider is defeated, then the original article stands as previously voted and may not be reconsidered again. Actions to reconsider can be taken at the same session or any subsequent session of Town Meeting. A notice of reconsideration may be filed in advance with the Town Clerk stating that, at a specific point during the current Town Meeting, a voter will move for reconsideration on a particular article, and the Moderator will inform the hall of said action. Note that such a motion so noticed in advance must still be in order (i.e., must comply with all conditions required of any reconsideration motion).

All motions other than purely procedural motions must be in writing and signed by the sponsor.

CHART OF PRECEDENCE OF MOTIONS AND SUMMARY OF GOVERNING RULES

	May interrupt a speaker	Req. a sec.	Debatable	Vote Required	Motions that may apply
PRIVILEGED MOTIONS					
1. To dissolve	no	yes	no	majority	none
2. To adjourn	no	yes	limited	majority	amend
3. Point of no quorum	no	no	no	none	none
4. Recess	no	yes	limited	majority	amend
5. Question of privilege	yes	no	no	chair rules	none
SUBSIDIARY MOTIONS					
6. To lay on the table	no	yes	no	2/3	none
7. Previous question	no	yes	no	2/3	none
8. Limit or extend debate	no	yes	no	2/3	amend, reconsider
9. To postpone to time certain	no	yes	limited	majority	amend, reconsider
10. To commit or refer	no	yes	limited	majority	amend, reconsider
11. To amend	no	yes	yes	majority	amend, reconsider
12. To postpone indefinitely	no	yes	yes	majority	reconsider
MAIN MOTIONS					
Main Motions	no	yes	yes	majority*	all
To reconsider or rescind	no	yes	yes	2/3	table previous question postpone definitely
To take from the table	no	yes	no	majority	none
To advance an article	no	yes	yes	majority	amend, reconsider
INCIDENTAL MOTIONS					
Point of order	yes	no	no	chair rules	none
Division of a question	no	yes	no	majority	none
Separate consideration	no	yes	no	majority	none
To withdraw a motion	no	no	no	majority	reconsider
To suspend rules	no	yes	no	2/3	none
Orders of the day	yes	no	no	none	none

*The vote required to pass an affirmative main motion is a matter of substantive law, but is usually a majority.

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FORM USED IN MAKING MOTIONS

1. Main Motion	Mr. Moderator, I move that...(statement of the proposal)
2. Adjourn	Mr. Moderator, I move to adjourn to...(state time)
3. Amend	Mr. Moderator, I move to amend by adding...
	Mr. Moderator, I move to amend by inserting...before...
	Mr. Moderator, I move to amend by stroking out...
	Mr. Moderator, I move to amend by striking out...and inserting...
	Mr. Moderator, I move to substitute...for...
4. Amend an Amendment	Mr. Moderator, I move to amend the pending amendment by (see above)
5. Amend Something Previously Adopted	Mr. Moderator, I move to amend the resolution under Article...by...
6. Commit or Refer	Mr. Moderator, I move that the proposal be referred to a committee of...
8. Division of a Question	Mr. Moderator, I move to divide the question.
9. Lay on the Table	Mr. Moderator, I move that the proposal be laid on the table.
10. Point of Order	Mr. Moderator, I rise to a point of order.
11. Postpone to a time certain	Mr. Moderator, I move to postpone the question to...
12. Postpone Indefinitely	Mr. Moderator, I move that the question be postponed indefinitely.
13. Previous Question	Mr. Moderator, I move the previous question.
14. Question of Privilege	Mr. Moderator, I rise to a question of privilege.
15. Recess	Mr. Moderator, I move to recess for...
16. Reconsider	Mr. Moderator, I move to reconsider the vote under Article...
	Mr. Moderator, I move to reconsider the vote on the amendment to...
17. Separate Consideration	Mr. Moderator, I move for separate consideration.
18. Suspend the Rules	Mr. Moderator, I move to suspend the rules which interfere with...
19. Take from the Table	Mr. Moderator, I move to take from the table the motion relating to...

INTERRUPTING A SPEAKER

No one may interrupt a speaker except for a point of order or a question of privilege.

POINT OF ORDER

A point of order if a question of the Moderator about whether the speaker is entitled to be speaking, or whether the current subject under discussion (or what the speaker is saying) is irrelevant, illegal or contrary to proper procedure. No other “point of order” is proper.

PREVIOUS QUESTION

To call or move the question is a request to stop discussion and to take an immediate vote. This requires a 2/3 vote.

VOTING

Voting is by hand vote and the Moderator declares the result of such votes. If seven or more voters immediately question the declared result, the Moderator shall determine the result by a standing count of votes by the Tellers. After the vote counted by the Tellers is presented to the Moderator and announced to the floor, any further motions for recount are out of order.

ADJOURNMENT AND DISSOLUTION

Sessions of Town Meeting normally adjourn at eleven o’clock in the evening but may adjourn at such earlier or later time as vote of the majority may determine. Town Meeting shall not dissolve until all articles in the warrant have been properly considered.

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TOWN WARRANT
COMMONWEALTH OF MASSACHUSETTS

ANNUAL TOWN MEETING

Worcester, ss. February 25, 2020

In the name of the Commonwealth of Massachusetts you are hereby directed to notify and warn the Inhabitants of the Town of Southborough qualified to vote in town affairs, to meet in the P. Brent Trottier Middle School, 49 Parkerville Road, in said Southborough, on

Saturday, March 28, 2020

at ***1:00 p.m.***, then and there to take action on the following Articles:

ARTICLE 1: To hear reports of the various Town Officers and Committees and to take such action thereon as the Town may vote.

Proposed by: BOARD OF SELECTMEN
Board of Selectmen Recommendation: Support
Advisory Committee Recommendation: Support
Summary: *To hear reports of Town Boards, Committees or Commissions.*

ARTICLE 2: To see if the Town will vote to accept any sum of money from St. Mark's School, Fay School, Harvard Medical School, L'Abri Fellowship, The New England Center for Children, and any other contributor and deposit same amount in Estimated Receipts Account, and determine what disposition shall be made of the same, if accepted, or do or act anything in relation thereto.

Proposed by: BOARD OF SELECTMEN
Board of Selectmen Recommendation: Support
Advisory Committee Recommendation: Support
Summary: *To allow the Board of Selectmen to accept donations from Tax Exempt organizations and determine the disposition of funds.*

ARTICLE 3: To see if the Town will vote to authorize the Town Treasurer, with the approval of the Selectmen, to borrow from time to time in anticipation of revenue of the financial year beginning July 1, 2019 in accordance with the provisions of Massachusetts General Laws, Chapter 44, and to issue a note or notes as may be given for a period of less than one year in accordance with Massachusetts General Laws, Chapter 44, Section 17 as amended, or do or act anything in relation thereto.

Proposed by: BOARD OF SELECTMEN
Board of Selectmen Recommendation: Support
Advisory Committee Recommendation: Support
Summary: *This article allows the Town Treasurer to short-term borrow in anticipation of revenue.*

ARTICLE 4: To see if the Town will vote in accordance with the provisions of Massachusetts General Laws Chapter 30B, Section 12(b), to authorize the Board of Selectmen or the Superintendent of Schools to solicit and award contracts for terms exceeding three years, including any renewal, extension or option, provided in each instance the longer term is determined to be in the best interest of the Town by a vote of the Board of Selectmen or the School Committee, as appropriate, or do or act anything in relation thereto.

Proposed by: BOARD OF SELECTMEN
Board of Selectmen Recommendation: Support
Advisory Board Recommendation: Support

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Summary: *This article allows the Selectmen and/or the School Committee to enter into contracts in excess of three years, if deemed in the best interest of the Town to do so. This has been an annual article, and the exemption has been limited to contracts of no more than seven years.*

ARTICLE 5: To see if the Town will vote to accept the Personnel Salary Administration Plan, as specified in Chapter 31 of the Code of the Town of Southborough, entitled: PERSONNEL.

PERSONNEL BYLAW
ENTITLED "THE SALARY ADMINISTRATION PLAN"
[revised at March 28, 2020 Annual Town Meeting]

This bylaw establishes a Salary Administration Plan for the Town of Southborough that (i) groups position classifications in Town services, (ii) establishes salary schedules and employee benefits and (iii) establishes and authorizes the Personnel Board to administer the bylaw and to represent the interest of both the taxpayers and the Town employees.

This Salary Administration Plan applies to the positions of all officers and employees in the service of the Town, whether full-time, part-time, temporary, seasonal, special or any other, except those positions filled by popular election, under the direction and control of the School Committee, performed pursuant to a contract approved by the Town or encompassed in any officially recognized labor union and/or association. The positions covered by this Salary Administration Plan are hereby classified by titles in the groups listed in Schedule A through G ("Classification Schedule") as set forth in Section 20 of this bylaw.

The classification of positions subject to the Massachusetts Welfare Compensation Plan (as amended) and the scheduled rates therefor, as well as the applicable provisions of the Massachusetts General Laws relating to the application of rates set forth in the aforementioned Welfare Compensation Plan are hereby incorporated by reference.

SECTION 1. DEFINITIONS

As used in this bylaw, the following words and phrases shall have the following meanings:

"Administrative Authority" means the elected or appointed official or board having jurisdiction over a function or activity.

"Anniversary Date" means the date 180 days after (i) the first day of employment or (ii) the date of any promotion, whichever is later.

"Base Pay" means the compensation paid by the Town of Southborough for the purposes of determining retirement credits and contributions for Town employees.

The Town shall contribute funds as required for each eligible employees in accordance with the procedures and formula established by the Worcester Regional Retirement System and the bylaws of the Town of Southborough. Contributions shall include (i) wages earned during the first eight hours worked in any one day (no contributions shall be made for hours worked in excess of 40 per week,**)** (ii) any lump sum bonus that is guaranteed by the Salary Administration Plan or the Bylaws of the Town, (e.g., longevity pay); (iii) vacation pay, except when paid in lieu of taking vacation; (iv) sick pay; and (v) holiday pay.

"Class" means a group of positions in the Town service sufficiently similar with respect to duties and responsibilities such that for each position the same (i) descriptive title may be used, (ii) qualifications shall be required, (iii) tests of fitness may be used to choose qualified employees and (iv) scale of compensation can be equitably applied.

"Classification Schedule" means any of Schedules A, B, C, D, E, F and G of Section 20 hereof.

"Compensation Grade" means a range of salary/wage rates as may appear in the Classification Schedules.

"Continuous Full-Time Service" means employment requiring a predetermined minimum work period that is uninterrupted except for authorized leaves (e.g., vacation, sick, etc.).

"Continuous Employment" means full-time or part-time employment that is uninterrupted except for authorized leaves (e.g., vacation, sick, etc.).

"Department" means a functional unit of Town government.

"Department Head" means the person appointed and responsible to carry out the duties of a Department.

"Full-Time Employment" means employment for not less than 20 hours per week for fifty-two weeks per annum, excepting authorized holidays and leave periods.

"Group" means a group of classes as may appear in the Classification Schedules.

"Maximum Rate" means the highest compensation rate to which an Employee is entitled.

"Minimum Rate" means the lowest rate in a Range, and is normally the hiring rate of a new employee.

"On-Call Compensation" refers to additional money paid to an employee who is required to work when the need requires; oftentimes in an evening or weekend capacity.

"Part-Time Employment" means employment less than 20 hours per week.

"Position" means an office or post of employment in the Town service with duties and responsibilities calling for the Full-Time or Part-Time Employment of one person in the performance and exercise thereof (or of more than one person sharing the same position).

"Position Class" means the same as "Class" (note that a class may include only one position, in which event it is defined as a "single position class").

"Probationary Employee" means a first-time Town employee within his/her first six months of employment.

"Promotion" means a change from one position to another position in a higher class and/or compensation grade.

"Range" means the difference between minimum and maximum rates of an assigned grade.

"Rate" means the measure of compensation for personal services on an hourly, weekly, monthly, annual or other basis.

"Salary Administration Plan" means the Personnel Bylaw *Entitled* "The Salary Administration Plan."

"Single Rate" means a rate for a specific position class that is not in a designated range.

SECTION 2. POSITION TITLES

No person shall be appointed, employed or paid in any position under any title other than those of the Classification Schedule for which the duties are actually performed. The position title in the Classification Schedule shall be the official title for all purposes, including payrolls, budgeting and official reports.

SECTION 3. NEW OR CHANGED POSITIONS

No new position shall be established, nor the duties of an existing position so changed that a new level or work demand exists, unless upon presentation of substantiating data satisfactory to the Personnel Board, the Board shall rate such new or changed position, and allocate it to its appropriate classification grade and establish the rate therefor.

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SECTION 4. RECLASSIFICATION OF EMPLOYEES

No position may be reclassified to another grade, whether higher or lower, unless the Personnel Board shall have determined such reclassification is consistent with this Salary Administration Plan.

SECTION 5. JOB DESCRIPTIONS

The Personnel Board shall maintain written job descriptions of the position classes in the Classification Schedule, each consisting of a statement describing the essential nature of the work required of such classes. Each Department Head shall be required to retain current job descriptions and to submit any revisions to the Personnel Board (following any review by the Board of Selectmen or their designated appointee or the appropriate Commissioners or Trustees). The description for any class shall not be deemed to limit the duties or responsibilities of any position, nor to affect in any way the power of any administrative authority to appoint, to assign duties to, or to direct and control the work of any employee under the jurisdiction of such authority.

SECTION 6. COMPENSATION

a. The bi-weekly pay period shall begin at 12:00 a.m. Thursday and shall end at 11:59 p.m. on the following second Wednesday.

b. Non-exempt employees subject to this Salary Administration Plan shall be paid for one and one-half hours worked for any hour worked in the excess of forty in their weekly pay period, provided such extra hours were authorized by the Department Head.

c. The salary schedules set forth in Schedules A, B, C, D, E, F and G of Section 20 hereof reflect the maximum and minimum salaries for each grade.

d. The annual salary set forth in Schedule A represents a 40 hour work week and in the event an employee works less than 40 hours per week but more than 20 hours per week, the indicated annual salary is pro-rated reflective of the posted salary schedule in Schedule A.

e. Amounts paid to employees in reimbursement for expenses incurred in the performance of their duties (e.g., mileage, meals, dues, etc.) shall be paid in addition to their compensation. Reimbursement shall be based upon the actual documented expenditure made by the employee, or at rates established by the Internal Revenue Service, supported by that agency's requirements for documentation.

f. On-Call Compensation: Employees shall be eligible to earn a weekly stipend not to exceed $200.00 per week for on-call service if the department head has required them to work outside of their normal schedule. This need is likely to occur on an evening or weekend basis as the need requires. There is no provision to accrue compensation time in lieu of payment.

SECTION 7. SALARY ADJUSTMENT & COMPENSATION POLICIES

a. Every employee that is in Continuous Full-Time or Part-Time service of the Town, as computed from the date of their latest employment, shall be eligible annually for consideration of a salary increase, one year from the date of his/her latest increase. Except as may be authorized by the Personnel Board in exceptional circumstances, such increase is not to exceed one increase in any single twelve-month period until the maximum of the grade is obtained, and such increase shall be subject to the recommendation of the Department Head, with the approval of the Board of Selectmen or their designated appointee in the case of departments within the jurisdiction of the Board of Selectmen, or the appropriate Commissioners or Trustees in the case of departments outside the jurisdiction of the Board of Selectmen.

Retroactive salary increases voted by the Personnel Board shall not be compensated beyond July 1 of that fiscal year, regardless of the funding mechanism.

An evaluation of the employee's performance, in a format approved by the Personnel Board, must accompany a request for an increase in the case of all employees in Full-Time Graded Positions under Schedule A. Evaluations of employees in Part-Time Hourly Graded Positions under Schedule C and Seasonal Personnel under

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Schedule F may require performance evaluations under Personnel Policy enacted hereunder. Upon receiving such documentation, the Personnel Board shall have final review and approval of all adjustments.

An employee may appear before the Personnel Board prior to its action on any request for an increase. Any employee denied such an increase may appeal, in writing, to the Personnel Board, which shall confer with the employee, the Department Head and the Board of Selectmen or their designated appointee, or the appropriate Commissioners or Trustees, and shall decide the matter.

b. Regular Part-Time employees shall be eligible for consideration for salary increases within their grade one year from the date of their last increase, absent exceptional circumstances as may be authorized by the Personnel Board.

c. Special and other Part-Time personnel for whose positions there is a single rate established in Schedule D shall not be eligible for adjustment.

d. Probationary Employees:

1. During the probationary period, benefit eligible employee(s) will earn vacation, sick and personal time in accordance with Section 11(b-d) hereof.

2. During the probationary period, paid leave accruals shall be based on the original hire date.

SECTION 8. TRANSFERS AND PROMOTIONS

a. An employee who is promoted to a job with a higher range or rate of pay shall enter it at the rate recommended by the Department Head with the approval of the Personnel Board. The employee may also receive at the time an increase, provided the maximum for the job is not exceeded, if the Department Head recommends that qualifications and performance warrant it and the Personnel Board approves. If the Department Head recommends that there should be a probationary period before the promotional increase [not to exceed the percentage increase voted for that fiscal year], then the Personnel Board may approve such a deferred promotional increase at the conclusion of the probationary period (which shall not exceed six months).

b. An employee transferred to a job with a lower range or rate of pay shall enter it at the rate paid for the previous position or at the maximum rate for the job, whichever is the lower, provided the Personnel Board approves. The employee shall have a right to appeal this decision, in writing, to the Personnel Board, which shall confer with the employee, the Department Head and the Board of Selectmen or their designated appointee, or the appropriate Commissioners or Trustees, and shall decide the matter.

SECTION 9. NEW PERSONNEL HIRING; DEPARTURES

a. Pre-employment physical examinations will be required of newly-hired employees consistent with the Town's policies.

b. Probationary period: For new hires, the first six months of employment shall be a probationary period. The probationary period does not apply to Town employees who change positions within the Town. The probationary period is a time during which an employee will be evaluated to ensure that the employee has the requisite knowledge, skills, and abilities to perform the position (with or without reasonable accommodations). Completing the probationary period does not change the employee's relationship with the Town, which will remain one in which either the employee or the Town may terminate the relationship at will.

c. A new employee's hiring rate shall be the minimum of the rate range of the job, unless otherwise authorized by the Personnel Board or Personnel Director. The Personnel Board is cognizant of the need to make timely decisions during the recruitment process, therefore, the Personnel Director is empowered to set starting salaries for new employees with comparable experience at a rate not exceeding the mid-point of the pay scale set forth in Schedules A and C of the Salary Administration Plan.

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d. The Personnel Director or his/her delegatee shall notify the Personnel Board in writing of the hiring of all personnel and their hiring rates. The Personnel Director or his/her delegatee shall also notify the Personnel Board in writing of the departure of any employee.

SECTION 10. DEPARTMENT BUDGETS

Each Department Head shall include in the annual departmental budget a pay adjustment section to provide funds for anticipated pay adjustments, with expenditures to be made only in accordance with this Salary Administration Plan and with the approval of the Personnel Board. Degree bonus [Sec 11i(1)] funds shall also be budgeted in the departmental budget.

SECTION 11. EMPLOYEE BENEFITS

Employee benefits are a cost to the Town and a form of "indirect pay" to employees. The benefits listed below are not intended to supersede what State or Federal law may otherwise require.

All forms of paid leave set forth in the SAP may represent a 40 hour work week; in the event an employee works less than 40 hours per week but more than 20 hours per week, the indicated benefit shall be pro-rated reflective of the approved hours per week for that position.

a. Holidays with Pay

Each eligible Employee shall receive one day's pay at their regular rate for the following:

New Year's Day	Labor Day
Martin Luther King Day	Columbus Day
Presidents' Day	Veteran's Day
Patriot's Day	Thanksgiving Day
Memorial Day	Day after Thanksgiving Day
Independence Day	Christmas Day
	Day before or after Christmas Day (as set by the Town annually)

To be eligible for holiday pay, an Employee must work (or be duly excused from working) their regular scheduled days preceding and following the holiday. Employees who do not work 20 hours or more per week on a regular basis shall not be compensated for holidays.

Employees whose regular day off falls on a holiday may have one day off with pay within the ensuing thirty days in lieu of holiday pay, with the specific choice of day subject to Department Head approval**.** Furthermore, the day granted in lieu of holiday pay shall not cross fiscal years.

All administrative policies and practices relative to holidays with pay shall be prepared and established under the direction of the Personnel Board.

b. Vacations with Pay

(1) Regular Full-Time Employees who have been in the continuous employ of the Town shall earn paid vacation in accordance with the following schedule:

Years of Employment	Hours Earned per month
0-5	6.666
6-10	10.0
11-15	13.333
16 or more	16.666

Employees hired prior to July 1, 2005, shall be eligible to earn twenty hours per month after serving twenty years of full time employment with the Town.

(2) At the recommendation of the hiring authority and upon the approval of the Personnel Board, new employees entering into a position with the Town of Southborough from a similar position in another municipality or similar government agency will be allowed to enter into the vacation schedule using their years of service from their prior employment, up to a maximum of three weeks' vacation [pro-rated] for the first year of employment with the Town. Employees commencing employment with three weeks per year will be required to complete five years of service before ascending to the next band in the vacation schedule chart.

(3) Vacation shall be granted by Department Heads at their discretion subject to the regular work needs of the Department. An employee shall be permitted to carry over to the following year one year's worth of earned vacation. The employee must have the Department Head's approval to take any portion of a prior year's unused vacation in addition to the days earned in the current fiscal year.

(4) If in the opinion of the Department Head there are unusual work-related circumstances that warrant it, a department head may seek approval from the Town Administrator or his/her delegatee to allow the employee to continue to work and receive vacation pay in lieu of taking vacation. Approval granted in this section may not exceed ten days per fiscal year.

(5) In the event of termination of employment other than for cause, the employee shall be paid, or be entitled to time off with pay, for any accumulated vacation time. Personal and sick leave shall not be compensated at termination.

(6) Vacation administrative policies and practices shall be prepared and established under the direction of the Personnel Board.

c. Sick Leave

(1) All regular Full-Time Employees shall be entitled to accrue 10 sick hours per month, equaling 120 hours annually (15 sick days); employees working less than 40 hours in a weekly pay period will accrue ratably based on hours worked per week. Pay for each day of sick leave shall be at the regular rate. Absences on account of sickness in excess of that authorized shall be charged to vacation or other available paid leave. Sick leave shall be payable only in cases of genuine illness, non-work connected accident, or work connected accidents not covered by Massachusetts General Laws Chapter 152 (Workers' Compensation).

(2) Unused sick leave may be accumulated without limitation for employees hired before July 1, 2007. Employees of the Town of Southborough hired on or after July 1, 2007 may only accrue 120 sick days at any one time. At retirement [or death] only, the Town will pay the employee twenty percent (20%) of the employee's then-accumulated sick leave.

(3) Employees who because of genuine illness or a non-work connected accident are absent for a period of more than three days shall be required to present a doctor's certificate to their Department Head before returning to work stating the reason, the period of time the employee was absent and whether there are any physical restrictions or required outpatient services the employee must adhere to in the workplace.

(4) Annually, an employee may use up to seven of the allowed fifteen days of sick leave for the care of a sick family member.

(5) Sick leave administrative policies and practices shall be prepared and established under the direction of the Personnel Board.

d. Personal Days

Each employee shall be entitled to three personal days per year, to be granted annually on the anniversary of the employee's date of hire. New employees shall be granted three personal days which shall be pro-rated based on hours worked per pay period. Requests for personal days shall be approved by the Department Head. Personal days shall not accumulate from year to year.

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e. Military Leave

(1) Reserve Duty: An employee in full-time employment in the military reserve shall be paid the difference between compensation received while on reserve duty and regular compensation rates paid the employee by the Town. Such payment by the Town shall be limited to a period not to exceed two weeks in any twelve-month period.

(2) Active Duty: Pursuant to Article 8 of the April 11, 2005 Annual Town Meeting, an employee in the federal military reserve or a state National Guard who is called to active service shall be entitled to their regular base salary and shall not lose any seniority or paid leave benefits while on military leave; *provided*, however, that such base pay shall be reduced by any amount received from the United States as pay or allowance for military service performed.

f. Jury Duty

Any employee who is called to jury duty shall be paid the difference between their normal compensation and the amount (excluding any travel allowance) received from the court, upon presentation of evidence of the amount paid by the court.

g. Miscellaneous Paid Time Off

Working time lost from regularly scheduled work days for reasons listed below shall be without loss of pay, provided such lost time is authorized by the Department Head:

(1) Bereavement leave – In the event of the death of a spouse, father, mother, child, father-in-law, mother-in-law, brother, sister, grandparent, or of any other person then residing with the employee, such employee shall be entitled to receive three days' leave for the purpose of the funeral and services of the deceased. If out-of-state travel is required, the Town Administrator or his/her delegatee may authorize up to two additional days of travel time.

(2) Medical examination or inoculation required by the Town.

(3) Blood donation authorized by the Department Head.

(4) Attendance at professional and educational programs authorized by the Department Head.

h. Court Time Pay

If the Town requires that an employee appear in Court as a witness or in any other capacity arising from the performance of the employee's duty, or on behalf of the Commonwealth or the Town in any civil or criminal case pending in any Court or other official governmental board or agency, then for any such appearance that is made outside of the employee's normal working hours the employee shall be entitled to overtime compensation for every hour or fraction thereof during which they appear (but in no event less than three hours of such overtime pay).

i. Employee Educational Support/Professional Development

(1) Degree Bonus: All Part-Time and Full-Time employees who, while an employee of the Town, earns a degree in a field applicable to their position from an accredited college or university, shall receive a one-time bonus subject to appropriation, according to the following schedule:

Associates Degree....$ 800.00
Bachelors Degree...$1,200.00
Masters Degree.....$1,500.00

A copy of the completed transcript, diploma or other appropriate evidence of the completed degree must be presented to the Department Head and the Personnel Board, and shall be submitted as documentation for accounts payable.

(2) Tuition reimbursement: the Town may offer tuition reimbursement to eligible Full-Time and Part-Time employees as prescribed by Personnel Board policy enacted under this Bylaw.

j. Group Medical Insurance

Starting July 1, 2009, the Town will contribute fifty percent (50%) of the cost of a medical indemnity plan or seventy-five percent [75%] of the cost of a Health Maintenance Organization plan.

SECTION 12. UNPAID LEAVES OF ABSENCE

a. A leave of absence without compensation may be granted by the Personnel Board.

b. Leaves of absence of over three months' duration (except Military Leave) shall be deemed a break in employment, and on return to work the employee shall have the status of a new employee unless an extension of leave beyond three months was authorized by the Personnel Board.

SECTION 13. TRANSITIONS BETWEEN FULL-TIME AND PART-TIME STATUS

a. A Part-Time employee shall be eligible for Full-Time status when the employee has worked 20 hours or more per week for a period of at least three consecutive months, subject to approval by the Department Head.

b. A Full-Time employee whose hours of employment total less than 20 hours per week for a period of more than three consecutive months shall thereafter be deemed a Part-Time employee.

SECTION 14. APPOINTMENT OF "ACTING" DEPARTMENT HEADS

a. In the absence or retirement of a Department Head for three consecutive weeks, the Board of Selectmen or appropriate board or commission may appoint an "Acting" Department Head to serve for a period of not more than three months. Such three-month period may be extended for up to three additional three-month periods, upon the approval of the Board of Selectmen or other appropriate board or commission for each such extension. In no case shall an appointment of an "Acting" Department Head exceed one year.

b. Duly appointed "Acting" employees shall be compensated at an additional 10% per week, payable retroactively only upon the conclusion of three consecutive weeks of service by the "Acting" employee. Such employees shall still be eligible for overtime pay when fulfilling regular duties from the previous job beyond normal working hours.

SECTION 15. PERSONNEL BOARD

a. There shall be a Personnel Board to administer the Salary Administration Plan. Said Board is to be appointed by the Town Moderator. The Board shall consist of five voters other than employees of the Town or those regularly serving the Town in any elective capacity. They shall serve without compensation. For purposes of this section, Election Workers and Wardens shall not be considered "employees of the Town."

b. Other than as may be needed to fill unexpected vacancies, appointments shall be for three years. The Moderator shall fill any vacancies. The Personnel Board may employ assistance and incur expenses as it deems necessary, subject to appropriation of funds therefor.

SECTION 16. DUTIES OF THE PERSONNEL BOARD

a. The Personnel Board shall administer the Salary Administration Plan and shall establish such policies, procedures and regulations as it deems necessary for the administration of the Plan.

b. The Town Administrator serves as the Town's Personnel Director under the Town Administrator Bylaw [Ch. 27, Art. IX]. As such, the Personnel Director is invested with personnel authority and responsibilities as set forth therein. From time to time, and as may be necessary, the Personnel Board will consult and/or act in concert with the Personnel Director or his/her delegatee on matters of joint responsibility and concern.

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c. The Board shall meet annually in July and organize by the choice of a Chair and Clerk. The Board shall meet at least monthly, except when there is no business before the Board. A majority of the Board shall constitute a quorum for the transaction of business. The votes of the majority of all the members of the Board shall be necessary on any matter upon which it is authorized to or required to pass under the Salary Administration Plan.

d. The Personnel Board shall maintain records of all employees subject to this Plan as it deems desirable, including personnel evaluations. Such records are to be kept by the Personnel Director or his/her delegatee, under the direction of the Personnel Board. Department Heads shall furnish such information as requested by the Board.

e. The Personnel Board shall from time to time, but no less often than every federal Election Year, review the Classification Schedule, Salary Schedules, and administration policies of the Salary Administration Plan. It shall keep informed as to pay rates and policies outside the Town, and shall recommend to the Town any action that the Board deems desirable in that regard. The Personnel Board may tentatively add a new class to the Classification Schedule or reallocate an existing class to a different compensation grade, either higher or lower, subject to the subsequent ratification of its action by formal amendment of the Salary Administration Plan at the next Annual Town Meeting.

f. Not later than six (6) months prior to Annual Town Meeting, the Personnel Board may vote an annual adjustment (but shall reserve the right to vote no adjustment) to the Classification Schedule and establish the effective rate for employees of each grade for the next fiscal year, subject to the subsequent ratification of its action by formal amendment of the Salary Administration Plan at the next Annual Town Meeting. The Personnel Board shall base any annual adjustments upon available relevant information. Approval of the rate for any given employee is not guaranteed and is driven by the annual performance evaluation.

g. Matters of concern by SAP employees that are communicated in writing to the Chair of the Personnel Board will be scheduled on an agenda at the next available meeting providing all necessary and requested information has been submitted in time to be part of the meeting packet. In addition, notice in writing shall be forwarded to the concerned employee and respective Department Head within seven days of the Board's decision. Notwithstanding the foregoing, if the Personnel Board shall so request and the concerned employee and Department Head shall agree, a reasonable extension of these time periods may be granted.

h. Upon recommendation of a Department Head, supported by evidence in writing of special reasons and exceptional circumstances satisfactory to the Personnel Board, the Board may authorize variances in the Salary Administration Plan as it may deem necessary for the proper functioning of the services of the Town, and to effectuate the basic intent of the Plan.

SECTION 17. EMPLOYEES AND THE PERSONNEL BOARD

a. All employees covered by this Salary Administration Plan shall have the right to request an appointment to confer with the Personnel Board on any matter of interest or concern to them that is covered by the Salary Administration Plan. The employee shall notify the Department Head in writing in advance of the desire to discuss the matter with the Board. One of the duties of the Board shall be to foster mutual understanding and good will with the personnel of the Town.

b. To facilitate this, if any employee should feel aggrieved by the operation of any provision of the Plan, the employee shall first discuss the matter with the Department Head, in a mutual effort to clear up any problems or misunderstanding.

c. If two weeks after such a conference a satisfactory understanding and solution of the problem has not been reached, then either the Department Head or the employee may take the matter to the Personnel Board, and the Board shall hear the parties not later than at its next regular meeting. There shall be no discrimination or prejudice by a Department Head against any employee who may take a matter to the Board.

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SECTION 18. AMENDMENT OF THE PLAN

The Salary Administration Plan may be amended in the same manner that Town Bylaws may be amended. However, no amendment to the Plan shall be made until it has been presented by a signed petition to, and acted upon by, the Personnel Board. Upon receipt of such a written petition, the Board, after giving the petitioner(s), the Department Head(s) and the affected employee(s) at least two weeks' written notice, shall hold a hearing to consider the proposed amendment. If the Personnel Board approves of any proposed amendment, it shall bring it before the next available Special or Annual Town Meeting for its consideration. If the Personnel Board disapproves any proposed amendment or shall fail to act thereof within fifteen days after the hearing (which failure shall be deemed disapproval), the petitioner(s) may the present the petition to the next available Town Meeting for its consideration. The Board of its own motion, after a similar hearing and/or conference with parties interested, may propose an amendment to the Plan.

SECTION 19. SEVERABILITY PROVISION

In the event that any provision of this bylaw, or application thereof, shall be held to be invalid by the proper authorities, this shall not be construed to affect the validity of any other provision, or application thereof, of this bylaw.

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SECTION 20: CLASSIFICATION SCHEDULE

SCHEDULE A: FULL-TIME SALARY GRADED POSITIONS

ADMINISTRATIVE & SUPPORT STAFF	
Administrative Assistant	3
Administrative Assistant II	
Senior Library Assistant	
Library Assistant	2
Maintenance Mechanic	
Maintenance Custodian	1

*when not under contract

Rates for Full-Time Positions

Grade	Minimum		Midpoint		Maximum	
	Annual	Hourly	Annual	Hourly	Annual	Hourly
1	$38,504	$18.51	$44,307	$21.30	$50,111	$24.09
2	$41,392	$19.90	$47,601	$22.89	$53,810	$25.87
3	$44,496	$21.39	$51,171	$24.60	$57,846	$27.81
4	$49,505	$23.80	$58,169	$27.97	$66,833	$32.13
5	$53,219	$25.59	$62,531	$30.06	$71,844	$34.54
6	$57,210	$27.50	$67,221	$32.32	$77,233	$37.13
7	$68,757	$33.06	$82,509	$39.67	$96,260	$46.28
8	$80,790	$38.84	$96,948	$46.61	$113,106	$54.38
9	$94,927	$45.64	$113,913	$54.77	$132,899	$63.89

SCHEDULE B: [RESERVED FOR FUTURE USE]

SCHEDULE C: PART-TIME HOURLY GRADED POSITIONS

Election Worker 1
Library Page 1

Election Warden 2
Seasonal Laborer 2
Custodian 2
Library Technician 2

Library Associate 3
Administrative Assistant 3
Police Dispatcher 3

Technical Specialist 4
Business Assistant 4
Economic Development Coordinator 4

Electrician 5
Nurse 5
Public Health Director 5

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Rates for Part-Time Positions

Grade	Minimum		Maximum	
	Hourly	Annual*	Hourly	Annual*
1	$11.23	$23,360	$14.29	$29,732
2	$12.25	$25,484	$17.36	$36,103
3	$18.38	$38,226	$25.53	$53,092
4	$22.46	$46,721	$31.65	$65,834
5	$28.59	$59,463	$42.88	$89,195

**This represents the annualized rate if a Part-Time employee worked a 40 hour week; however, under this Bylaw, Part-Time employees work 20 hours or less per week.*

Municipalities are subject to the federal minimum wage law, not the state law.

SCHEDULE D: FIRE DEPT POSITIONS (not covered by Collective Bargaining Agreement)

Grade	Proposed Pay Structure	Drills	Boxes	Signal 55
1	Firefighter (Entry Level)	0.00	0.00	0.00
2	Firefighter I Certified	18.00	16.00	16.00
3	Firefighter I/II Certified	19.00	17.00	17.00
4	Firefighter I Certified/Operator	20.00	18.00	18.00
5	Firefighter I/II Certified/Operator	21.00	19.00	19.00
6	EMT (Entry Level)	0.00	0.00	0.00
7	EMT	18.00	16.00	16.00
8	EMT-I	20.00	18.00	18.00
9	Firefighter I Certified/EMT	20.00	18.00	18.00
10	Firefighter I/II Certified/EMT	21.00	19.00	19.00
11	Firefighter I Certified/Operator/EMT	22.00	20.00	20.00
12	Firefighter I/II Certified/Operator/EMT	23.00	21.00	21.00
13	Lieutenant	24.00	22.00	22.00
14	Lieutenant/EMT	26.00	24.00	24.00

Details. On any occasion that the Fire Chief determines that public safety is at risk (fire watches, pyrotechnic displays, pyrotechnic blasting for construction, etc.) and calls for a detail consisting of a Firefighter or Firefighters [not covered by any other collective bargaining agreement] to stand-by during any of these situations to monitor for fire, explosion, or any other possible hazard, the person or persons assigned to the detail will be compensated in the following manner:
$50.00 per hour
$56.00 per hour/ for week-end or holiday

SCHEDULE E: MISCELLANEOUS ANNUAL COMPENSATION SCHEDULE

Cemetery Agent.....$8,000
Clerk, Board of Registrars.....$1,638.33
Emergency Management Coordinator.....$2,000
Energy Management Stipend.....$6,000
Registrar of Voters.....$205.66
Town Counsel (not including fees).....$1,704.33
Tree Warden.....$4,000
Veterans' Agent and Director of Veterans' Services.....$15,000

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SCHEDULE F: FEE BASED COMPENSATION (Recreation Seasonal Personnel)

Assistant Instructor 3
Camp Counselor 1 1
Camp Counselor 2 2
Lifeguard 5
Coordinator 6
Instructor I. 6
Monitors 6
Program Driver 6
Assistant Supervisor 9
Supervisor 11
Instructor II 12
Master Instructor 13
Seasonal Nurse 13

Hourly Rates for Recreation Seasonal Personnel

Grade	Minimum	Midpoint	Maximum
1	Min wage*	Midpoint	$10.00
2	$8.34	$10.35	$12.35
3	$8.84	$10.91	$12.98
4	$9.26	$11.52	$13.78
5	$9.71	$12.10	$14.49
6	$10.25	$12.74	$15.22
7	$10.73	$13.34	$15.95
8	$11.26	$14.02	$16.77
9	$11.82	$14.72	$17.62
10	$12.54	$15.60	$18.66
11	$13.87	$19.44	$25.00
12	$21.00	$27.50	$34.00
13	$29.00	$35.00	$41.00

**Municipalities are subject to the federal minimum wage law, not the state law.*

SCHEDULE G: SPECIAL ADMINISTRATIVE AND SUPERVISORY POSITIONS

Police Lieutenant:

In addition to all the benefits provided employees under the SAP, he/she would be eligible for some additional benefits
as provided members of Mass COP Local 167, the police union collective bargaining agreement.

As a result, a separate policy is adopted by the Southborough Board of Selectmen and enforced by the Southborough Police Department subject to change in conjunction with future collective bargaining agreements.

*Increases in salary for long term employees will be considered case by case by Personnel Board.

SCHEDULE H: LONGEVITY SCHEDULE: Full-Time Employees of Town of Southborough – Compensated annually at Anniversary Date

After 5 years $400
After 10 years $600
After 15 years $700
After 20 years $850
After 25 years $1,000
After 30 years $1,200
After 40 years $1,500

, or do or act anything in relation thereto.

Proposed by: PERSONNEL BOARD
Board of Selectmen Recommendation:
Advisory Committee Recommendation:
Summary: *The Personnel By-Law governs policies and pay structures for non-union employees.*

ARTICLE 6: To see if the Town will vote to rescind the authorized, but unissued debt of the Town originally appropriated for acquiring real estate from St. Mark's School of Southborough, Inc., and for the construction costs for a public safety facility, approved by a vote of Town Meeting under Article 1 on March 8, 2017, which borrowing authority is no longer required for the purposes for which it was originally approved; or do or act anything in relation thereto.

Proposed by: BOARD OF SELECTMEN
Board of Selectmen Recommendation: Support
Advisory Committee Recommendation: Support
Summary: *The Public Safety Building Committee completed the new Public Safety Facility, nearly on time and well under budget. As a result of their efforts, the total cost of the project, including land purchase, has been reduced from the original appropriation. As those funds have not been permanently borrowed yet, and are not needed to complete the project, the Town is seeking approval to rescind a portion of the borrowing authority approved by Town Meeting under Article 1 on March 8, 2017.*

ARTICLE 7: To see if the Town will vote to raise a sum of money as may be necessary for the Town's use for Fiscal Year 2021, and make appropriations of the same, as detailed following, or do or act anything in relation thereto.

SEE BUDGETS ON THE FOLLOWING PAGES

DRAFT

BUDGET NAME	FY 2018 ACTUAL	FY2019 ACTUAL	FY2020 BUDGET	FY2021 REQUEST	BOS/ADV RECOMM	Percent Inc./Decr.
114 MODERATOR						
51000-51990 Personal Services	50	50	50	50	50	
52000-58990 Other Charges and Expenses	25	0	25	25	25	
MODERATOR TOTAL	75	50	75	75	75	0.00%

BUDGET NAME	FY 2018 ACTUAL	FY2019 ACTUAL	FY2020 BUDGET	FY2021 REQUEST	BOS/ADV RECOMM	Percent Inc./Decr.
121 ELECTED BOARD OF SELECTMEN						
51000-51990 Personal Services	3,800	3,800	4,000	4,000	4,000	
ELECTED BOARD OF SELECTMEN TOTAL	3,800	3,800	4,000	4,000	4,000	0.00%

BUDGET NAME	FY 2018 ACTUAL	FY2019 ACTUAL	FY2020 BUDGET	FY2021 REQUEST	BOS/ADV RECOMM	Percent Inc./Decr.
122 BOARD OF SELECTMEN						
51000-51990 Personal Services	370,070	381,878	390,087	402,498	402,498	
52000-58990 Other Charges and Expenses	62,432	74,567	50,268	61,687	61,687	
BOARD OF SELECTMEN TOTAL	432,502	456,445	440,355	464,185	464,185	5.41%

BUDGET NAME	FY 2018 ACTUAL	FY2019 ACTUAL	FY2020 BUDGET	FY2021 REQUEST	BOS/ADV RECOMM	Percent Inc./Decr.
131 ADVISORY COMMITTEE						
52000-58990 Other Charges and Expenses	341	180	2,500	2,500	2,500	
ADVISORY COMMITTEE TOTAL	341	180	2,500	2,500	2,500	0.00%

BUDGET NAME	FY 2018 ACTUAL	FY2019 ACTUAL	FY2020 BUDGET	FY2021 REQUEST	BOS/ADV RECOMM	Percent Inc./Decr.
132 RESERVE FUND						
52000-58990 Other Charges and Expenses	150,000	152,853	180,000	180,000	180,000	
RESERVE FUND TOTAL	150,000	152,853	180,000	180,000	180,000	0.00%

BUDGET NAME	FY 2018 ACTUAL	FY2019 ACTUAL	FY2020 BUDGET	FY2021 REQUEST	BOS/ADV RECOMM	Percent Inc./Decr.
135 TOWN ACCOUNTANT						
51000-51990 Personal Services	128,230	143,345	157,963	170,255	170,255	
52000-58990 Other Charges and Expenses	2,439	3,473	2,265	2,650	2,650	
TOWN ACCOUNTANT TOTAL	130,669	146,818	160,228	172,905	172,905	7.91%

BUDGET NAME	FY 2018 ACTUAL	FY2019 ACTUAL	FY2020 BUDGET	FY2021 REQUEST	BOS/ADV RECOMM	Percent Inc./Decr.
136 AUDIT						
52000-58990 Other Charges and Expenses	32,500	26,000	34,450	28,010	28,010	
AUDIT TOTAL	32,500	26,000	34,450	28,010	28,010	-18.69%

BUDGET NAME	FY 2018 ACTUAL	FY2019 ACTUAL	FY2020 BUDGET	FY2021 REQUEST	BOS/ADV RECOMM	Percent Inc./Decr.
140 ELECTED BOARD OF ASSESSORS						
51000-51990 Personal Services	2,250	2,250	2,250	2,250	2,250	
ELECTED BOARD OF ASSESSORS TOTAL	2,250	2,250	2,250	2,250	2,250	0.00%

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BUDGET NAME	FY 2018 ACTUAL	FY2019 ACTUAL	FY2020 BUDGET	FY2021 REQUEST	BOS/ADV RECOMM	Percent Inc./Decr.
141 ASSESSORS						
51000-51990 Personal Services	167,235	171,757	177,243	185,672	185,672	
52000-58990 Other Charges and Expenses	31,165	33,273	34,045	55,045	55,045	
ASSESSORS TOTAL	198,400	205,030	211,288	240,717	240,717	13.93%

BUDGET NAME	FY 2018 ACTUAL	FY2019 ACTUAL	FY2020 BUDGET	FY2021 REQUEST	BOS/ADV RECOMM	Percent Inc./Decr.
145 TREASURER/COLLECTOR						
51000-51990 Personal Services	198,938	204,732	214,439	242,774	242,774	
52000-58990 Other Charges and Expenses	10,302	12,152	10,375	10,075	10,075	
TREASURER/COLLECTOR TOTAL	209,240	216,884	224,814	252,849	252,849	12.47%

BUDGET NAME	FY 2018 ACTUAL	FY2019 ACTUAL	FY2020 BUDGET	FY2021 REQUEST	BOS/ADV RECOMM	Percent Inc./Decr.
151 LEGAL						
52000-58990 Other Charges and Expenses	94,158	100,000	95,000	95,000	95,000	
LEGAL TOTAL	94,158	100,000	95,000	95,000	95,000	0.00%

BUDGET NAME	FY 2018 ACTUAL	FY2019 ACTUAL	FY2020 BUDGET	FY2021 REQUEST	BOS/ADV RECOMM	Percent Inc./Decr.
152 PERSONNEL BOARD						
51000-51990 Personal Services	2,000	1,369	5,000	5,000	5,000	
52000-58990 Other Charges and Expenses	21,160	7,397	11,435	17,000	17,000	
PERSONNEL BOARD TOTAL	23,160	8,766	16,435	22,000	22,000	33.86%

BUDGET NAME	FY 2018 ACTUAL	FY2019 ACTUAL	FY2020 BUDGET	FY2021 REQUEST	BOS/ADV RECOMM	Percent Inc./Decr.
153 SPECIAL LEGAL COUNSEL						
52000-58990 Other Charges and Expenses	89,492	54,688	50,000	50,000	50,000	
SPECIAL LEGAL COUNSEL TOTAL	89,492	54,688	50,000	50,000	50,000	0.00%

BUDGET NAME	FY 2018 ACTUAL	FY2019 ACTUAL	FY2020 BUDGET	FY2021 REQUEST	BOS/ADV RECOMM	Percent Inc./Decr.
154 MUNICIPAL TECNOLOGY COMMITTEE						
52000-58990 Other Charges and Expenses	0	0	1,000	1,000	1,000	
MUNI. TECHNOLOGY COMMITTEE TOTAL	0	0	1,000	1,000	1,000	0.00%

BUDGET NAME	FY 2018 ACTUAL	FY2019 ACTUAL	FY2020 BUDGET	FY2021 REQUEST	BOS/ADV RECOMM	Percent Inc./Decr.
155 TECHNOLOGY						
51000-51990 Personal Services	94,195	96,446	99,615	128,745	128,745	
52000-58990 Other Charges and Expenses	185,364	214,351	210,239	222,994	222,994	
MANAGEMENT INFORMATION SYSTEMS TOTAL	279,559	310,797	309,854	351,739	351,739	13.52%

BUDGET NAME	FY 2018 ACTUAL	FY2019 ACTUAL	FY2020 BUDGET	FY2021 REQUEST	BOS/ADV RECOMM	Percent Inc./Decr.
159 OTHER OPERATION SUPPORT						
52000-58990 Other Charges and Expenses	332,818	352,868	359,895	455,728	455,728	
OTHER OPERATION SUPPORT TOTAL	332,818	352,868	359,895	455,728	455,728	26.63%

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BUDGET NAME	FY 2018 ACTUAL	FY2019 ACTUAL	FY2020 BUDGET	FY2021 REQUEST	BOS/ADV RECOMM	Percent Inc./Decr.
160 ELECTED TOWN CLERK						
51000-51990 Personal Services	66,674	83,064	85,141	87,695	87,695	
TOWN CLERK TOTAL	66,674	83,064	85,141	87,695	87,695	3.00%

BUDGET NAME	FY 2018 ACTUAL	FY2019 ACTUAL	FY2020 BUDGET	FY2021 REQUEST	BOS/ADV RECOMM	Percent Inc./Decr.
161 TOWN CLERK						
51000-51990 Personal Services	117,342	124,516	125,247	133,622	133,622	
52000-58990 Other Charges and Expenses	95,695	83,269	66,479	48,267	48,267	
TOWN CLERK TOTAL	213,037	207,785	191,726	181,889	181,889	-5.13%
Town Clerk budget(161) & Election & Registration budget(162) are now combined into new Town Clerk budget(161)						

BUDGET NAME	FY 2018 ACTUAL	FY2019 ACTUAL	FY2020 BUDGET	FY2021 REQUEST	BOS/ADV RECOMM	Percent Inc./Decr.
171 CONSERVATION COMMISSION						
51000-51990 Personal Services	56,395	55,115	68,866	70,252	70,252	
52000-58990 Other Charges and Expenses	9,639	13,886	21,125	31,235	31,235	
CONSERVATION COMMISSION TOTAL	66,034	69,001	89,991	101,487	101,487	12.77%

BUDGET NAME	FY 2018 ACTUAL	FY2019 ACTUAL	FY2020 BUDGET	FY2021 REQUEST	BOS/ADV RECOMM	Percent Inc./Decr.
175 PLANNING BOARD						
51000-51990 Personal Services	113,316	109,691	135,546	143,668	143,688	
52000-58990 Other Charges and Expenses	29,556	41,236	23,060	27,720	27,720	
PLANNING BOARD TOTAL	142,872	150,927	158,606	171,388	171,408	8.06%

BUDGET NAME	FY 2018 ACTUAL	FY2019 ACTUAL	FY2020 BUDGET	FY2021 REQUEST	BOS/ADV RECOMM	Percent Inc./Decr.
176 ZONING BOARD OF APPEALS						
51000-51990 Personal Services	44,838	27,426	25,550	22,854	22,854	
52000-58990 Other Charges and Expenses	454	5,601	3,400	3,200	3,200	
ZONING BOARD OF APPEALS TOTAL	45,292	33,027	28,950	26,054	26,054	-10.00%

BUDGET NAME	FY 2018 ACTUAL	FY2019 ACTUAL	FY2020 BUDGET	FY2021 REQUEST	BOS/ADV RECOMM	Percent Inc./Decr.
177 OPEN SPACE						
52000-58990 Other Charges and Expenses	1,500	1,500	2,000	2,000	2,000	
OPEN SPACE TOTAL	1,500	1,500	2,000	2,000	2,000	0.00%

BUDGET NAME	FY 2018 ACTUAL	FY2019 ACTUAL	FY2020 BUDGET	FY2021 REQUEST	BOS/ADV RECOMM	Percent Inc./Decr.
182 ECONOMIC DEVELOPMENT COMMITTEE						
51000-51990 Personal Services	8,540	24,712	27,885	26,563	26,563	
52000-58990 Other Charges and Expenses	19,755	9,263	10,850	22,900	22,900	
ECONOMIC DEVELOPMENT COMMITTEE TOTAL	28,295	33,975	38,735	49,463	49,463	27.70%

BUDGET NAME	FY 2018 ACTUAL	FY2019 ACTUAL	FY2020 BUDGET	FY2021 REQUEST	BOS/ADV RECOMM	Percent Inc./Decr.
192 PUBLIC BUILDINGS AND PROPERTIES MAINTENANCE						
51000-51990 Personal Services	347,726	311,905	348,212	377,744	377,744	
52000-58990 Other Charges and Expenses	166,245	222,279	170,179	177,421	177,421	
PUBLIC BLDGS. & PROPERTY MAINT. TOTAL	513,971	534,184	518,391	555,165	555,165	7.09%

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BUDGET NAME	FY 2018 ACTUAL	FY2019 ACTUAL	FY2020 BUDGET	FY2021 REQUEST	BOS/ADV RECOMM	Percent Inc./Decr.
193 PUBLIC ACCESSIBILITY COMMITTEE						
51000-51990 Personal Services	0	0	0	0	0	
52000-58990 Other Charges and Expenses	0	0	0	5,000	2,500	
PUBLIC BLDGS. & PROPERTY MAINT. TOTAL	0	0	0	5,000	2,500	N/A

200-299 PUBLIC SAFETY

BUDGET NAME	FY 2018 ACTUAL	FY2019 ACTUAL	FY2020 BUDGET	FY2021 REQUEST	BOS/ADV RECOMM	Percent Inc./Decr.
210 POLICE DEPARTMENT						
51000-51990 Personal Services	1,816,508	1,912,130	2,055,082	2,212,534	2,212,534	
52000-58990 Other Charges and Expenses	119,274	134,101	129,980	146,270	146,270	
POLICE DEPARTMENT TOTAL	1,935,782	2,046,231	2,185,062	2,358,804	2,358,804	7.95%

BUDGET NAME	FY 2018 ACTUAL	FY2019 ACTUAL	FY2020 BUDGET	FY2021 REQUEST	BOS/ADV RECOMM	Percent Inc./Decr.
220 FIRE DEPARTMENT						
51000-51990 Personal Services	1,905,704	1,941,336	2,020,937	2,089,909	2,089,909	
52000-58990 Other Charges and Expenses	187,857	210,404	187,176	232,000	232,000	
FIRE DEPARTMENT TOTAL	2,093,561	2,151,740	2,208,113	2,321,909	2,321,909	5.15%

BUDGET NAME	FY 2018 ACTUAL	FY2019 ACTUAL	FY2020 BUDGET	FY2021 REQUEST	BOS/ADV RECOMM	Percent Inc./Decr.
241 BUILDING DEPARTMENT						
51000-51990 Personal Services	121,418	114,742	120,228	149,584	149,584	
52000-58990 Other Charges and Expenses	8,226	39,200	10,775	10,205	10,205	
BUILDING DEPARTMENT TOTAL	129,644	153,942	131,003	159,789	159,789	21.97%

BUDGET NAME	FY 2018 ACTUAL	FY2019 ACTUAL	FY2020 BUDGET	FY2021 REQUEST	BOS/ADV RECOMM	Percent Inc./Decr.
291 CIVIL DEFENSE						
51000-51990 Personal Services	2,926	2,926	3,926	2,926	2,926	
52000-58990 Other Charges and Expenses	6,395	6,422	8,224	7,225	7,225	
CIVIL DEFENSE TOTAL	9,321	9,348	12,150	10,151	10,151	-16.45%

BUDGET NAME	FY 2018 ACTUAL	FY2019 ACTUAL	FY2020 BUDGET	FY2021 REQUEST	BOS/ADV RECOMM	Percent Inc./Decr.
292 ANIMAL CONTROL OFFICER AND ANIMAL INSPECTOR						
52000-58990 Other Charges and Expenses	27,720	27,592	28,490	28,490	28,490	
ANIMAL CONTROL OFF. & ANIMAL INSP. TOTAL	27,720	27,592	28,490	28,490	28,490	0.00%

400-499 PUBLIC WORKS & FACILITIES

BUDGET NAME	FY 2018 ACTUAL	FY2019 ACTUAL	FY2020 BUDGET	FY2021 REQUEST	BOS/ADV RECOMM	Percent Inc./Decr.
400, 420 DEPT. OF PUBLIC WORKS (Highway, Cemetery, Tree)						
51000-51990 Personal Services	901,522	916,585	985,396	1,011,955	1,011,955	
52000-58990 Other Charges and Expenses	1,308,742	1,330,150	1,287,950	1,388,970	1,388,970	
DEPT. OF PUBLIC WORKS TOTAL	2,210,264	2,246,735	2,273,346	2,400,925	2,400,925	5.61%

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500-599 HUMAN SERVICES

BUDGET NAME	FY 2018 ACTUAL	FY2019 ACTUAL	FY2020 BUDGET	FY2021 REQUEST	BOS/ADV RECOMM	Percent Inc./Decr.
510 ELECTED BOARD OF HEALTH						
51000-51990 Personal Services	150	0	450	450	450	
ELECTED BOARD OF HEALTH TOTAL	150	0	450	450	450	0.00%

BUDGET NAME	FY 2018 ACTUAL	FY2019 ACTUAL	FY2020 BUDGET	FY2021 REQUEST	BOS/ADV RECOMM	Percent Inc./Decr.
512 BOARD OF HEALTH						
51000-51990 Personal Services	104,297	106,820	109,605	112,887	112,887	
52000-58990 Other Charges and Expenses	55,148	54,262	55,817	57,830	57,830	
BOARD OF HEALTH TOTAL	159,445	161,082	165,422	170,717	170,717	3.20%

BUDGET NAME	FY 2018 ACTUAL	FY2019 ACTUAL	FY2020 BUDGET	FY2021 REQUEST	BOS/ADV RECOMM	Percent Inc./Decr.
541 COUNCIL ON AGING						
51000-51990 Personal Services	248,607	258,083	267,038	277,842	277,842	
52000-58990 Other Charges and Expenses	59,213	57,881	60,915	63,240	63,240	
COUNCIL ON AGING TOTAL	307,820	315,964	327,953	341,082	341,082	4.00%

BUDGET NAME	FY 2018 ACTUAL	FY2019 ACTUAL	FY2020 BUDGET	FY2021 REQUEST	BOS/ADV RECOMM	Percent Inc./Decr.
542 YOUTH COMMISSION						
51000-51990 Personal Services	134,032	141,070	172,300	230,671	230,671	
52000-58990 Other Charges and Expenses	10,752	9,072	11,300	13,700	13,700	
YOUTH COMMISSION TOTAL	144,784	150,142	183,600	244,371	244,371	33.10%

BUDGET NAME	FY 2018 ACTUAL	FY2019 ACTUAL	FY2020 BUDGET	FY2021 REQUEST	BOS/ADV RECOMM	Percent Inc./Decr.
543 VETERANS' SERVICES						
51000-51990 Personal Services	15,000	15,000	15,000	15,000	15,000	
52000-58990 Other Charges and Expenses	18,278	24,319	35,120	20,845	20,845	
VETERANS' SERVICES TOTAL	33,278	39,319	50,120	35,845	35,845	-28.48%

600-699 CULTURE & RECREATION

BUDGET NAME	FY 2018 ACTUAL	FY2019 ACTUAL	FY2020 BUDGET	FY2021 REQUEST	BOS/ADV RECOMM	Percent Inc./Decr.
610 LIBRARY						
51000-51990 Personal Services	375,071	383,123	412,366	425,217	425,217	
52000-58990 Other Charges and Expenses	129,518	137,402	127,799	138,772	138,772	
LIBRARY TOTAL	504,589	520,525	540,165	563,989	563,989	4.41%

BUDGET NAME	FY 2018 ACTUAL	FY2019 ACTUAL	FY2020 BUDGET	FY2021 REQUEST	BOS/ADV RECOMM	Percent Inc./Decr.
630 RECREATION COMMISSION						
51000-51990 Personal Services	125,622	124,478	135,814	138,362	138,362	
52000-58990 Other Charges and Expenses	8,979	9,900	9,900	9,900	9,900	
RECREATION COMMISSION TOTAL	134,601	134,378	145,714	148,262	148,262	1.75%

BUDGET NAME	FY 2018 ACTUAL	FY2019 ACTUAL	FY2020 BUDGET	FY2021 REQUEST	BOS/ADV RECOMM	Percent Inc./Decr.
691 HISTORICAL COMMISSION						
52000-58990 Other Charges and Expenses	3,500	3,500	2,500	2,500	2,500	
HISTORICAL COMMISSION TOTAL	3,500	3,500	2,500	2,500	2,500	0.00%

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BUDGET NAME	FY 2018 ACTUAL	FY2019 ACTUAL	FY2020 BUDGET	FY2021 REQUEST	BOS/ADV RECOMM	Percent Inc./Decr.
692 MEMORIAL DAY						
52000-58990 Other Charges and Expenses	3,050	2,432	3,150	3,000	3,000	
MEMORIAL DAY TOTAL	3,050	2,432	3,150	3,000	3,000	-4.76%

700-799 DEBT SERVICE

BUDGET NAME	FY 2018 ACTUAL	FY2019 ACTUAL	FY2020 BUDGET	FY2021 REQUEST	BOS/ADV RECOMM	Percent Inc./Decr.
DEBT PRINCIPAL AND DEBT INTEREST						
0100-710-59100 Principal General Fund	2,507,043	2,602,060	2,397,976	2,352,547	2,352,547	
0100-751-59150 Interest General Fund	317,778	575,634	914,032	1,003,977	1,003,977	
DEBT PRINCIPAL AND DEBT INTEREST TOTAL	2,824,821	3,177,694	3,312,008	3,356,524	3,356,524	1.34%

900-999 UNCLASSIFIED

BUDGET NAME	FY 2018 ACTUAL	FY2019 ACTUAL	FY2020 BUDGET	FY2021 REQUEST	BOS/ADV RECOMM	Percent Inc./Decr.
910 EMPLOYEE BENEFITS						
51700 Police/Fire Accident and Workers' Comp.	224,210	231,685	238,636	243,223	243,223	
51710 Unemployment Payments	1,740	4,350	25,000	25,000	25,000	
51720 Health Insurance	4,402,669	4,611,358	5,038,971	5,177,566	5,177,566	
51730 Retirement Fund	1,611,713	1,777,093	1,959,533	2,170,625	2,170,625	
51740 Life Insurance	4,840	5,669	5,110	5,297	5,297	
51750 Flexible Spending Account	7,056	7,551	6,912	7,440	7,440	
51770 Medicare	333,997	347,606	357,495	375,970	375,970	
51780 Dental Insurance	216,688	225,444	239,549	236,306	236,306	
51785 Medicare B Penalty	17,527	17,644	17,740	17,750	17,750	
59660 Transfer to OPEB Trust	250,000	250,000	250,000	250,000	250,000	
EMPLOYEE BENEFITS TOTAL	7,070,440	7,478,400	8,138,946	8,509,177	8,509,177	4.55%

BUDGET NAME	FY 2018 ACTUAL	FY2019 ACTUAL	FY2020 BUDGET	FY2021 REQUEST	BOS/ADV RECOMM	Percent Inc./Decr.
930 BUDGET CAPITAL						
POLICE: CRUISERS (2)			*97,528*			
LIBRARY: NEW ROOF (ENG & INSTALLATION)			*175,000*			
POLICE: PISTOLS - GLOCK (24)				*10,226*	*10,226*	
POLICE: TASER PROGRAM			*9,892*	*10,857*	*10,857*	
POLICE: CHIEF VEHICLE				*38,650*	*38,650*	
FIRE: CHIEF VEHICLE C20				*60,000*	*60,000*	
DPW: TREE MAINT FUNDING				*8,850*	*8,850*	
DPW: EQUIPMENT TRAILER 2006 REPLACEMENT				*12,000*	*12,000*	
52000-58990 Other Charges and Expenses	70,211	324,343	282,420	140,583	140,583	
BUDGET CAPITAL TOTAL	70,211	324,343	282,420	140,583	140,583	-50.22%

BUDGET NAME	FY 2018 ACTUAL	FY2019 ACTUAL	FY2020 BUDGET	FY2021 REQUEST	BOS/ADV RECOMM	Percent Inc./Decr.
941 COURT JUDGMENTS						
57600 Court Judgments	217,999	220,659	225,000	225,000	225,000	
COURT JUDGMENTS TOTAL	217,999	220,659	225,000	225,000	225,000	0.00%

BUDGET NAME	FY 2018 ACTUAL	FY2019 ACTUAL	FY2020 BUDGET	FY2021 REQUEST	BOS/ADV RECOMM	Percent Inc./Decr.
945 LIABILITY INSURANCE						
52000-58990 Other Charges and Expenses	245,886	267,230	272,340	284,595	284,595	
LIABILITY INSURANCE TOTAL	245,886	267,230	272,340	284,595	284,595	4.50%

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BUDGET NAME	FY 2018 ACTUAL	FY2019 ACTUAL	FY2020 BUDGET	FY2021 REQUEST	BOS/ADV RECOMM	Percent Inc./Decr.
300 ELECTED SCHOOL COMMITTEE						
51000-51990 Personal Services	150	500	500	500	500	
ELECTED SCHOOL COMMITTEE TOTAL	150	500	500	500	500	0.00%

BUDGET NAME	FY 2018 ACTUAL	FY2019 ACTUAL	FY2020 BUDGET	FY2021 REQUEST	BOS/ADV RECOMM	Percent Inc./Decr.
301 SOUTHBOROUGH SCHOOLS						
REGULAR DAY PROGRAMS						
Administration	580,759	610,997	642,676			
Instruction	10,330,651	10,978,287	11,310,744			
Other Student Services	785,117	845,086	826,273			
Operation and Maintenance Buildings	1,706,742	1,691,826	1,680,550			
Fixed Charges	4,100	4,100	4,100			
Contractual Obligation	465,896	0	0			
REGULAR DAY PROGRAMS TOTAL	13,873,265	14,130,296	14,464,343		0	
SPECIAL EDUCATION PROGRAMS						
Administration	17,800	17,800	18,500			
Instruction	4,496,269	4,631,617	4,886,531			
Other Student Services	530,000	510,608	578,500			
Operation and Maintenance Buildings	7,000	4,500	5,000			
Programs, Other Systems in Massachusetts	788,924	1,111,165	868,000			
Programs, Member of Collaborative	68,000	0	0			
SPECIAL EDUCATION TOTAL	5,907,993	6,275,690	6,356,531	0	0	
GRAND TOTAL OPERATING BUDGET	**19,781,258**	**20,405,986**	**20,820,874**	**0**	**0**	-100.00%

BUDGET NAME	FY 2018 ACTUAL	FY2019 ACTUAL	FY2020 BUDGET	FY2021 REQUEST	BOS/ADV RECOMM	Percent Inc./Decr.
302 ALGONQUIN REGIONAL HIGH SCHOOL						
REGULAR DAY PROGRAMS						
Administration	628,305	663,443	688,349		663,443	
Instruction	10,582,115	11,509,251	11,440,824		11,509,251	
Other Student Services	1,902,072	2,003,707	2,029,191		2,003,707	
Operation and Maintenance Buildings	1,667,507	1,702,050	1,736,088		1,702,050	
Fixed Charges	3,686,120	3,620,778	3,875,748		3,620,778	
New Equipment	110,200	155,200	26,000		155,200	
Tuition, Other Public Schools	290,000	290,000	290,000		290,000	
Contractual Obligation	539,722	0	0		0	
REGULAR DAY PROGRAMS TOTAL	19,406,041	19,944,429	20,086,200		19,944,429	
SPECIAL EDUCATION PROGRAMS						
Administration	9,300	9,300	16,800		9,300	
Instruction	2,154,530	2,271,114	2,504,494		2,271,114	
Other Student Services	251,280	251,280	253,780		251,280	
Operation and Maintenance Buildings	2,000	2,000	2,000		2,000	
Fixed Charges	1,595	1,595	1,595		1,595	
Programs, Other Systems in Massachusetts	429,035	479,180	840,979		479,180	
Programs, Member of Collaborative	50,685	124,060	69,600		124,060	
SPECIAL EDUCATION TOTAL	2,898,425	3,138,529	3,689,248		3,138,529	
GRAND TOTAL OPERATING BUDGET	**22,304,466**	**23,082,958**	**23,775,448**	**0**	**23,082,958**	-100.00%

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FY 2021 SOUTHBOROUGH ASSESSMENT	NON EXEMPT	EXEMPT	TOTAL		BOS/ADV RECOMM	Percent Inc./Decr.

BUDGET NAME	FY 2018 ACTUAL	FY2019 ACTUAL	FY2020 BUDGET	FY2021 REQUEST	BOS/ADV RECOMM	Percent Inc./Decr.
304 ASSABET VALLEY REGIONAL TECH HIGH SCHOOL						
Southborough Operating Assessment	296,635	329,255	293,357	349,405	349,405	
Renovation Project - Capital Assessment	39,981	38,417	37,405	36,393	36,393	
SOUTHBOROUGH ASSESSMENT	336,616	367,672	330,762	385,798	385,798	16.64%

BUDGET NAME	FY 2018 ACTUAL	FY2019 ACTUAL	FY2020 BUDGET	FY2021 REQUEST	BOS/ADV RECOMM	Percent Inc./Decr.
305 NORFOLK COUNTY AGRICULTURAL HIGH SCHOOL						
Tuition/Transportation Assessment	0	0	0	89,268	89,268	
NORFOLK COUNTY AGRICULTURAL HIGH SCHOOL T	0	0	0	89,268	89,268	100.00%

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Proposed by: BOARD OF SELECTMEN

Summary: *See budget report including Advisory Committee and Board of Selectmen's FY21 recommendations. If the Advisory Committee recommendation differs from that of the Board of Selectmen, it shall be noted in that departmental budget.*

ARTICLE 8: To see if the Town will vote to raise a sum of money as may be necessary for the Water Enterprise Fund's use for Fiscal Year 2021, and make appropriations of the same, as detailed following, or do or act anything in relation thereto.

BUDGET NAME	FY 2018 ACTUAL	FY 2019 ACTUAL	FY2020 BUDGET	FY2021 REQUEST	BOS/ADV RECOMM	Percent Inc./Decr.
450 DEPT. OF PUBLIC WORKS - WATER						
51000-51990 Personal Services	334,049	339,522	343,867	355,405	355,405	
52000-58990 Other Charges and Expenses	1,310,228	1,223,790	1,317,400	1,341,950	1,341,950	
59100 Principal Water Fund	290,000	290,000	318,233	340,000	340,000	
59150 Interest Water Fund	114,622	107,604	119,603	142,490	142,490	
59510 Indirect Costs	90,000	90,000	131,239	160,847	160,847	
DEPT. OF PUBLIC WORKS - WATER TOTAL	2,138,899	2,050,916	2,230,342	2,340,692	2,340,692	4.9%

Proposed by: BOARD OF SELECTMEN
Board of Selectmen Recommendation:
Advisory Committee Recommendation:
Summary: *The Water budget is funded through an Enterprise Fund that is supported entirely through the water rates, which supports all aspects of the department's operation.*

ARTICLE 9: To see if the Town will vote to raise and appropriate, or transfer from available funds a sum of money for General Government capital items for the following purposes:

	DESCRIPTION	REQUEST	LEVY	OTHER FUNDS
A.	DPW – Transfer Station E&D for renovation	$ 35,000	$ 35,000	
B.	DPW – Large Truck & Equipment Body Work	$ 12,000	$ 12,000	
C.	DPW – Road Maintenance	$325,000	$325,000	
D.	Fire/Police – Repeaters for Radio System	$ 45,000	$ 45,000	
E.	Library – Replacement Boiler	$ 85,000	$ 85,000	
F.	Library – Energy Management System	$ 75,000	$ 75,000	
G.	ADA Title II Self-evaluation	$ 40,000	$ 40,000	

, or do or act anything in relation thereto.

Proposed by: BOARD OF SELECTMEN
Board of Selectmen Recommendation: Support
Advisory Committee Recommendation: Support
Summary:
A. These funds will be used by the ad-hoc Capital Planning Committee for review, analysis, and public input on Transfer Station operations, and will lead to recommendations for future improvements to the layout, management, and traffic flow for that facility;
B. This annual funding addresses maintenance of various DPW capital equipment to extend the life of these assets. This year it will be used for body work (strip, prime, paint) on one 35,000GVW truck;
C. These funds are for public roadway, sidewalks and walkway maintenance, repair and construction throughout town. These are expended in conjunction with Chapter 90 roadway improvement funding from the Commonwealth;

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D. These funds will be used to replace the repeaters for the public safety radio system, which allows Police, Fire and DPW vehicles to communicate throughout Town. No funds will be spent prior to confirmation with the Town's communication consultants on the proposed replacements;
E. These funds will provide the necessary engineering related to and the replacement of the existing 30+ year old boiler and associated components at the Southborough Library;
F. These funds will provide the necessary engineering related to and the replacement of the existing building energy management system (EMS) and associated pneumatic components with a new EMS with Direct Digital Control (DDC) electronic components at the Southborough Library;
G. The Massachusetts Office of Disability (MOD) recently informed the Town that it is required to perform an accessibility review of its public buildings and facilities. The Town will be applying for a MOD grant to offset these costs. The results of the review, and any corresponding improvements, will be incorporated into the Town's capital plan.

ARTICLE 10: To see if the Town will appropriate a sum of money to pay costs of the projects listed below, and for the payment of costs incidental or related thereto, and to determine whether this amount shall be raised by borrowing, transfer from available funds, or otherwise:

	DESCRIPTION	REQUEST	LEVY	WATER AND OTHER FUNDS
A.	Fire Pumper	$600,000	$600,000	

, or do or act anything in relation thereto.

Proposed by: BOARD OF SELECTMEN
Board of Selectmen Recommendation: Support
Advisory Committee Recommendation: Support
Summary:
A. These funds will be used to replace a 2001 E-One Typhoon Pumper, which is at its useful lifespan for this type of vehicle (20 years). The normal procurement process, including the construction of the vehicle, is 12-15 months. Delivery of the new vehicle is anticipated in early FY2022.

ARTICLE 11: To see if the Town will vote to raise and appropriate or transfer from any available funds the sum of $28,000 for the purpose of paying to retirees the amount due for accrued vacation and sick time, or do or act anything in relation thereto.

Proposed by: BOARD OF SELECTMEN
Board of Selectmen Recommendation: Support
Advisory Committee Recommendation: Support
Summary: *This article will fund any vacation and sick pay due to employees upon their retirement.*

ARTICLE 12: To see if the Town will vote to raise and appropriate the sum of $10,000 for the purpose of paying the Town's share of casualty and other losses incurred to Town property and equipment which are not covered by insurance policies, or do or act anything in relation thereto.

Proposed by: BOARD OF SELECTMEN
Board of Selectmen Recommendation: Support
Advisory Committee Recommendation: Support
Summary: *This article will provide funds to be used to pay the deductible for property damage which is not covered by insurance.*

ARTICLE 13: To see if the Town will vote to raise and appropriate, borrow and appropriate or transfer from available funds the sum of $100,000 for the ongoing maintenance of capital equipment and systems associated with town buildings and facilities. The Town Facilities Manager shall recommend appropriate projects to the Town Administrator. The Town Administrator shall approve all expenditures under this article. The Town Facilities

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Manager shall report all funded projects to the Advisory Committee as requested, or do or act anything in relation thereto.

Proposed by: BOARD OF SELECTMEN
Board of Selectmen Recommendation: Support
Advisory Committee Recommendation: Support
Summary: *This article will provide for the maintenance and repair of capital equipment and systems associated with the Town's buildings and facilities.*

ARTICLE 14: To see if the Town will vote to appropriate, borrow or transfer from available funds, an amount of money to be expended under the direction of the School Committee for replacement of the boiler at the Mary E. Finn Elementary School, 60 Richards Road, Southborough, which proposed repair project would materially extend the useful life of the school and preserve an asset that otherwise is capable of supporting the required educational program and for which the Town has applied for a school construction grant from the Massachusetts School Building Authority ("MSBA"). The Town acknowledges that the MSBA's grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and if the MSBA's Board of Directors votes to invite the Town to collaborate with the MSBA on this proposed repair project, any project costs the Town incurs in excess of any grant that may be approved by and received from the MSBA shall be the sole responsibility of the Town, or do or act anything in relation thereto.

Proposed by: SCHOOL COMMITTEE
Board of Selectmen Recommendation:
Advisory Committee Recommendation: Support
Summary: *This project would replace the school's 21-year-old heating system with new oil boilers, with an estimated efficiency of 85%. The project also includes providing the hardware to convert to natural gas if it becomes available in the future. This project is a partnership with the Massachusetts School Building Authority (MSBA) Accelerated Repair Project. The total cost of the project is estimated to be $990,180.00. The Town of Southborough's cost for the project is $624,903.00 and MSBA's contribution is $365,276, which reflects the Town of Southborough's MSBA reimbursement rate of 36.89%.*

ARTICLE 15: To see if the Town will vote pursuant to Massachusetts General Laws, Chapter 44 § 53E ½ to authorize the following spending limits for Fiscal Year 2021:

1. Immunization/emergency dispensing clinic; $12,000.
2. Inspectional services; $100,000.
3. 9-11 Field Maintenance; $100,000.
4. Wetland Protection; $30,000.
5. Hazardous materials; $75,000.
6. CPR classes; $6,500.
7. Community garden; $2,500.
8. Recreation programs; $450,000.
9. Tobacco Control Program; $4,000.
10. Golf Course maintenance; $30,000.

, or do or act anything in relation thereto.

Proposed by: BOARD OF HEALTH, BOARD OF SELECTMEN, RECREATION COMMISSION, AND CONSERVATION COMMISSION
Board of Selectmen Recommendation: Support
Advisory Committee Recommendation: Support
Summary: *This article approves the annual spending limits for revolving funds that are now authorized by Town by-law.*

ARTICLE 16: To see if the Town will vote to accept the report of the Community Preservation Committee for the FY 2021 Community Preservation Projected Receipts and act upon the recommendations of the Community Preservation Committee and to set aside for later expenditure, certain sums of money from the Community Preservation Fund established pursuant to Chapter 44B of the General Laws, as follows:

Estimated Surcharge Receipts (based on Town Treasurer's projections)……..	$376,373
State Match (projected FY2021 State match)……..……..……..	$ 54,547
FY2020 State Match Adjustment……	$ 31,049
Total Projected Revenue……..	$461,969

Set Aside- Open Space

$46,197 to be set aside, held in the Community Preservation Fund, and spent in FY2021 or later years for acquisition, creation or preservation of open space, and for the rehabilitation and/or restoration of open space acquired under the Community Preservation Act.

Set Aside – Historic Preservation

$46,197 to be set aside, held in the Community Preservation Fund, and spent in FY2021 or later years for the acquisition, preservation, rehabilitation and restoration of historic resources.

Set Aside – Community Housing

$46,197 to be set aside, held in the Community Preservation Fund, and spent in FY2021 or later years for the creation, preservation and support of community housing, and for the rehabilitation and/or restoration of community housing acquired under the Community Preservation Act.

Administrative Costs – Community Preservation Committee

$23,098 to defray the administrative and operating expenses of the Community Preservation Committee in FY2021 for the Community Preservation Fund (discretionary)

Set Aside -Budgeted Reserve/Discretionary

Reserved For FY21 CPF (Budgeted Reserve/Discretionary) $300,279

, or do or act anything in relation thereto.

Proposed by: COMMUNITY PRESERVATION COMMITTEE
Board of Selectmen Recommendation: Support
Advisory Committee Recommendation: Support
Summary: *The budget and set asides are an annual requirement under the Community Preservation Act.*

ARTICLE 17: To see if the Town will vote to appropriate $85,437.50 to be applied towards the bond for the Perpetual Preservation Restriction on 84 Main Street also known as the Burnett House for the purpose of Historic Preservation. $32,278 from the CPA Historic Preservation Reserve Fund and $53,159.50 from the CPA FY2021 Budgeted Reserve Fund. Said funds to be expended under the direction of the Community Preservation Committee and the Town Treasurer; or do or act anything in relation thereto.

Proposed by: COMMUNITY PRESERVATION COMMITTEE
Board of Selectmen Recommendation: Support
Advisory Committee Recommendation: Support
Summary: *This article is the Community Preservation Fund payment towards the FY2021 debt funding for the Preservation Restriction of 84 Main Street as approved at the 2016 Annual Town Meeting.*

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ARTICLE 18: To see if the Town will vote to appropriate a total of $114,753 to be applied towards the bond for the renovation and restoration of the Historic Southborough Library building, $19,749 for interest due September 2020 and $95,004 to be applied towards the bond for the purpose of Historic Preservation. $32, 278 from the CPA historic Preservation Reserve Fund and $82,475 from CPA General Unreserved Fund. Said funds to be expended under the direction of the Community Preservation Committee and the Town Treasurer; or do or act anything in relation thereto.

Proposed by: COMMUNITY PRESERVATION COMMITTEE
Board of Selectmen Recommendation: Support
Advisory Committee Recommendation: Support
Summary: *This article is the Community Preservation Fund payment toward the FY2021 debt funding for the renovation and restoration of the Historic Southborough Library as approved at the 2019 Annual Town Meeting.*

ARTICLE 19: To see if the Town will vote to appropriate $238,750 from the CPA Fund FY2021 Budgeted Reserve for the renovation and restoration of Kallander Field, located on Kallander Drive in Southborough (Parcel ID 56-0000-012-0) for recreation purposes as requested by the Recreation Department. This consists of $210,100 in project costs and an additional $28,650 in contingency funding. Contingency funds only available after approval of the CPC for unexpected costs unforeseen at the time of application. Project to be completed in conformance with details as presented to the members of the CPC and to be documented in the application and signed Memorandum of Understanding. Said funds to be expended under the direction of the Community Preservation Committee and the Town Treasurer; or do or act anything in relation thereto.

Proposed by: COMMUNITY PRESERVATION COMMITTEE
Board of Selectmen Recommendation:
Advisory Committee Recommendation: At Town Meeting
Summary: *Under the direction of the Recreation Director Tim Davis and the Southborough Recreation Department, said funds will be used to restore and renovate Kallander Field, to address significant drainage issues that plague the field.*

ARTICLE 20: To see if the Town will vote to appropriate $200,000 for the restoration and preservation of the Historic St. Mark's Bell Tower located at 27 Main Street Southborough for Historic purposes. $23,061.76 from the CPA Historic Preservation Reserve Fund and $176,938.24 from CPA General Unreserved Fund. Project to be completed in conformance with details as presented to the members of the CPC and to be documented in the application and signed Memorandum of Understanding. Said funds to be expended under the direction of the Community Preservation Committee and the Town Treasurer; or do or act anything in relation thereto.

Proposed by: COMMUNITY PRESERVATION COMMITTEE
Board of Selectmen Recommendation:
Advisory Committee Recommendation: At Town Meeting
Summary: *Under the direction of the St. Mark's Building Committee said funds will be used to restore and preserve the St. Marks Bell Tower in conformance with a Preservation Restriction held by the Massachusetts Historical Commission. The goal is to preserve St. Mark's Bell Tower for many future generations of Southborough residents to enjoy. Built in 1891 on land donated by Joseph Burnett, the tower has fallen into major disrepair over the years. Issues include water penetration, unevenly faced stones, cracked mortar joints, and stone slippage. Without restoration of the tower, the historic viewscape of our town will be forever changed. Satisfying the Community Preservation Act goal to preserve and maintain historic landmarks, this project would preserve the tower and keep its historical significance. St. Mark's Church is part of the Southborough Historical Commission project to add downtown Southborough to the State and National Register of Historic Places. The tower restoration project strictly falls under historic preservation and does not contain any religious depiction. This $200,000 request is for partial funding of total project costs of $565,000 with remainder raised by St. Mark's.*

ARTICLE 21: To see if the Town will vote to accept Massachusetts General Laws Chapter 59, Section 5C1/2, which provides for an additional real estate exemption for taxpayers who are granted personal exemptions on their domiciles under Massachusetts General Laws Chapter 59, Section 5, including certain blind persons, veterans, surviving spouses and seniors, and to provide that the additional exemption shall be up to 100 percent of the personal

exemption, to be effective for exemptions granted for any fiscal year beginning on or after July 1, 2020, or do or act anything in relation thereto.

Proposed by: BOARD OF SELECTMEN
Board of Selectmen Recommendation: Support
Advisory Committee Recommendation: Support
Summary: *Adoption of this local option will increase the property tax abatement benefits to Southborough veterans and non-veterans who currently meet eligibility requirements for personal exemptions on their property. Funds for these abatements are carried in the Assessor's overlay account.*

ARTICLE 22: To see if the Town will vote to amend Section 9-24 "Qualification of elected and appointed officials" of the Town Code, by deleting the text in its entirety, and replacing with the following:

"All elected and appointed officials shall be qualified by the Town Clerk within 30 days of their election except where a different period is specified in the General Laws. If an appointed official is not qualified in this period, his/her appointment shall terminate, and the appointing authority shall be so notified by the Town Clerk."

; or do or act anything in relation thereto.

Proposed by: BOARD OF SELECTMEN
Board of Selectmen Recommendation: Support
Advisory Committee Recommendation: Support
Summary: *Currently, elected and appointed officials have 15 days to be sworn in by the Town Clerk's office; this article will allow those officials additional time to be sworn in following their appointment or election. The current requirement of 15 days was found to be too limiting, as appointment dates often conflicted with the 4th of July holiday and summer vacations. The Board of Selectmen was having to reappoint certain positions multiple times due to the inability of individuals to be sworn in within the required timeframe.*

ARTICLE 23: To see if the Town will vote to adopt MGL c.90, Section 17C to allow the Board of Selectmen to reduce the statutory speed limit from 30MPH to 25MPH on any or all town-owned roadways in thickly settled or business district areas, or do or act anything in relation thereto.

Proposed by: BOARD OF SELECTMEN
Board of Selectmen Recommendation: Support
Advisory Committee Recommendation: Support
Summary: *This article provides the Selectmen with the authority to reduce speed limits on certain town-owned streets in the interest of public safety.*

ARTICLE 24: To see if the Town will vote to adopt MGL c.90, Section 18B to allow the Board of Selectmen to establish regulatory 20MPH safety zones on public streets within the Town of Southborough, or do or act anything in relation thereto.

Proposed by: BOARD OF SELECTMEN
Board of Selectmen Recommendation: Support
Advisory Committee Recommendation: Support
Summary: *This article provides the Selectmen with the authority to establish safety zones on streets in the interest of public safety.*

ARTICLE 25: To see if the Town will vote to impose a .75% meals tax on the sales of restaurant meals by accepting Massachusetts General Laws, Chapter 64L, Section 2(a), or do or act anything in relation thereto.

Proposed by: BOARD OF SELECTMEN
Board of Selectmen Recommendation: Support
Advisory Committee Recommendation: Support

Summary: *This article will require all local restaurants to charge an additional .75% in meals tax, which will come back to the Town as unallocated revenue through State Local Aid. Most other communities in our area have adopted this local option as well. The local meals tax has been identified as an additional revenue source to help alleviate increases to residential property taxes.*

ARTICLE 26: To see if the Town will vote to adopt as Chapter 9, Article IX Southborough Public Accessibility Committee, Sections 9.34 through 9.35 of the Town bylaws, the following:

Article IX Southborough Public Accessibility Committee

§9.34 Purpose

Numerous laws, statutes, policies and regulations require and/or encourage access to facilities, programs and services for all members of the public. These include, but are not limited to:

- The Americans with Disabilities Act of 1990 - 42 U.S.C. ch. 126 § 12101 et seq
- Regulations promulgated by the Massachusetts Architectural Access Board (521 CMR)
- The Voting Accessibility for the Elderly and Handicapped Act of 1984 - P.L. 98-435, 42 U.S.C. §§ 1973ee–1973ee-6
- The Individuals with Disabilities Education Act – 20 U.S.C. §§ 1400 et seq.
- The Rehabilitation Act of 1973 – USC 31-41c, 29 U.S.C. § 701 et seq
- The Architectural Barriers Act - 42 U.S.C. §§ 4151 et seq.
- Massachusetts Employment Law MGL ch 151B
- Massachusetts Public Accommodation Law - MGL ch 272
- Massachusetts Equal Rights Act - MGL Ch. 93 §§ 102
- Massachusetts Constitution Article CXIV (114)
- Massachusetts Service Animals Law – MGL Ch. 272 §§ 98A

Southborough supports a coordinated approach to monitoring and increasing public accessibility and ensuring compliance with local, state and federal requirements. In addition, it is desirable to encourage property owners to consider adopting optional policies that increase accessibility. As more fully described in the remainder of this Article IX, this article establishes a committee that will be responsible for developing and implementing this coordination. It will report on status and progress to the Board of Selectmen and the Town Meeting.

§9.34.A Establishment; Membership; Qualifications

There shall be a Southborough Public Accessibility Committee ("SPAC"), which shall consist of five voting members appointed by the Board of Selectmen, plus the non-voting, ex-officio members identified below. Any non-voting, ex-officio member shall not count toward the calculation of a quorum for the SPAC for voting purposes.

Each voting member shall be a registered voter in the Town and shall not be a Town officer (where a "Town officer" means a Town official who serves in an elected position) or a Town employee (where a "Town employee" is any person holding a non-elected, paid position in the Town other than a volunteer who is deemed a Special Municipal employee solely for the purposes of MGL Chapter 268A).

The Board of Selectmen shall designate a Public Accessibility Coordinator ("Coordinator"), in consultation with the SPAC. The Coordinator shall be responsible for accepting and recording concerns, coordinating reviews, and such other duties as may be assigned.

The Building Commissioner and Coordinator shall be ex-officio members of the SPAC.

§9.34.B Appointments; Terms

Voting members shall be appointed for two-year terms. The initial appointments shall be divided between one and two-year terms, so as to establish overlapping terms.

§9.34.C Organization

The voting SPAC members shall select annually, from among themselves by majority vote, a Chairman and a Secretary.

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§9.34.D Funding
The SPAC shall have a budget, as may be approved through the Town's regular budget process, for consultants and other expenses. The SPAC shall submit its projected expenses annually as input to the Town's regular budget process. Any expenditures from the SPAC budget shall require a majority vote of the SPAC, and shall be subject to the Town's policies for such expenditures.

§9.35 Powers and Duties
The SPAC Powers and Duties include, but are not limited to, the following:

- To monitor and enhance the Town's compliance with all applicable laws, statutes, policies, and regulations that require (or encourage) access to facilities, programs and services for all members of the public.
- In coordination with Town officers, departments, and other government entities, to endeavor to ensure that all Town citizens have equal access to:
  - Town government offices and communications
  - Public and commercial buildings
  - Programs
  - Goods and services
  - Transportation
  - Telecommunications, including the internet
  - Recreational facilities and programs
- To review existing and proposed facilities, programs, and projects undertaken by the Town, and to notify the responsible official or entity of its comments. The SPAC may request that other Town officials, committees, departments, and/or entities provide input to these reviews.
- To undertake public outreach and advocacy for accessibility in the Town,
- To periodically, but no less than once per calendar year, report to the Board of Selectmen and the Town Meeting on its activities and findings.
- To provide a mechanism for the public and/or any Town employee to raise concerns about the accessibility of any Town facility, service or program.
- The SPAC (or its designee) shall maintain records of such concerns and their dispositions. To the extent permissible by law, the identities of persons raising such concerns shall be confidential, unless confidentiality is waived by such person.

, or act or do anything in relation thereto.

Proposed by: BOARD OF SELECTMEN
Board of Selectmen Recommendation: Support
Advisory Committee Recommendation: At Town Meeting
Summary: *This article replaces the current ad-hoc Accessibility Compliance Committee with a standing committee. The existing committee was established to address the issues raised by the 1990 Americans with Disabilities Act, and was thought to be needed for a short time. In the time since, regulations in this area have increased and public demand for accessibility has increased. Since the need has persisted for several decades, a standing committee that is not limited to the ADA is the more appropriate construct.*

ARTICLE 27: To see if the Town will accept the provisions of Chapter 41, Sec. 110A of the Massachusetts General Laws "Office hours on Saturday": "Any public office in any city or town may remain closed on any or all Saturdays as may be determined from time to time, in a city by the city council, subject to the provisions of the city charter, or, in a town, by vote of the town at a special or regular town meeting, and the provisions of section nine of chapter four shall apply in the case of such closing of any such office on any Saturday to the same extent as if such Saturday were a legal holiday."

;or do or act anything in relation thereto.

Proposed by: TOWN CLERK
Board of Selectmen Recommendation: Support
Advisory Committee Recommendation: Support
Summary: *Acceptance of this provision of the General Law would extend a voter registration deadline which occurs on a Saturday to the following Monday.*

ARTICLE 28: To see if the Town will vote to amend the Zoning Code of the Town of Southborough, Zoning Article I entitled "Miscellaneous Provisions" and Article V entitled "Nonconforming Uses and Structures" by amending thereto Section 174-9 entitled "Special Permit Requirements" and 174-19 entitled "Extensions" as hereinafter specified.

****Bold text are insertions. Strikethrough text are deletions.*

Article I: Miscellaneous provisions
§ 174-9 Special permit requirements.
[Amended 4-14-1986 ATM by Art. 46]

E. Nonconforming uses, lots and structures. Special permits may be issued for the extension**,** ~~or~~ alteration**, reconstruction or structural change** of legally nonconforming uses, structures and lots, including a change in the non-conforming use to another non-conforming use, provided that the Board of Appeals finds that such extension, alteration**, reconstruction** or **structural** change shall not be substantially more detrimental to the neighborhood, will not increase the extent of non-conformance in size or in impact and that the cost thereof shall not exceed 50% of the assessed value of the non-conforming structure at the time of application, and further provided that the estimate of the cost of any extension**,** ~~or~~ alteration**, reconstruction or structural change** utilized by the Board of Appeals in evaluating the above specified 50% requirement of the assessed value shall not be less than a cost estimate of such extension**,** ~~or~~ alteration**, reconstruction or structural change** based on a nationally recognized building cost estimate manual or system acceptable to the Zoning Board of Appeals. ~~No special permits under this subsection shall be granted for nonconforming signs subject to Chapter 93 or 93D of the General Laws.~~
[Amended 4-15-2008 ATM by Art. 38]

§ 174-19 **Extensions,** ~~or~~ alterations**, reconstruction or structural changes.**
[Amended 4-10-2000 ATM by Art. 55]

A. Nonconforming structures or uses shall not be extended**,** ~~or~~ altered**, reconstructed or structural changes made** except to make them conforming~~,~~ unless the Board of Appeals authorizes such extension**,** ~~or~~ alteration**, reconstruction or structural change** by special permit upon making findings as provided in § 174-9E.

B. ~~Single-family and two-family residential structures. In the following circumstances,~~ **Notwithstanding the provisions of Section A above, as provided in M.G.L. c.40A, § 6, if any proposed extension, alteration**, reconstruction**,** ~~extension~~ or structural change to a single or two-family residential **structure complies with one of the conditions set forth in subsections (1) through (5) below, such extension, alteration, reconstruction or structural change** ~~structure~~ shall not be considered an increase in the non-conforming nature of the structure and shall be permitted as of right.
[Amended 10-7-2013 STM by Art. 9]

(1) **Extension, a**~~A~~lteration**, reconstruction or structural change** to a structure which complies with all current setbacks, lot coverage and building height requirements but is located on a lot with insufficient area~~,~~ where the alteration will also comply with all of said current requirements**.**~~;~~

(2) **Extension, a**~~A~~lteration**, reconstruction or structural change** to a structure which complies with all current setbacks, lot coverage and building height requirements but is located on a lot with insufficient frontage~~,~~ where the alteration will also comply with all of said current requirements**.**~~;~~

(3) **Extension, a**~~A~~lteration**, reconstruction or structural change** to a structure which encroaches upon one or more required setbacks~~,~~ where the alteration will comply with all current setbacks, open lot coverage and building height requirements. The provisions of this ~~s~~**S**ubsection ~~B (3)~~ shall apply regardless of whether the lot complies with current area and frontage requirements.

(4) Extension, alteration, reconstruction or structural change to the rear, side or fascia of a structure which encroaches upon a required yard or setback area where the alteration will not encroach upon such area to a distance greater than the existing structure. The provisions of this subsection shall apply regardless of whether the lot complies with current area and frontage requirements.

(5) Extension, alteration, reconstruction or structural change to a non-conforming structure which will not increase the footprint of the existing structure providing that existing height restrictions shall not be exceeded.

In the event that the Building Commissioner determines that none of the exemptions set forth in subsections (1) through (5) apply, and the Building Commissioner determines that the non-conforming nature of such structure would be increased by the proposed extension, alteration, reconstruction or structural change, then the Board of Appeals may, by special permit, allow such extension, alteration, reconstruction or structural change where the proposed modification will not be substantially detrimental than the existing non-conforming structure to the neighborhood.

; or do or act anything in relation thereto.

Proposed by: ZONING BOARD OF APPEALS
Board of Selectmen Recommendation:
Advisory Committee Recommendation: At Town Meeting
Summary: *This article proposes to amend the Special Permit Requirements and Exemptions by the addition of language for the purpose of clarity and the inclusion of exemptions to comply with current case law.*

ARTICLE 29: To see if the Town will vote to amend the Zoning Code of the Town of Southborough Article III entitled "Use Regulations" by replacing thereto Section 174-12.1 thereof entitled "Outdoor illumination" as hereinafter specified.

****Bold text are insertions. Strikethrough text are deletions.*

§ 174-12.1
Outdoor illumination.
[Added 4-11-2005 ATM by Art. 40]

A. Purpose. This section recognizes the benefits of outdoor lighting and provides clear guidelines for its installation, so as to help maintain and complement Southborough's character. The intent of this section is to**:**

(1) encourage lighting that provides safety, utility and security, **productivity, enjoyment and commerce;**

(2) prevent glare on public roadways;

(3) protect the privacy of residents;

(4) promote energy-efficient outdoor lighting;

(5) limit the total allowable illumination of lots located in the Town of Southborough; ~~to reduce atmospheric light pollution.~~

(6) minimize adverse offsite impact such as light trespass, and obtrusive light;

(7) curtail light pollution and reduce skyglow to create a healthy night-time environment for residents of Southborough

The Planning Board is authorized to promulgate rules and regulations to carry forth the purpose and intent of these Bylaw provisions. Appropriately regulated, and properly installed, outdoor lighting will contribute to the safety and welfare of the residents of Southborough.

B. Applicability. Outdoor illumination by flood or spot luminaries rated at 900 lumens or more (which is approximately equal to one sixty-watt incandescent light bulb) or by any other luminaires rated at 1,800 lumens or more (which is approximately equal to one one-hundred-twenty-watt incandescent light bulb) shall be subject to the provisions of this section **including application to single and two-family residential lots**, with the following exceptions:

(1) emergency lighting;

(2) hazard warning;

(3) temporary decorative or holiday lighting ~~or public roadway illumination.~~

It shall also not apply to any luminaire intended solely to illuminate any freestanding sign, flag or the walls of any building, but such luminaire shall be shielded so that its direct light is confined to the surface of such sign, flag or building.

~~(1) The replacement of existing fixtures shall be subject to the provisions of this section; however, the replacement of existing nonconforming lamps or fixtures with the same or lower output nonconforming lamps or fixtures is exempted.~~

The replacement of fixtures or luminaires shall be subject to the provisions of this section and comply with guidance outlined in the Rules and Regulations for Outdoor Illumination maintained by the Planning Board. Non-conforming fixtures or luminaires requiring replacement for any reason (including but not limited to end of life, breakdown, vandalism) shall be replaced in compliance with this Bylaw.

~~(2)~~ The Planning Board, in performing review pursuant to § 174-10, Site plan approval, may determine that special circumstances of the site, context or design make an alternative lighting design at least equally effective in meeting the purposes of this section and, in such cases, may modify the requirements of this section.

C. Enforcement. The owner of any lot or property on which a luminaire subject to this Bylaw is located or proposed to be located shall have the burden of demonstrating that the existing or proposed luminaire complies with the standards established by this Bylaw. The manufacturer's specification sheet may be used to establish the lumen level of a luminaire, correlated color temperature (CCT) and, if required, to verify the use of fully shielded fixture design. Illumination levels may be verified through the use of manufacturer's photometric data sheet and/or photometric site drawing or through on-site calibrated light level meter readings. A site visit at night by a representative of the Town in the form of a visual observation and/or photograph may be required to determine if a nuisance has occurred.

(1) Violations of this Bylaw shall be subject to the provisions of the Town of Southborough Article III entitled "Use Regulations" Section 174-24 thereof entitled "Enforcement; procedures; violations and penalties."

D. Definitions. For the purposes of this section, the following terms shall be defined as indicated below. Although set forth here for convenience, the terms shall have the same effect as if in § 174-2 of this Bylaw.

BACKLIGHT – For an exterior luminaire is the 90-degree quarter-sphere located behind and below the light source. For luminaires with symmetric distribution, backlight will be the same as front light.

BUG RATING – A luminaire classification system that classifies backlight (B), uplight (U), and glare (G) per IES TM-15-11.

CORRELATED COLOR TEMPERATURE (CCT) – A specification of the color appearance of the light emitted by a lamp, relating its color to the color of light from a reference source when heated to a particular temperature, measured in degrees Kelvin (K).

FIXTURE – The assembly that houses a lamp or lamps, and which may include a housing, a mounting bracket or pole socket, a lamp holder, a ballast, a reflector or mirror, and/or a refractor, lens or diffuser lens.

FRONTLIGHT – For an exterior luminaire is the 90-degree quarter-sphere located in front and below the luminaire.

FULL CUTOFF – A luminaire designed with an opaque shield surrounding and extending below the lamp, such that no direct light is emitted above a horizontal plane.

FULLY SHIELDED LUMINAIRE — A luminaire constructed and installed in such a manner that all light emitted by the luminaire, either directly from the lamp or a diffusing element, or indirectly by reflection or refraction from any part of the luminaire, is projected below the horizontal plane through the luminaire's lowest light-emitting part.

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GLARE – Light emitted from a luminaire with intensity great enough to produce annoyance, discomfort or a reduction in a viewer's ability to see, and in extreme cases causing momentary blindness.

HARDSCAPE – Permanent hardscape improvements to the site including parking lots, drives, entrances, curbs, ramps, stairs, steps, medians, walkways, and non-vegetated landscaping that is 100 feet or less in width. Materials may include but are not limited to concrete, asphalt, stone, and gravel.

INDIRECT LIGHT – Light scatter caused by direct light being redirected from a surface.

LAMP – The component of a luminaire that produces the actual light.

LED LAMP– (Light Emitting Diode) An electric lamp with a much longer lifespan than incandescent lighting and low energy consumption.

LIGHT TRESPASS – The shining of direct **or indirect** light produced by a luminaire beyond the boundaries of the lot on which it is located.

LUMEN – A measure of light energy generated by a light source. One footcandle is one lumen per square foot. For purposes of this bylaw, the lumen output shall be the initial lumen output of a lamp, as rated by the manufacturer.

LUMINAIRE – A complete lighting ~~system, including a lamp or lamps and a fixture.~~ **unit (fixture), consisting of a lamp, or lamps and ballast(s) (when applicable), together with the parts designed to distribute the light (reflector, lens, diffuser), to position and protect the lamps, and to connect the lamps to the power supply.**

LUMINAIRE LUMENS - For luminaires with relative photometry per Illuminating Engineering Society (IES), it is calculated as the sum of the initial lamp lumens for all lamps within an individual luminaire, multiplied by the luminaire efficiency. If the efficiency is not known for a residential luminaire, assume 70%. For luminaires with absolute photometry per IES LM-79, it is the total luminaire lumens. The lumen rating of a luminaire assumes the lamp or luminaire is new and has not depreciated in light output.

MOUNTING HEIGHT - The height of the photometric center of a luminaire in feet above grade level. Feet above grade level refers to the overall average grade of the area being illuminated.

UPLIGHT - For an exterior luminaire is all of the light escaping above the luminaire.

E. Lighting zones. The Lighting Zone shall determine the limitations for lighting as specified in this section.

LZ-0: No ambient lighting

Areas where the natural environment will be seriously and adversely affected by lighting. Impacts include disturbing the biological cycles of flora and fauna and/or detracting from human enjoyment and appreciation of the natural environment. Human activity is subordinate in importance to nature. The vision of human residents and users is adapted to the darkness, and they expect to see little or no lighting. When not needed, lighting should be extinguished.

Zoning Districts: Conservation and Research, Scientific & Professional

LZ-1: Low ambient lighting

Areas where lighting might adversely affect flora and fauna or disturb the character of the area. The vision of human residents and users is adapted to low light levels. Lighting may be used for safety and convenience but it is not necessarily uniform or continuous. After curfew, most lighting should be extinguished or reduced as activity levels decline.

Zoning Districts: Residence A and Residence B

LZ-2: Moderate ambient lighting

Areas of human activity where the vision of human residents and users is adapted to moderate light levels. Lighting may typically be used for safety and convenience, but it is not necessarily uniform or continuous. After curfew, lighting may be extinguished or reduced as activity levels decline.

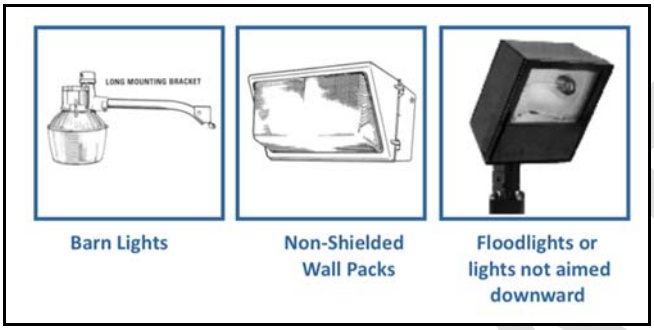
Zoning Districts: Business Village

LZ-3: Moderately high ambient lighting

Areas of human activity where the vision of human residents and users is adapted to moderately high light levels. Lighting is generally desired for safety, security and/or convenience and it is often uniform and/or continuous. After curfew, lighting may be extinguished or reduced in most areas as activity levels decline.

Zoning Districts: Business Highway, Industrial and Industrial Park

Non-shielded wall-packs, barn lights, and floodlights not aimed downward are prohibited in all zones.



F. Total site lumen limit. The total installed initial luminaire lumens of all outdoor lighting shall not exceed the total site lumen limit. The total site lumen limit shall be determined using the hardscape area and table below. For sites with existing lighting, existing lighting shall be included in the calculation of total installed lumens. The total installed initial luminaire lumens are calculated as the sum of the initial luminaire lumens for all luminaires.

Table 1: Allowed Total Initial Lumens Per Site for Outdoor Lighting by Hardscape Method

LZ-0	LZ-1	LZ-2	LZ-3
• Conservation • Research, Scientific & Professional	• Residential A • Residential B	• Business Village	• Business Highway • Industrial • Industrial Park
0.5 lumens per SF of hardscape	1.25 lumens per SF of hardscape	2.5 lumens per SF of hardscape	5.0 lumens per SF of hardscape

G. Correlated Color Temperature (CCT). All proposed LEDs shall have a correlated color temperature (CCT) between 2200K and 3000K.

H. Exterior lighting plan. Applications subject to the provisions of § 174-10, Site plan approval, shall submit a lighting plan which shall include the following information, except to the extent waived by the Planning Board. All other lighting not subject to the provisions of said § 174-10 does not require a lighting plan but shall meet the standards as set forth in this **Bylaw** ~~section~~, unless as may otherwise be provided herein. **The installation of fixtures or luminaires shall be subject to the provisions of this bylaw and comply with guidance outlined in the Rules and Regulations for Outdoor Illumination maintained by the Planning Board. The** lighting plan shall include the following information **and comply with the regulations adopted pursuant to this Bylaw**:

(1) Location, orientation and type of outdoor luminaire, including the height of the luminaire, both existing and proposed;

(2) Type of lamp, such as metal halide, compact fluorescent, high pressure sodium**, LED;**

(3) Luminaire manufacturer's specification data, including lumen output and photometric data showing cutoff angles, as well as a description of all illuminating devices, fixtures, lamps, supports, reflectors, both existing and proposed; this may include, but is not limited to, catalog cuts and illustrations by manufacturers;

(5) Complete report of BUG rating data for all luminaires (if not already included in the manufacturer's specification data) calculated from photometric data (as per IES TM-15-11) showing compliance with the Planning Board Rules and Regulations for Outdoor Illumination;

(6) Photometric plan showing the intensity of illumination expressed in footcandles at ground level within the interior of the property and at the property boundaries **that also includes the Total Site Lumen Limit; Limits to Off Site Impact; Light Shielding for LED lighting; and the Correlated Color Temperature; according to adopted regulations;**

(7) Evidence that the plan complies with light trespass restrictions as set forth herein.

I. Waivers. An applicant may make a waiver request to the Planning Board for increased lighting levels within any given lighting zone and the Planning Board shall have such waiver authority hereunder.

J. Lighting control requirements. Automatic switch controls shall be provided that automatically extinguish all outdoor lighting when sufficient daylight is available using a control device or system such as a photoelectric switch, astronomic time switch or equivalent functions from a programmable lighting controller, building automation system or lighting energy management system, all with battery or similar backup power or device. The Exterior Lighting Plan shall establish curfew time(s) after which total outdoor lighting lumens shall be reduced by at least 30% or extinguished. Lighting reductions are not required for any of the following:

(1) Lighting for residential properties including multiple residential properties not having common areas; with the exception of landscape lighting

(2) When the outdoor lighting consists of only one luminaire.

(3) Code required lighting for steps, stairs, walkways, and building entrances.

(4) Lighting under canopies, in tunnels, parking garages, and similar conditions.

(5) When in the opinion of the Planning Board, lighting levels must be maintained.

(6) Motion activated lighting.

(7) Lighting regulated by special use in which times of operation are specifically identified.

(8) Businesses that operate on a 24-hour basis.

K. Community outdoor sports/recreational lighting requirements. These requirements are an exemption from the total site lumen limit based on hardscape metrics. Community outdoor sports or recreational facilities will be held to the IDA, IES criteria for outdoor sports lighting. On-field illuminance values will be determined by current IDA, IES set forth in the Rules and Regulations for Outdoor Illumination adopted to implement the intent and purpose of this bylaw. Standard regulations include:

(1) Color, luminaire correlated color temperature (CCT) may not exceed 4000 Kelvin;

(2) Other lighting, parking and concession area lighting will be considered a separate luminaire system and must meet the applicable lighting standards for the relevant lighting zones;

(3) Shut-off, curfew time shall be no later than 10:00PM (2200 hrs.); for good cause shown, the Planning Board may waive the compliance requirement of this subsection

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L. Street lights. Light emitted by the fixture shall have a correlated color temperature no greater than 3000 Kelvin and/or comply with Massachusetts DPU Tariff standards if applicable. All other street light features are exempt from regulation under this bylaw.

M. Light shielding for parking lot illumination. All parking lot lighting shall have no light emitted above 90 degrees from the installed vertical axis.

N. Flickering and flashing lights. No flickering or flashing lights shall be permitted. Processes, such as arc welding, which create light flashes shall be confined within buildings or shielded to prevent either direct glare or flashing.

O. Fixture mounting heights.

(1) ~~F.~~ Wall-mounted fixtures. In nonresidential districts, a luminaire attached to the exterior of a building or structure for area lighting shall be mounted no higher than 15 feet above grade and shall be shielded to control glare. ~~"Wal-pac" lighting fixtures are prohibited.~~

(2) ~~P.~~ Pole-mounted fixtures. Pole-mounted exterior lighting fixtures **shall not exceed the pole-mounted height limitation of 20 feet in all zones.** ~~types are defined and restricted as follows:~~

Existing non-conforming light heights may remain as mounted until modification is proposed, at which time the height must be brought into compliance.

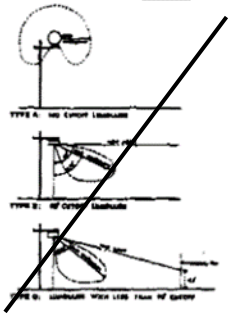
~~(1) Type A: no light cutoff.~~

~~(2) Type B: luminaire shielded such that peak candlepower is at an angle of 75° or less from straight down, and essentially no light is emitted above the horizontal.~~

~~(3) Type C: luminaire shielded such that total cutoff is at less than 90° from straight down, and no light source is in direct view of an observer five feet above the ground at any point off the premises.~~

~~H. Pole-mounted fixtures height limitation. Illustrations of pole-mounted exterior lighting fixture types are shown in Chart I herein. Pole-mounted fixtures shall not exceed the applicable pole-mounted height limitation set forth in Chart II in any district. The Type A pole-mounted exterior lighting fixture is prohibited in all nonresidential districts, unless equipped with shields.~~

~~CHART I. ILLUSTRATIONS~~



~~**HART II. POLE MOUNTING HEIGHT LIMITATIONS**~~

~~**Maximum Luminaire Mounting Height**~~

~~**(feet above grade)***~~

~~"District" is that in which fixtures are located.~~

~~**District**~~

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	~~Residential~~	~~Nonresidential~~
~~Fixture Type A~~	~~10~~	~~Not allowed (unless shielded)~~
~~Fixture Type B~~	~~15~~	~~20~~
~~Fixture Type C~~	~~20~~	~~20~~

~~* Note: Feet above grade refers to the overall average grade of the area being illuminated.~~

P. Ceiling-mounted fixtures. In nonresidential districts, luminaires mounted on an exterior ceiling such as under a canopy shall be mounted with the refractor or lens flush with or recessed in the ceiling or fixture.

Q. Lighting levels. Any luminaire with a lamp or lamps rated at a total of 1**,**800 lumens or more (which is approximately equal to one one-hundred-twenty-watt incandescent light bulb) and all flood or spot luminaires rated at 900 lumens or more (which is approximately equal to one 60-watt incandescent light bulb) shall not emit any direct light above a horizontal plane through the lowest direct-light-emitting part of the luminaire. If any spot or flood luminaire rated 900 lumens or less is directed or focused such as to cause direct light from the luminaire to be cast toward residential buildings on adjacent or nearby land, or to create glare perceptible to persons operating motor vehicles on public ways, the luminaire shall be redirected or its light output controlled as necessary to eliminate such conditions. The Planning Board reserves the right to limit and regulate the amount of illumination on a project site between the hours of 10:00 p.m. and 6:00 a.m., while understanding the need for safety and security lighting.

R. Light trespass limitations. There shall be no light trespass by a luminaire beyond the property boundaries of the lot on which it is located, except as within a street right-of-way for which there shall be no limit.

; or do or act anything in relation thereto.

Proposed by: PLANNING BOARD
Board of Selectmen Recommendation:
Advisory Committee Recommendation: At Town Meeting
Summary: *This article proposes to amend the Site Plan Approval bylaw by bringing minor site plan approval under the purview of the Planning Board, as opposed to the Site Plan Review Committee and further clarify steps for minor and major site plan approval.*

ARTICLE 30: To see if the Town will vote to amend the Zoning Code of the Town of Southborough, Article III entitled "Use Regulations" by amending thereto Section 174-10, entitled "Site Plan Approval" as hereinafter specified.

****Bold text are insertions. Strikethrough text are deletions.*

§ 174-10
Site plan approval.
[Amended 4-8-1985 ATM by Art. 39; 4-14-1986 ATM by Art. 48; 4-13-1987 ATM by Art. 43; 4-11-1988 STM by Art. 4; 4-26-1990 ATM by Art. 41]

A. The purpose of the site plan review procedure is to encourage a desirable and compatible character of development within the Town of Southborough and to assure safety, promote logic, imagination and innovation in the design process while complying with all zoning requirements. The requirements of this section shall be applicable to the following:

(1) Any nonresidential development that results in an increase in on-site parking.

(2) All modifications to existing development projects which fall within the applicability of the Town's regulations for parking and loading (§ 174-12) or landscaping (§ 174-13).

(3) Any change in use or reactivation of a facility that has not been in use for a period of two years.
[Added 4-8-1996 ATM by Art. 51]

(4) Multifamily housing for the elderly.
[Added 4-15-1997 ATM by Art. 56]

(5) Adaptive reuse of historic buildings.
[Added 4-25-2017 ATM by Art. 30]

B. Site plan review will be processed by one of the following means:

(1) Minor plan review. Any new development, or expansion in use other than a single-family or two-family residence which adds less than 2,000 square feet of floor area or which would require at least five but fewer than 20 parking spaces regardless of the number of parking spaces existing on the premises, or any change of use of a facility that totals less than 2,000 square feet shall be subject to minor plan review by the **Planning Board** ~~Site Plan Review Committee. The Site Plan Review Committee shall be chaired by the Town Planner and will consist of a Selectmen or its designee, Building Inspector, Highway Superintendent, Board of Health Agent, Superintendent of the Water Department, Police Chief and Fire Chief or their designee, who will meet at a regularly scheduled time and place to review plans.~~ The **Planning Board** ~~Committee~~ shall also seek the advice of the Conservation Commission in the review of all minor plan submissions.
[Amended 4-8-1996 ATM by Art. 51]

(a) ~~Minor plan review will require 10 copies of the site plan to be submitted to the office of the Planning Board, together with an application form and filing fee.~~ **A complete application form, filing fee and multiple copies of all submission documents shall be submitted to the office of the Planning Board according to instructions on the application form.** All plans will be prepared at a scale no greater than one inch equals 40 feet on standard twenty-four-by-thirty-six-inch sheets and shall show, as a minimum:

[1] All existing and proposed buildings, including setbacks.

[2] Existing and proposed parking.

[3] Driveway openings.

[4] All property and street lines.

[5] Existing and proposed landscaping.

[6] Existing and proposed signs.

[7] Surfacing, indicating treatment of all surfaces.

[8] Location of all wetlands.

[9] Method of sewage disposal.

[10] Water supply.

[11] Stormwater drainage.

[12] Such other information as the **Planning Board** ~~Site Plan Review Committee~~ may reasonably request.

~~(b) Any dispute arising from the minor plan review process or any plan not receiving unanimous approval from the Site Plan Review Committee shall be referred to the Planning Board for action. The Committee may also refer any site plan that, due to unusual circumstances or a unique situation, it feels should be approved by the Planning Board. All site plans sent to the Planning Board by the Site Plan Review Committee for action will be handled through the minor plan review process.~~

~~[Amended 4-8-1996 ATM by Art. 51]~~

(b) Minor site plan is not a public hearing.

(c) The **Planning Board** ~~Site Plan Review Committee~~ shall approve, **or** disapprove ~~or refer to the Planning Board~~ all submittals for minor **site** plan review within **the required** 30 days of a completed application to the office of the Planning Board**, but the required time may be extended by written agreement between the applicant and the Board, a copy of said agreement to be filed with the Town Clerk. The actions allowed by the minor site plan approval are authorized for a one-year period from the date of grant thereof. The applicant shall be granted a single one-year extension by applying to the Planning Board,**

in writing, prior to the date of expiration. If the actions permitted are not exercised or the approval not extended, they shall lapse, and a new application will be required.

(d) Where applicable, all other criteria and conditions of this section will govern minor plan review.

(2) Major plan review. Any new development, or expansion in use other than a single-family or two-family residence which adds 2,000 square feet or more of floor area or which would require 20 or more parking spaces, regardless of the number of parking spaces existing on the premises, or any change of use of a facility that totals 2,000 square feet or more shall be subject to major plan review by the Planning Board. The major site plan submission shall consist of the following elements:
[Amended 4-8-1996 ATM by Art. 51]

(a) Ownership, zoning, use and the general location of structure and topography within 300 feet of the property lines of the site or adjacent land contiguously owned with the site.

(b) All **plans will be prepared at a scale no greater than one inch equals 40 feet on standard twenty-four-by-thirty-six-inch sheets and shall show, as a minimum, all** site features, existing or proposed, including but not limited to the following:

[1] Driveways, including widths.

[2] Parking facilities, including dimensions thereof.

[3] Loading facilities.

[4] Service areas.

[5] Street line, including widths.

[6] Roadways, including widths.

[7] Pedestrian walks, including widths and types of surface.

[8] Landscaping designation, specific plantings.

[9] Screening.

[10] Signs, including proposed sizes, mounting heights, types and drafted design.

[11] Lighting, including plan location and detail information, size, type and wattage.

[12] Surfacing, indicating treatment of all surfaces.

[13] Existing trees on the site which are a caliper of six inches or larger.

[14] Wetlands.

[15] Drainage, including detailed design data, pipe sizing, etc.

[16] Stone walls.

[17] Topography at two-foot contour intervals.

[18] Sewage disposal, including detailed design information.

[19] Water supply.

[20] Curbing.

[21] Such other information as the Planning Board may reasonably request.

(c) The construction of the work as detailed on the site plan shall not deviate from the work shown on the approved site plan. Accordingly, the site plan shall contain a sufficient level of detail to ensure the constructability of the project. Supporting details and documentation shall be presented as part of the site plan submission.

(3) Incomplete applications for both the minor and major review shall not be accepted by the Planning Board. Following submission of a site plan to the Planning Board, the Board or its designee shall review the **application**/plan for completeness within three business days of the submission. Completeness shall be based on the

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requirements of **the** ~~this~~ **respective** subsection**s for minor or major review.** If the submission is determined incomplete by the Planning Board or its agent, notice will be **provided** ~~mailed~~ to the applicant ~~by certified mail~~ within three business days of the submission specifying the deficiencies.

C. The plan**s for minor or major site plan approval** shall be prepared by a professional engineer, land surveyor, architect or landscape architect registered to practice in the Commonwealth of Massachusetts**. A complete application form, filing fee and multiple copies of all submission documents shall be submitted to the office of the Planning Board according to instructions on the application form.** ~~and shall be submitted with 11 copies to the office of the Planning Board, together with an application form and a filing fee, if any.~~

D. Approval required.

(1) Site plan approval shall be granted **by a majority vote** upon determination by the Planning Board that the following are complied with. Any new building construction or other site alteration shall provide adequate access to each structure for fire and service equipment**; shall provide** ~~and~~ adequate provision for utilities and stormwater drainage consistent with the functional requirements of the Southborough Planning Board's Rules and Regulations for the Subdivision of Land**;** ~~and~~ shall be so designed that for the given location, ~~and~~ type and extent of land use, the design of building form, building location, egress points, grading and other elements of the development shall be so as to:

(a) Minimize the volume of cut and fill, the number of removed trees six inches in caliper and larger, the length of removed stone walls, the area of wetland vegetation displaced, the extent of stormwater flow increase from the site, soil erosion and the threat of air or water pollution.

(b) Maximize pedestrian and vehicular safety and convenience within the site and egressing from it.

(c) Minimize obstruction of scenic views from publicly accessible locations.

(d) Minimize visual intrusion by minimizing the visibility of parking, storage or other outdoor service areas viewed from public ways or premises residentially used or zoned; minimizing glare from headlights through plantings or other screening; minimizing lighting intrusion through use of such devices as cutoff luminaires confining direct rays to the site; fixture mounting height not higher than 20 feet except adjacent to Route 9; and avoiding unreasonable departure from the character of building**s** in the vicinity.

(2) The Planning Board shall adopt and from time to time amend reasonable regulations for the administration of these guidelines.

E. The Planning Board shall hold a public hearing on the application for **major** site plan approval, with a written notice of the time and place of said hearing being given the applicant and the Board of Selectmen. The applicant is responsible for sending this notice to the certified abutters by certified mail return receipt requested, at least 10 days before the scheduled hearing. The Planning Board shall not act on the application until it has received and given due consideration to the recommendations of the Board of Selectmen or until 10 days have elapsed after the public hearing without receipt of the Selectmen's comments.

F. The Planning Board shall act on a~~n~~ **complete** application for **major** site plan approval and shall notify, in writing, the applicant, the Board of Selectmen and the Building Inspector of its action within 60 days of the receipt of **a** ~~the~~ **complete** application**, but the required time may be extended by written agreement between the applicant and the Board, a copy of said agreement to be filed with the Town Clerk.** ~~Failure of the Planning Board to so act and to notify the applicant within said 60 days shall constitute approval of the site plan.~~ The actions allowed by the **major** site plan approval are authorized for a one-year period from the date of grant thereof. The applicant shall be granted a single one-year extension by applying to the Planning Board, in writing, prior to the date of expiration. If the actions permitted are not exercised or the approval not extended, they shall lapse, and a new application notice and hearing will be required.

G. Any person aggrieved by the action of the Planning Board on ~~a~~ **either minor or major** site plan approval application may appeal said action to a Court of competent jurisdiction in accordance with M.G.L. c.40A, Section 17**, as amended.**
[Amended 5-22-2018 STM by Art. 3]

H. Minor departures from the site plan as approved**,** may be authorized by the Building **Commissioner** ~~Inspector~~ after approval of the **Planning Board** ~~Site Plan Review Committee~~ if required by engineering or other circumstances not foreseen at the time of plan approval. Any change increasing the size of any building or structure, changing the location of any building, parking or access road by more than 10 feet or reducing landscaping or screening may be made only through review by the Planning Board following the same procedures as for an original submittal. Any departure must be requested, in writing, with the basis for the change given. Any change authorized shall be recorded on the file copy of the site plan with the Building **Commissioner** ~~Inspector~~'s signature and the date.

I. The removal, fill or change of grade of earth materials, including soil, loam, sand or gravel, undertaken in order to construct or locate buildings, structures and such features accessory thereto as ways, driveways, areaways, walks or parking areas, and therefore exempt from regulations under Chapter 85 of this Code, is a part of construction and development process regulated by the Zoning Chapter. Except as necessary for the construction of detached one- or two-family dwellings and of features accessory thereto, the removal, fill or change of grade of earth materials for the purposes defined above shall be subject to approval under this section. Where the commencement of removal, fill or change of grade of earth materials precedes construction by three months or more, the submission and approval of the site plan may be undertaken in two stages, with the information for the first stage limited to property boundaries, existing and proposed topography at two-foot or lesser contour intervals, the character of the soil to be removed, added or relocated, the location and depth of any service and drainage conduits or pipes and the approximate location of any existing or proposed buildings, structures or physical features accessory thereto. Each stage shall be treated as a separate site plan for the purposes of this section, and the approval of Stage 1 of a site plan shall not be construed to assure the subsequent approval of Stage 2.

J. Compliance. The issuance of an occupancy permit will not be given prior to the satisfactory completion of all elements and conditions of the approved site plan. A temporary occupancy permit may be issued after the satisfactory completion of all items essential to public health and safety and sufficient bonding acceptable to the Planning Board is provided to the Town to cover all outstanding items.

; or do or act anything in relation thereto

Proposed by: PLANNING BOARD
Board of Selectmen Recommendation:
Advisory Committee Recommendation: At Town Meeting

Summary: *This article proposes to amend the Site Plan Approval bylaw by bringing minor site plan approval under the purview of the Planning Board, as opposed to the Site Plan Review Committee and further clarify steps for minor and major site plan approval.*

ARTICLE 31*:* To see if the Town of Southborough will vote to approve the Southborough Noise Bylaw proposal attached to this document, as amended, or do or act anything in relation thereto.

SOUTHBOROUGH NOISE BYLAW

1.1 **Declaration of Policy**
Whereas excessive sound can be a serious hazard to the public health and welfare and safety and the quality of life; and whereas a substantial body of science and technology exists by which excessive sound may be substantially abated; and whereas the citizens of Southborough have a right to and should be ensured an environment free from excessive sound that may jeopardize their health or welfare or safety or degrade the quality of life; now, therefore, it is the policy of the Town of Southborough (the "Town") to prevent excessive sound which may jeopardize the health and welfare or safety of its citizens and/or degrade the quality of life.

It shall be unlawful for any person to make, continue to make, permit or cause to be made or continued, any loud, excessive, unnecessary or unusually loud noise or any noise which either annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of reasonable persons of normal sensitivities. Furthermore, it shall be unlawful for any person who has custody and control of the premises to allow or permit another person to make, continue or permit to be made or continued any loud, excessive, unnecessary or unusually loud noise or any noise which either annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of reasonable persons of normal sensitivities within the limits of the Town of Southborough.

1.2 **Definitions**

Except as may be specified herein, acoustical terminology used throughout this Bylaw is that approved as American National Standard Acoustical Terminology [ANSI S1.1-1994] by the American National Standards Institute (ANSI). The following words, phrases and terms as used in this Bylaw shall have the meanings as indicated below:

A. BACKGROUND SOUND LEVEL shall mean the sound level associated with a given environment, being a composite of sounds from all sources excluding the alleged offensive noise, at the location and approximate time at which a comparison with the alleged offensive noise is to be made.

B. CONSTRUCTION shall mean those activities requiring a building permit, and shall also include any site preparation, cemetery burial and caretaking operations, seismic surveys grading, assembly, erection, substantial repair, alteration, or similar action, including demolition, for or of public or private rights-of-way, structures, utilities or similar property.

C. The abbreviation dBA shall mean the A-weighted sound pressure level expressed in decibels and referenced to 20 Micropascals. The abbreviation dBC shall mean the C-weighted sound pressure level expressed in decibels and referenced to 20 Micropascals.

D. EMERGENCY VEHICLE: shall mean any vehicle operated in an effort to protect, provide or restore public safety, including, but not limited to, ambulances, police vehicles and fire vehicles.

E. EMERGENCY WORK: shall mean any work performed in an effort to protect, provide or restore public safety, or work by private or public utilities when restoring utility service or any work performed for the purpose of preventing or alleviating the physical trauma or physical damage threatened or caused by an emergence – an occurrence or set of circumstances involving actual or imminent physical trauma or property damage.

F. ENFORCING PERSON: shall mean any police officer, building official or public health official of the Town or any other Town employee designated by the Town Manager for this purpose.

G. IMPACT DEVICE: shall mean a construction device in which or by which a hammer, meaning a moving mass of hard solid material, is mechanically by means of a working fluid or compressed air caused to repetitively impact upon and transmit kinetic energy to a tool. The tool may be included as a part of the device, as in the case of a moil on a paving breaker or the drill steel of a jackhammer, or it may be a mass to which the impact device is temporarily connected as in the case of a pile and pile driver. Examples of impact devices are pile drivers, paving breakers, power impact hammers, impact wrenches, riveters and stud drivers.

H. INTRUDING NOISE: shall mean the total sound level created, caused, maintained by, or originating from an alleged offensive source at a specified location while the alleged offensive source is in operation.

I. PERSON: shall mean a person, firm, association, co-partnership, joint venture, corporation or any entity recognized by applicable law, public or private in nature.

J. SOUND LEVEL: shall mean the instantaneous A-weighted sound pressure level, in decibels, (dBA) as measured with a sound level meter set to the "A" weighting scale, slow response. On the decibel scale a sound level increase of 10 means the sound is 10 times more intense or powerful.

Decibel levels of some common activities are listed below:

Sound Level - dB	Source
50 - 65	normal conversation
60 - 65	laughter
70	hair dryer, vacuum
V Increasing risk of hearing loss V	
80	garbage disposal
85 - 90	lawnmower
100	garbage truck
120	walk behind leaf blower
130	jet takeoff/landing
145	fireworks

K. SOUND LEVEL METER: shall mean an instrument meeting American National Standard Institute's (ANSI) Standard S1.4-1983 for Type 1 or Type 2 sound level meters or an instrument and the associated recording and analyzing equipment, which will provide equivalent data.

1.3 **Designated Noise Zones**
The properties hereinafter described are hereby assigned to the following noise zones:

NOISE ZONE I: All properties utilized as residential uses in accordance with the Town of Southborough Zoning Bylaws and the grounds of any school, hospital or similar health care institution, house of worship or library while the same is in use, and any Cemetery or Open Space.

NOISE ZONE II: All other property used in accordance with the Town's Zoning Bylaw.

1.4 **Exterior Noise Standards**
It shall be unlawful for any person at any location within the area of the Town to create any loud noise, or to allow the creation of any noise, on property owned, leased, occupied or otherwise controlled by such person, which causes the sound level when measured on complainant's property to exceed the greater of:

A. The maximum allowable exterior sound level outlined in Table I; or
B. Five dB over the background sound level.

Table 1. Maximum Allowable Exterior Sound Level		
Noise Level	Daytime level 7:00 AM to 10:00 PM	Nighttime level 10:00 PM to 7:00 AM
I	60 dBA	50 dBA
II	70 dBA	65 dBA

If the intruding noise source is continuous and cannot reasonably be discontinued or stopped for a time period whereby the background sound level can be determined, the measured sound level obtained while the source is in operation shall be compared directly to the maximum allowable exterior sound level outlined in Table I.

1.5 **Construction Noise Standards**

A. Noise associated with construction is permitted between 7:00 AM and 6:00 PM on weekdays and 9:00 AM and 5:00 PM Saturdays provided the sound level from:

1. Non-impact devices do not exceed 70 dBA as measured over a time interval of 1 minute with the sound meter set to slow located on any other property, but at least 50 feet from the construction activity;

2. Impact devices does not exceed 90 dBA as measured with a sound level meter set to slow response located on any other property, but at least 30 feet from the construction activity.

B. Between the hours of 6:00 PM and 7:00 AM on weekdays and Saturday, noise associated with construction, shall be limited by the standards of Section 1.4.

C. Construction activities shall not be allowed on Sundays or legal holidays.

1.6 **Maintenance Noise Standards**

A. Noise associated with maintenance is permitted between 7:00 AM and 6:00 PM on weekdays, 8:00 AM and 6:00 PM on Saturdays and between the hours of 9:00 AM and 6:00 PM on Sunday, provided the sound level does not exceed 70 dBA as measured with a sound level meter set to slow response on any other property, but at least 50 feet from the maintenance;

B. Between the hours of 6:00 PM and 7:00 AM on weekdays, 6:00 PM and 8:00 AM on Saturday and between the hours of 6:00 PM and 9:00 AM on Sunday or a legal holiday, noise associated with maintenance, shall be limited by the standards of Section 1.4.

1.7 **Commercial Trash Collection and Deliveries or Pick-up**

A. The operation of commercial trash compactors or collection of trash, rubbish, refuse or debris, which generates noise in excess of the criteria given in Section 1.4 at any point of public or common pass-by between the hours of 7:00 PM and 7:00 AM is prohibited.

B. Deliveries or pick-ups for commercial or business purposes between 10:00 PM and 6:00 AM are prohibited unless the noise level of such deliveries or pick-ups in nearby residential areas does not exceed the noise criteria listed in Section 1.4.

1.8 **Motor Vehicles or Motorcycles**

Motor vehicles or motorcycles operated on public ways in the Town of Southborough or in any place where the public has the right of access as invitees or licensees may not exceed a maximum sound level of 85 dBA. It is also in violation of the Bylaw to operate a motor vehicle or motorcycle without a sound-limiting device connected to the exhaust system. This prohibits so-called "straight pipe" exhaust systems. This section shall not include screeching sounds emitted from emergency braking. Measurement for the purposes of this Section shall be at a distance of 36 inches from the noise source.

1.9 **Special Provisions**

Noise associated with the following activities shall be exempted from the provisions of this Bylaw:

A. Emergency work or emergency vehicles.

B. The operation of any vehicular alarm provided it terminates within 15 minutes of the initially recorded complaint.

C. Occasional outdoor gatherings, public dances, shows, and sporting and entertainment events provided said events are conducted pursuant to a permit or license issued by the appropriate jurisdiction relative to the staging of said events.

D. The intermittent or occasional use, during the daytime, of homeowners' light residential outdoor equipment

E. Snow removal performed by snow blowers, snow throwers or snow plows when appropriately outfitted with a muffler.

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F. Any activity to the extent regulation thereof has been preempted by Town, State or Federal Law or by agreement between Town, State or the Federal Government.

1.10 **Prima Facie Violations**
Any measured noise exceeding the sound level standards as specified in Sections 1.4 through 1.10 may be deemed by the enforcing person to be prima facie evidence of a violation of the provisions of this Bylaw.

1.11 **Penalties for Violations**
A. Violations under Article 1, in the discretion of the enforcing person, may be enforced by non-criminal disposition as provided in MGL Chapter 40, Section 21D.

B. The penalty for a violation under this Bylaw shall be $100 for a first offense, $250 for a second offense, $500 for a third offense, and for each succeeding offense each day or part thereof shall constitute a separate offense.

Proposed by: PETER LAPINE, et al.
Board of Selectmen Recommendation:
Advisory Committee Recommendation: At Town Meeting
Summary: *As the population of Southborough grows, it has transitioned from a rural community to one that is more suburban. People move to Southborough to enjoy its natural beauty and peaceful environment. With increased housing density, practices of earlier times increasingly encroach upon the tranquility of Town residents, resulting in conditions characterized as being out of balance. There is an ever-growing requirement to place limits on these practices – a rebalancing - so that everyone, business owners and homeowners alike, may prosper. This article, a Noise Bylaw, seeks to harmonize the needs of Town residents with those of local business owners.*

ARTICLE 32: To see if the Town of Southborough will vote to pass a bylaw to reduce plastic waste

Section 1 Purpose and Intent

The production and use of single-use plastics such as polystyrene food packing and thin-film plastic checkout bags have significant impacts on the environment, including, but not limited to, contributing to the potential death of aquatic and land animals through ingestion and entanglement; contributing to pollution of the natural environment; creating a burden to solid waste collection and recycling facilities; clogging drainage systems; and requiring the use of millions of barrels of crude oil nationally for their manufacture. Additionally, polystyrene contains known carcinogens, and readily leaches into certain foodstuffs. Measurable levels of polystyrene are now found almost 100% of human fat samples.

The purpose of this bylaw is to preserve the Town's water, wildlife and natural resources—as well as to enhance the health of its citizens—by banning within the Town of Southborough two of the largest contributors of non-recyclable plastics to the environment—single-use polystyrene retail food packaging and single-use plastic checkout bags—while promoting the adoption of more environmentally friendly alternatives.

Section 2 Definitions

"Polystyrene food packaging" – means any holder of food or beverage made from polystyrene, either in solid or foam (Styrofoam) form, such as cups, plates, or take-out containers, as well all other single-use plastic products made to facilitate the consumption of foods, such as straws, lids and utensils made from polystyrene or other non-compostable plastic materials.

"Checkout bag" – means a carryout bag provided by a store to a customer at the point of sale. Checkout bags shall not include bags, whether plastic or not, in which loose produce or products are placed by the consumer to deliver such items to the point of sale or checkout area of the store.

"Retail Store" – means any business facility that sells goods directly to the consumer whether for or not-for-profit, including, but not limited to, retail stores, restaurants, pharmacies, convenience and grocery stores, liquor stores, as well as seasonal and temporary businesses.

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"Reusable checkout bag" – means a bag with handles that is specifically designed and manufactured for multiple reuse and is either polyester, polypropylene, cotton or other durable material, or durable plastic that is at least 4.0 mils in thickness.

"Thin-film single-use plastic bags" – are those bags typically with handles, constructed of high-density polyethylene (HDPE), low density polyethylene (LDPE), linear low density polyethylene (LLDPE), polyvinyl chloride (PVC), polyethylene terephthalate (PET), or polypropylene (other than woven and non -woven polypropylene fabric), if said film is less than 4.0 mils in thickness

"Recyclable paper bag" – means a paper bag that is 100 percent recyclable and contains at least 40% post–consumer recycled content, and displays the words "recyclable" and "made from 40% post-consumer recycled content" in a visible manner on the outside of the bag

Section 3 Use Regulations
(A) Polystyrene food packaging shall not be distributed, used, or sold by any retail store within the town of Southborough.

(B) Thin-film single-use plastic bags shall not be distributed, used, or sold for checkout or other purposes at any retail store within the Town of Southborough.

(C) If a retail store provides or sells checkout bags to customers, the bags must be one of the following (1) recyclable paper bags, or (2) reusable checkout bags. The retail store may charge for said bags.

(D) Thin-film plastic bags used to contain dry cleaning, newspapers, produce, meat, bulk foods, wet items and other similar merchandise, typically without handles, are still permissible.

(E) Violation of the By-Law to Reduce Plastic Waste: First offense – written warning; 2nd offense - $100 per offense; 3rd and subsequent offenses - $250 per offense.

Section 4 Effective Date

This bylaw shall take effect six (6) months following Town Meeting approval of the bylaw. Upon application of the owner or the owner's representative, the Board of Selectmen or their designee may exempt a retail store from the requirements of this section for a period of up to two (2) months upon a finding by the Board of Selectmen or their designee that (1) the requirements of this section would cause undue hardship; or (2) a retail store requires additional time in order to draw down an existing inventory of straws or checkout bags.

Section 5 Enforcement

Enforcement of this bylaw shall be the responsibility of the Board of Selectmen or their designee. The Board of Selectmen or their designee shall determine the monitoring process to be followed, which may be limited to responding to citizen reports, and incorporating the monitoring process into other town duties as appropriate. Any retail store distributing plastics in violation of this bylaw shall be subject to fines as described in Section 3 (E) above. Any such fines shall be paid to the Town of Southborough. No licenses shall be renewed for any establishment with outstanding violations under this section.

Section 6 Severability

If any provision of this bylaw is declared invalid or unenforceable the other provisions shall not be affected thereby.

; or to do or act anything in relation thereto.

Proposed by: MICHAEL WEISHAN, ET AL.
Board of Selectmen Recommendation:
Advisory Committee Recommendation: At Town Meeting
Summary: *This proposed bylaw would make a marked contribution to the heath of both the citizens of Southborough and the overall environment by banning single-use plastic bags, Polystyrene cups, straws, utensils etc. at all retail establishments in Southborough.*

DRAFT

And you are to give notice hereby by posting true and attested copies of the Warrant on the Town website, the Southborough Town House, 17 Common Street, Southborough Senior Center, 9 Cordaville Road, Southborough Library, 25 Main Street, and Southborough Transfer Station, 147 Cordaville Road; seven (7) days at least before the time appointed for such meeting.

Given under our hand this twenty-fifth (25th) day of February, 2020.

_____

Brian E. Shea, Chairman

_____

Martin F. Healey, Vice-Chairman

_____

Daniel L. Kolenda

_____

Lisa M. Braccio

_____

Sam Stivers

BOARD OF SELECTMEN OF THE TOWN OF SOUTHBOROUGH

Attest:

_____

Kenneth M. Paulhus, Constable

DRAFT

Public Safety Building Naming Sub-Committee-Meeting Minutes

Date: Tuesday, January 7, 2020, 6:00PM

Location: Southborough Public Safety Building, 32 Cordaville Road, Meeting/Training Room, Southborough, MA

Committee Members Present: Peter Goodney-Chairman, John F. Lyons-Clerk, Venessa Hale (Non-Voting), Daniel Kolenda, and John Wood

Item 1: Call Meeting to Order

- Meeting was called to order at 6:00PM.

Item 2: Approve Minutes from the November 12, 2019 Meeting

- Chairman Peter Goodney asked the Committee Members if they had any corrections or comments for Mr. Lyons on the meeting notes.
  Motion: Peter Goodney made a motion to accept the meeting minutes as written. Seconded by John Wood. Motion carries unanimously (4-0).

Item 3: Authorize Letter of the Committee's Findings to the Board of Selectmen

- Peter Goodney informed the Committee that he took all the bold sections of the meeting notes to draft the letter to the Board of Selectmen. Peter asked members of the Committee to review the letter and let him know if it needs any corrections. Peter read the letter to the Committee. The Committee Members said that the letter was fine as written. Dan Kolenda asked if the names were going to be after the family name or just the person's name. John Wood said that the Committee preferred the family name, but the Selectmen should have the final say on how the name is presented for the designated room. John Wood said that he had spoken to some of the Police Officers and some seniors and they were wondering why the training room was not designated for Chief William Webber. John Wood said that the Fire Training Tower was going to have a name, why shouldn't this room be for the Police? Peter Goodney said that the Fire uses the Meeting/Training Room as well. John Lyons said that he believes that Kathleen Weber's letter specifically asked that the Dispatch Center be named after Chief William Webber.
  Motion: Peter Goodney made a motion to submit the letter of recommended names to the Board of Selectmen as written. Seconded by John Wood. Motion carries unanimously (4-0).

Item 4: Other Business That May Properly Come Before the Committee

- None.

Item 5: Adjournment

- Chairman Peter Goodney made a motion to adjourn. Seconded by John Wood. Motion carries unanimously (4-0). Meeting adjourned at 6:10PM.

Documents Reference

- Letter from Chairman Peter Goodney dated January 7, 2020 to the Board of Selectmen.

Respectfully Submitted,

John F. Lyons
Clerk

TOWN OF SOUTHBOROUGH

BOARD OF SELECTMEN Meeting Minutes

Meeting Date: Tuesday, February 4, 2020, 6:30 P.M.
Location: McAuliffe Hearing Room, 17 Common Street, Southborough, MA
Present: Marty Healey, Lisa Braccio, Daniel Kolenda, Sam Stivers and Town Administrator Mark Purple
Absent: Brian Shea

I. Chairman Healey called the meeting to order at 6:30 P.M.
Vice Chair Healey stated Chairman Shea could not attend the meeting this evening and he will be filling in as Chair. He summarized the previous discussion of the fiscal year 2021 budget. He told the public that Mr. Ballantine will be presenting, Mr. Purple will then weigh in, the Board will discuss with Advisory and then Boards and Committees will be invited to present regarding items still on the table for inclusion into the budget. Chairman Healey said that the Board will also discuss the possibility of reinvigorating the Capital Budget Committee and the possibility of a fall town meeting.

II. **Scheduled Appointments**
Continued discussion of FY2021 operational and capital budgets
Finance Director, Brian Ballantine walked the Board through the presentation included in the meeting packet. Mr. Ballantine requested the Board review the information, discuss items that require a vote and recommend to support or remove items for the fiscal year 2021 budget. He listed three options for next steps which included to adopt the Budget recommendation with no capital delay from slide seven of his presentation, adopt the Budget recommendation with capital delays from slide six of his presentation or adopt either with modifications.

After hearing Mr. Ballantine's presentation, Chairman Healey asked the Board if they had any questions. Mr. Kolenda wanted to address the suggested postponement of capital bond projects for fall Town Meeting listed on slide six; specifically, the window replacement at the Town House.

John Parent, Facilities Director, stated that due to the budget constraints, the replacement of the windows at the Town House could be deferred. Mr. Kolenda made the point that this project had been put off for many years and wanted to make notice that the replacement windows need to be done soon. He asked Mr. Parent if some of the windows could be done this year and others the next to avoid the need for one large dollar amount. Mr. Parent recommended against this. Mr. Stivers asked if there was return on investment in the form of heat cost savings. Mr. Parent said there was not; the return is in employee morale. Ms. Braccio asked if the process would be hindered if it were delayed to a fall Town Meeting. Mr. Parent replied that it would not. Mr. Ballantine stated this would be a borrowing project and the Town could receive authority to replace the windows but would not have to execute immediately. Mr. Kolenda voiced his concern about the continual delay of this project and the implications of an increased cost. Mr. Stivers said the project may be a candidate for an exclusion. Chairman Healey agreed with the rest of the Board and supports the project. He then asked Mr. Purple to share context around the status of the budget and the five-year projection.

Mr. Purple referenced page eight of the presentation and stated that the green depicting the Town under the levy limit is partly due to a significant tax increase. He stated there are a lot of needs within various departments and committees but the decision to include or exclude them

from the budget must be made with the focus on whether it is affordable or not. He suggested the Board work with Advisory this evening to finalize items and to have a unified budget presentation at Town Meeting.

Chairman Healey invited Youth and Family Services to speak. Sarah Cassell, Director of Youth and Family Services stated the initial budget proposal included two part-time administrative assistants as the department has a critical need for office coverage. She stated that it was presented to them to instead hire one full-time administrative assistant and the Commission voted all in favor to support this option. She pointed out that it is advantageous to have one face of the department for customer service needs and training purposes. Chairman Healey asked what the differences were from having two part-time employees versus one full-time. Ms. Cassell agreed that office coverage would be the same and she explained the differences in how a full-time employee could support the staff and be more efficient than two part-time employees. Mr. Stivers stated he supports one full-time position as he views this department as a public safety department and one individually skilled person would be more effective than spreading training over two people. He asked Mr. Purple if the net cost would be about $25,000. Mr. Purple replied in the affirmative. Mr. Kolenda stated he fully supported the suggestions of Mr. Stivers. Ms. Braccio acknowledged the need and voiced her concern on the budget constraints. She added that Chief Paulhus needs two new officers and is currently allotted one for fiscal year 2021. She said if the Board is going to include an additional $25,000 she would like to see an officer added to the Police Chief's budget.

Chief Paulhus advocated for two full-time officers as opposed to the recommended one full-time officer in the budget presented this evening. He cited the 2000 Public Safety Study that recommended 1.9 officers per 1,000 residents. He stated that the current staffing model is antiquated and the department is still under the optimal number of officers. Chief Paulhus said the issue is safety and morale and with the increase in mental health issues and related calls from within town and surrounding towns, new officers are needed. He added that the basic staffing model calls for six officers on a shift not including the three specialists and the department is short. He explained the lengthy onboarding process and stated if the new officers were approved now, it would be nine to twelve months until they were to fill shifts. Ms. Braccio asked the Chief about various instances where only two officers were on the road at a time. She explained that the instances could potentially result in additional response time and lack of safety for the officers and public. Chief Paulhus agreed and added additional detail to these scenarios. Mr. Kolenda stated that the need for more officers is overdue and he supports the addition of two full-time police officers and one full-time administrative position for Southborough Youth and Family Services. Mr. Stivers agreed with Mr. Kolenda and asked if staggering the hiring of the officers could be financially beneficial to the Town. Mr. Purple explained the timeline and stated that a new hire from fiscal year 2021 would not fully financially impact the Town until fiscal year 2022. Chairman Healey noted that he did not want to leave the impression that Southborough residents have not been properly served in the last twenty years. He stated that the Police Department staff was increase substantially and the Fire Department was brought to the optimal staffing number after the 2000 Public Safety Study. Chairman Healey asked the Chief the staffing impact if he were to have one new officer this year and one the second next year. Chief Paulhus responded that he would be constantly filling the third shift with overtime and would have more challenges if an officer were out for various reasons. Chelsea Malinowski, Vice Chair of the Advisory Committee, clarified that if the Police Department were fully staffed minus one officer there would be 211 open shifts needed to be filled over the course of a year.

Chief Achilles told the Board that due to the pressures on the budget for fiscal year 2021 the request for a Deputy Fire Chief has been removed. He said there were three items he is requesting to be included in the fiscal year 2021 budget. He listed four additional administrative hours that would not include adding benefits to the position, a mechanical CPR device and the replacement of a pumper truck that is at the end of its life. Chief Achilles stated these three items would help with efficiencies, increase success with out of hospital cardiac arrest and if a pumper were to be ordered now it would save the Town approximately $30,000 - $40,000 in inflation cost per year. Chairman Healey asked if the primary use of a second pumper was for backup and Chief Achilles responded in the affirmative. Chairman Healey asked if there have been any discussions regarding regional coordination of equipment. Chief Achilles explained mutual aid agreements with partnering towns but said it was for support not equipment. He added that another town would not lend Southborough a truck for backup and that having one pumper in service is inappropriate. Mr. Stivers suggested a replacement cycle for fire trucks and equipment. Chief Achilles stated a replacement schedule was not applied to these trucks and cautioned against holding off the replacement to create an appropriate cycle. He explained that used fire apparatus are usually discarded because of a problem with the truck. Ms. Braccio asked when the truck was purchased. The Chief responded the truck was purchased in 2001. Ms. Malinowski asked the Board to be aware that the fire tower will be needing maintenance in 2030 when considering replacement cycles. She added the tower is a more expensive apparatus than the pumpers. Mr. Stivers requested a review of the entire equipment spectrum and to begin working towards an appropriate replacement cycle.

Ryan Donovan, Library Director, stated that the Library Trustees have not convened to discuss a deferment on the Library capital projects. He stated they could have a vote for the February 25th Board of Selectmen meeting. Chairman Healey asked Mr. Purple if the Board could wait on discussing the project until then. Mr. Purple replied that would be acceptable if this is the only capital item on hold until then. Mr. Donovan agreed to discuss the Library capital projects with the Library Trustees and return to the Board of Selectmen on February 25th with an update.

Chairman Healey invited the Council on Aging to speak to the Board and asked if there were any issues on the operational Budget. Bill Harrington, Chair of the Council on Aging stated there were not. Chairman Healey asked if the Council considered deferring their capital projects until the fall. Mr. Harrington said it would be beneficial to defer and work with the Capital Budget Committee. Director Pam Le Francois reiterated that the projects requested were for additional bathrooms and an expansion to the front of the building. She summarized the space needs and the increase in patronage to the Senior Center. Chairman Healey stated he had worked with the Capital Budget Committee during his tenure on Advisory and the Council will benefit from their insight. Mr. Harrington asked if a concrete proposal could be made before the fall town meeting. Mr. Purple described the two options for executing the projects and stated the expansion may take three to four years. Mr. Harrington requested that instead of the making the addition of bathrooms and the siding a priority, the Council would like to see the front expansion and the bathrooms as the priority. He felt the siding could wait. Mr. Purple said he would like to defer the Facilities Director for priority of needs within town buildings and agreed the Capital Budget Committee would be a great asset to the Council.

Chairman Healey invited the Open Space Preservation Committee to speak. Mr. Kolenda stated that he did not intend for the Committee to present a full presentation but wanted reasoning for

extending a $500 increase to their budget for a second year. Freddie Gillespie, Chair Open Space Preservation Committee stated that there was a misunderstanding from the request last year. She said they are one of the lowest funded Committee and members are spending their own money on education and supporting their efforts. Chairman Healey stated that Mr. Kolenda questioned numerous department and boards and said he felt a presentation was unnecessary. Mr. Kolenda added that he supports Open Space and Ms. Gillespie stated she felt the Board did not understand the work and value the Committee brings to the Town. She explained programs funded by the Committee. Ms. Braccio stated when she was on the Committee the budget was $750 and understood the struggles the Committee face. She supported the $2,000 budget for the Committee. Mr. Kolenda explained that the increase for last year was an anomoly for him and he supported a budget of $1,500. Ms. Gillespie explained the various educational needs of the members and said added funding was needed. She suggested the Committee present to the Board at a later date to inform them on their work and mission. The Board agreed. Mr. Stivers said he attended Committee meetings and felt a $2,000 budget is a great investment for the Town.

Chairman Healey asked the public if there were any other committees or departments who wanted to speak and there were none.

Chairman Healey invited the Advisory Committee to speak. Kathy Cook, Chair, stated they have not voted on the budget yet but feel they are in line with the Board. She stated the Committee officially recommends the Town hold a special town meeting in the fall which was voted 6-1-0 and a vote passed (5-1-1) for the addition of two police officers. She said there was one absentia and one opposed. Ms. Cook stated the reason they believe there should be a special town meeting is for the pending Capital Budget Committee to bring recommendations for the capital budget. She added that one idea would be to close Woodward School. She explained that the school would be paid off in two years and attendance is currently down 300 students in grades K-8. She stated this would most likely not be ready for fall, but could be a potential idea that could help offset capital costs. Ms. Cook talked about the potential to use CPC funds for the windows at the Town House and other options that could help decrease cost. Chairman Healey asked if the Committee had discussed which projects could be put off to a fall town meeting. Ms. Cook said they had not but the immediate projects that could not be postponed were the Finn School boiler, road maintenance and recurring Facility maintenance work. Chairman Healey asked to confirm that the tax rate increase from the Committee was 3.46% and Mr. Ballantine stated in the affirmative. Ms. Cook confirmed that the Committee voted for two additional full-time positions. She stated this could potentially be offset by moving funding of the Recreation Department salaries to the revolving fund receipts. Mr. Purple stated this is an option that would need to be carefully reviewed before implementing. Recreation Director Tim Davis stated his concerns which included an increase in program costs and as a result, fees to the residents. Ms. Cook replied that it is not their intention and felt that this could be done without impacting program fees or costs.

Mr. Stivers stated that he would like to address the request for a Conservation Commission administration position and felt this should be included in the budget. He asked why the Assessor's budget increased and Mr. Ballantine explained that this is due to a one-year mandated reevaluation that will not be included next year. Mr. Stivers asked why the EDC budget was increased by $10,000. Mr. Ballantine stated this was to support the Downtown Initiative and Ms. Malinowski stated the Advisory Committee had received a memo regarding the expenditures.

She said these included brochures, booths at business events, and other needs to expand their "shop local" campaign. Mr. Kolenda stated he fully supported the Downton Initiative and felt reducing their budget would send the wrong message. Mr. Stivers stated he also supported the initiative but was looking for further explanation. Mr. Kolenda made a motion to accept the operational budget as presented by the Town Administrator and Finance Director with the addition of one police officer and one full-time employee for Youth and Family Services. The motion passed all in favor (4-0-0).

Mr. Purple asked the Board which items from the capital budget should be deferred to a fall town meeting. He reiterated that the items in question are the replacement windows at the Town House and the fire pumper. There was discussion about whether the pumper should be done now or if it would be more expensive to defer. Mr. Ballantine stated the debt service for the pumper would be paid out of the ambulance fund and Chief Achilles urged the Board to move forward now due to potential future costs to the Town if it is delayed. Ms. Braccio stated she would like to see the Library renovations included on the budget. Mr. Donovan stated that he is not speaking for the Trustees, but if these were delayed he would like a commitment that it will be included in the budget for fall town meeting. Chairman Healey said the intention of the Board was to delay until the fall town meeting and this project would be made a priority. Mr. Kolenda made a motion to accept the capital delays identified in the Fiscal Year 21 Budget with Capital Delays for fall town meeting with the exception of the pumper. Ms. Braccio seconded. The motion passed (3-1-0). Mr. Healey opposed.

III. Other Matters Properly Before the Board

None

IV. Executive Session

At 8:48 P.M. the Board entered into Executive Session per M.G.L. Chapter 30A § 21 (Exemption 2) for negotiations with the Police Chief on a successor employment agreement; the Board will not be returning to Open Session at the conclusion of Executive Session. Roll Call: Healey, aye; Braccio, aye; Kolenda, aye; Stivers, aye.

Upcoming Meetings
February 11, 2020
February 25, 2020

Respectfully submitted,

Kathleen Barry, Recording Secretary

List of Documents referred to at the February 4, 2020 BOS Meeting:

- FY21 Recommended Budget Presentation dated 2/4/20

TOWN OF SOUTHBOROUGH

BOARD OF SELECTMEN Meeting Minutes

Meeting Date: Tuesday, February 11, 2020, 6:30 P.M.
Location: McAuliffe Hearing Room, 17 Common Street, Southborough, MA
Present: Brian Shea, Lisa Braccio, Marty Healey, Sam Stivers and Town Administrator Mark Purple
Absent: Daniel Kolenda

I. Chairman Shea called the meeting to order at 6:30 P.M.

II. **Public Comment**
None

III. **Scheduled Appointments**
Joint meeting with Library Trustees: Appointment of Library Trustee to vacancy; term May 12, 2020
Amy Yazdani, Vice-Chair of the Board of Library Trustees, told the Board that they do not have a quorum. She stated that at their meeting on January 21st, the Board of Trustees voted unanimously to recommend Janet Maney to fill the Library Trustee vacancy due to her previous experience on various boards and committees. Chairman Shea stated he thinks Ms. Maney will be a great addition and asked if she has pulled papers to run for the position. Ms. Maney replied that she has not but intends to soon. Mr. Healey, Ms. Braccio and Mr. Stivers voiced their support for Ms. Maney. Mr. Healey made a motion to appoint Janet Maney to the Library Trustee position; term May 12, 2020. Mr. Stivers seconded. The motion passed all in favor (4-0-0).

Mr. Purple explained that the letter from Mr. Donovan stated the Board of Trustees did not vote to appoint and as they do not have a quorum tonight, they must do so before Ms. Maney is officially appointed. Mr. Donovan said the Board of Trustees voted to appoint Ms. Maney at their last meeting and he may have written they voted to recommend by mistake. He said he will check the meeting minutes and report back to Mr. Purple.

Fire Chief and Police Chief: Middlesex Savings Bank donations
Chief Paulhus introduced Community Banking Officer Ed Murras and his assistant from the Middlesex Savings Bank branch on Cordaville Road. He said the bank has a program honoring first responders. They would like to donate $10,000 each to the Southborough Police and Fire Department. Chief Paulhus explained that if the Board approves the donation, he plans on using the funds for training in order for the first responders to keep themselves safe and safely serve the community. Chief Achilles stated he appreciates such a substantial donation and he plans on supplementing one of the grants to purchase a dryer for decontamination of fire gear and to supplement the purchase of safety gear for new employees. Chairman Sea welcomed the representatives from Middlesex Savings Bank to speak.

Mr. Murras explained Middlesex Savings Bank developed a program to honor first responders in communities where their branches are located. He said each community will receive $10,000 for training, equipment, etc. He added that the branch has been located in Southborough for over twenty years and it is a pleasure to give back to the police and fire departments. Chairman Shea thanked both Mr. Murras and his assistant for coming and asked them to extend his thanks to

everyone responsible for this program at Middlesex Savings Bank. Chief Paulhus stated that both departments will post an announcement regarding the donations to their social media accounts. Chairman Shea made a motion to accept the Middlesex Savings Bank donations to the Fire and Police Departments as stated. Mr. Healey seconded. The motion passed all in favor (4-0-0).

Karen Galligan, DPW Superintendent – PWPB recommendation for water rate adjustment

Ms. Galligan introduced Matt Abrahams from the Abrahams Group who assisted in the study. She stated that after a water rate study adjustment was done, the tiers and rates have changed. She said the goal was to take the burden off of residents with low water usage and seniors. She said the recommendation of the rates included in the memo in the packet has been approved by the Public Works Planning Board and the Finance Team. She added that moving forward this would be looked at on a yearly basis so rate adjustments would be more gradual. Mr. Healey asked if the average water bill would be increasing by $50. Mr. Abraham stated the higher tiers will see an increase of about $100 and the lower tiers will be less than that. Ms. Galligan clarified that of the ten towns similar in MWRA water use to Southborough, the Town went from 9th out of ten to 6th out of ten in terms of cost. Mr. Stivers said he voted in support of this recommendation as a member of the Public Works Planning Board and confirmed that low-volume users will see an increase of 17% and high-volume users will see an increase that exceeds 50% from last year. He explained some of the drivers behind the increase, suggestions to restore the reserve fund and initiatives to conserve water. Mr. Healey made a motion to accept the recommendation from DPW Superintendent Galligan in her February 5, 2020 memorandum and attachments for a change in water rate with a revised change of cost per cubic foot of water for water usage of 3001 to 10,000 CF to $6.86 instead of $6.68. Mr. Stivers seconded. The motion passed all in favor (4-0-0).

IV. Reports

Town Administrator's Report

Mr. Purple stated since the Board voted on budget items last week, there is no budget update this evening. He stated the Advisory Committee is meeting tonight with Mr. Ballantine to review their budget suggestions. Mr. Purple said he hoped to identify any potential discrepancies between budget recommendations from the Board and Advisory soon.

Chairman's Report

Chairman Shea reminded all boards, committees and employees to fill out the acknowledgement receipt of the conflict of interest packets. The receipts are due to the Town Clerk by the end of this month. The Town Clerk is required to report all those who have and have not submitted these forms and urged all to return these for full compliance.

Chairman Shea thanked the New England Center for Children for hosting Board members on a tour and presentation today. He acknowledged the tremendous work they do for children in need of services in Southborough and across the State and Country.

Chairman Shea reminded the public that the Southborough Police Department is partnering with Northborough and Westborough for the Citizen's Police Academy. He described the program and urged those interested to email their applications to Stephen Neivert at sneivert@southboroughma.com. The applications can be found on the Town website and must be submitted by March 7, 2020.

Chairman Shea reminded the public that the voter registration deadline is tomorrow, February 12, 2020. He added that the Town Clerk's Office will be open until 8:00 P.M. tomorrow.

Chairman Shea stated the Southborough Annual Town Report was considered for an award by the MMA and received third place in category two.

Chairman Shea stated there is an open job opportunity for an administrative assistant position for the Council on Aging. Information can be found on the Town website and applications are currently being accepted.

Members' Report

Mr. Stivers echoed Chairman Shea's comments regarding his visit to the NECC. He commended them for their groundbreaking support for children diagnosed with autism.

Mr. Stivers stated he attended the MMA annual meeting including multiple workshops and presentations. He said there was discussion about cable license contracts and a new rule set to reduce the prices Verizon and Charter pay for licensing in towns and cities. He acknowledged that the Town is currently in the process of renegotiation with cable TV and has passed this information to the Cable Television Committee. Mr. Stivers stated at a recycling presentation he was informed that due to secondary markets closing their door on recycling, waste management companies now must pay to recycle items they used to get paid for. He suggested the Public Works Planning Board address this issue and work towards a solution for Southborough. Mr. Stivers stated that after attending a workshop on economic development hosted by Dr. Barry Bluestone of Northeastern University, he found that many of the towns successful in supporting business development have done so by executing initiatives achievable in Southborough. He described possible initiatives with the Economic Development Committee to make Southborough more attractive. Mr. Stivers added that multi-use development is an effective driver of economic development and suggested the Board take a position on the EDC's Downtown Initiative. Mr. Stivers stated the Master Plan Committee meeting is tomorrow evening at Cordaville Hall at 7:30 P.M. and urged the public to attend.

V. Consent Agenda

a. Chairman Shea made a motion to approve Regular Session minutes: January 21, 2020; January 27, 2020. Mr. Healey seconded. The motion passed all in favor (4-0-0).

b. The motions to accept donations from Middlesex Savings Bank Charitable Foundation:

i. $10,000 for Police Department training equipment and programs

ii. $10,000 for Fire Department EMPG Grant supplementation and protective clothing were passed during the scheduled appointments earlier in the evening.

c. Chairman Shea made a motion to accept a donation of $16.00 from Joyce Golden for the Library Donation account. Mr. Healey seconded. The motion passed all in favor (4-0-0).

d. Chairman Shea made a motion to accept a donation of $100.00 from John and Connie Mauro for the Fire Department. Mr. Healey seconded. The motion passed all in favor (4-0-0).

e. Chairman Shea made a motion to approve the request to buy back a cemetery lot from John and Marlene Calkins. Mr. Healey seconded. The motion passed all in favor (4-0-0).

f. Chairman Shea made a motion to approve the recommendation for bid award for Dipietri Field renovation. Mr. Healey seconded. The motion passed all in favor (4-0-0).

g. Chairman Shea made a motion to appoint Robyn L. Stewart to Scholarship Advisory Committee, term 6/30/21. Mr. Healey seconded. The motion passed all in favor (4-0-0).

h. Chairman Shea made a motion to approve the use of $2,850 from engineering article for Breakneck Hill wetlands investigation. Mr. Healey seconded. The motion passed all in favor (4-0-0).
i. Chairman Shea made a motion to approve of SOIs for MSBA for School projects. Mr. Healey seconded. The motion passed all in favor (4-0-0).
j. Chairman Shea made a motion to approve the Executive Session minutes: January 21, 2020. Mr. Healey seconded. The motion passed all in favor (4-0-0).
k. Chairman Shea made a motion to approve and release of Executive Session minutes: February 4, 2020. Mr. Healey seconded. The motion passed all in favor (4-0-0).

VI. Other Matters Properly Before the Board

Chairman Shea stated that Mr. Purple had sent the information earlier in the day from the Town Clerk requesting the Board include two positions on the town election ballot. He noted this has been discussed at previous meetings and was received less than the forty-eight-hour time requirement for posting the agenda. He said this matter is time sensitive and gives residents the opportunity to pull papers for these elected positions. Chairman Shea made a motion to include on the annual town election ballot two additional positions for Library Trustee; one for a one-year term and the second for a two-year term as recommended by the Town Clerk through his correspondence provided to the Board. Mr. Stivers seconded. The motion passed all in favor (4-0-0).

Continued discussion on March 28, 2020 Town Meeting Warrant

EDC downtown district overlay zoning bylaw

Mr. Purple stated the EDC sent him a letter asking this article be removed from the warrant. He added that they do intend to bring this article to the fall town meeting with the understanding they need a sponsor. Mr. Purple said the EDC will want to have a conversation with the Board regarding their goals and whether the Board would be willing to be the sponsor. He asked the Board to formally remove the article from the annual town meeting warrant.

Purchase of National Grid parcel 54-40

Mr. Purple stated this is linked to the EDC's Downtown Initiative and suggested the Board move this item to the fall town meeting. He said the contact at National Grid who handles land issues told him that if the Board were interested in pursuing this parcel, they should submit a letter of intent in order to move forward in the process for discussion.

Revised draft of SPAC bylaw

Mr. Purple stated the draft of the former ADA bylaw, now the SPAC bylaw, is included in the packet. He added that additional comments were submitted today by a committee member as well as Timothe Litt. He said the changes proposed by Mr. Litt were discussed with the ADA Committee. He asked the Board to consider the proposed changes and finalize the document to include in the warrant.

Board positions on warrant articles

Chairman Shea reminded the Board that many of the articles appear on an annual basis and he presumes the Board would be in support. He went through the draft Warrant article by article.

Chairman Shea made a motion that the Board support Articles 1-4 in the warrant. Mr. Healey seconded. The motion passed all in favor (4-0-0).

Mr. Purple explained that Article 5 is the Salary Administration Plan and the Personnel Board will be meeting tomorrow to finalize their recommendations. He said those recommendations will be sent to the Board prior to the next meeting. Mr. Purple explained that Article 6 is the transferring of money between and among various accounts for the fiscal year ending June 30, 2020 and may no longer require a town meeting vote. Mr. Stivers asked if the article should be removed from the warrant. Mr. Purple replied he would prefer to leave it in the warrant until more information is available. Mr. Purple explained that more information will be available for Article 7 regarding unissued debt. He gave the Board an idea of the amount that will be rescinded. Chairman Shea made a motion to support Article 7. Mr. Healey seconded. The motion passed all in favor (4-0-0). Chairman Shea confirmed that Article 8 had been voted unanimously to support by the Board at the previous meeting. Chairman Shea held Article 9. Chairman Shea confirmed that Articles 10 and 11 were voted to unanimously support by the Board at the previous meeting.

Chairman Shea made a motion to support annual Articles 12, 13 and 14 as written in the packet. Mr. Healey seconded. The motion passed all in favor (4-0-0).

Mr. Purple stated that Article 15 is for funding the replacement of a boiler at Mary Finn School. Ms. Braccio asked what the dollar amount is to fund this project. Mr. Purple said he would find out. The Board held their support of this Article until their February 25th meeting.

Chairman Shea made a motion to support Article 16. Mr. Stivers seconded. The motion passed all in favor (4-0-0).

Chairman Shea made a motion to support CPC project receipts labeled Article 17 of the Town Warrant. Mr. Healey Seconded. The motion passed all in favor (4-0-0).

Mr. Purple explained Articles 18 and 19 are authorizing payments for bonds on projects already appropriated by Town Meeting. Chairman Shea made a motion to support Articles 18 and 19. Mr. Healey seconded. The motion passed all in favor (4-0-0).

Mr. Purple explained Article 20 is to support the Recreation project at Kallander Field and Article 21 is to support the reconstruction of St. Mark's Church bell tower. The Board agreed they would like to hear more information on both projects. Chairman Shea stated the Board will hold these Articles and will want an update at their February 25th meeting.

Mr. Purple explained that Article 22 has been proposed by the Veteran's Agent to include exemptions up to 100% for taxpayers with personal exemptions on property. He said the Town currently provides real estate exemptions and if this were to pass, the cost would be a total of $20,000 per year. Chairman Shea made a motion to support Article 22. Mr. Stivers seconded. The motion passed all in favor (4-0-0).

Chairman Shea stated he recommended Article 23 as listed in the packet and the Town Clerk is in support. Chairman Shea made a motion to support Article 23. Mr. Stivers seconded. The motion passed all in favor (4-0-0).

Chairman Shea explained that Articles 24 and 25 are in relation to regulating speed limits in Town that originated from previous discussions regarding the dangers at Pine Hill Road. Chairman Shea made a motion to support Articles 24 and 25. Mr. Stivers seconded. Chairman Shea informed the Board that they will need to be prepared to clearly present both articles at Town Meeting. The Board agreed. The motion passed all in favor (4-0-0).

Chairman Shea made a motion to support the proposed .75% meals tax as written in the packet for Article 26. Mr. Stivers seconded. Mr. Healey stated that based on the survey Ms. Cook provided and the input from businesses affected, the addition of a meals tax is a straightforward and equitable avenue to broaden the tax base. Mr. Purple said this is thought to be very favorable for the Town and the budget is carrying an additional $75,000 in receipts. He added that if this article does not pass, the Town may end up with $75,000 less free cash at the end of the year. The motion passed all in favor (4-0-0).

Mr. Purple informed the Board that he sent them Timothe Litt's revisions to Article 27, the draft chapter for the Southborough Public Access Committee. He added that the Chair of the Committee sent an email that the Committee was in favor of Mr. Litt's changes. The Board discussed administrative corrections throughout the document and the Board agreed to the changes. After deliberation amongst the Board members, Town Clerk Hegarty and Mr. Litt, the Board voted on the following changes. Chairman Shea made a motion to change the word "enhancing" to "increasing" in paragraph two of Section 9.34. Mr. Stivers seconded. The motion passed all in favor (4-0-0). Chairman Shea made a motion to remove "no more than" in the first line of section 9.34.A. Mr. Healey seconded. The motion passed all in favor (4-0-0). Chairman Shea made a motion to remove the word "number" from the last line of the first paragraph in section 9.34.A. Mr. Healey seconded. The motion passed all in favor (4-0-0). Mr. Healey made a motion to accept paragraph two of section 9.34.A with a change in the parenthetical for the definition of "town employee." Mr. Stivers seconded. The motion passed all in favor (4-0-0). Chairman Shea made a motion to capitalize the word "Town" in bullet two under section 9.35. Mr. Healey seconded. The motion passed all in favor (4-0-0). Chairman Shea made a motion to change the words "any inadequacies" to "it's comments" to bullet three of section 9.35. Ms. Braccio seconded. The motion passed all in favor (4-0-0). Chairman Shea made a motion to support this Article with the revisions voted on this evening. Mr. Healey seconded. The motion passed all in favor (4-0-0).

Mr. Healey stated it made sense to move Article 28 to the fall town meeting as it relates to the EDC sponsored article for the downtown initiative. Chairman Shea agreed that the proposed acquisition of parcel 54-40 should be moved to the fall. Ms. Braccio agreed and felt more discussion was needed before the Board could take a position. Chairman Shea made a motion to delete Article 28 from the Town Warrant. Mr. Healey seconded. The motion passed all in favor (4-0-0). The Board asked Mr. Purple to reach out for more information regarding this parcel from National Grid and he agreed to do so.

Chairman Shea explained that Article 29 was recommended by the Town Clerk to extend the voter registration deadline from a Saturday to the following Monday. Mr. Healey seconded. The motion passed all in favor (4-0-0).

Mr. Purple stated that Article 30 was brought forward through the Planning Board from the Zoning Board of Appeals and Articles 30, 31, 32 and 33 are currently before the Planning Board

for the required hearing dates. He stated that Planning will be providing recommendations to the Board for these articles. Mr. Purple said the EDC has requested the removal of the proposal of a Village Mixed Use District labelled as Article 31. Chairman Shea recommended the Board hold Articles 30, 32 and 33 for the meeting on February 25th. The Board agreed. Chairman Shea made a motion to delete from the warrant the proposed Article 31 for a village mixed use district as written in the packet. Mr. Healey seconded. The motion passed all in favor (4-0-0).

Chairman Shea stated the citizens petition for a noise bylaw is not amendable at this time. Mr. Purple agree that Article 34 can only be amended on the town meeting floor. The Board agreed to invite the proponents to the February 25th meeting for a five-minute presentation with questions to follow. Mr. Purple stated he would reach out to Mr. Lapine who proposed the article and invite him to the next meeting. He asked if the Board would like to invite Mr. Weishan who proposed the second citizens petition to ban plastics and Styrofoam. The Board agreed and Mr. Purple said he would reach out to Mr. Weishan and invite him to the next meeting. Mr. Purple added that he will also invite the CPA for an explanation on their projects at Kallander Field and the St. Mark's bell tower.

Mr. Purple reiterated to the Board they had decided to hold Articles 5 and 6. He said he will confirm if Ms. Rosenbloom could present the proposed changes to the Personnel Salary Administration Plan at the meeting on the 25th. He said Article 6 has been held by the Board to determine whether it is needed to be included in the warrant. He stated that Article 9 for the Water Enterprise Fund can be held on the 25th as well.

Draft committee charge for Capital Planning Committee

Chairman Shea made a motion to delete "no more than" in the first line. Mr. Stivers seconded. The motion passed all in favor (4-0-0). Mr. Purple explained that the charge for the Capital Planning Committee is somewhat new and he worked with Mr. Ballantine and Mr. Malinowski to create the draft included in the packet. The Board discussed whether there should be five resident members or three resident members and a Board member and Advisory member. Mr. Purple reminded the Board this will be an ad-hoc committee. Chairman Shea recommended five members at large with a representative from the Board and Advisory for a total of seven members. Mr. Healey suggested the Committee should consist of five members and include wording for the option to include a Board and Advisory member. He suggested the wording, "made up of five members all appointed by the Board of Selectmen." The Board agreed. Chairman Shea suggested the word "projects" in the middle of the first paragraph should also include the words "capital items." The Board agreed. Chairman Shea suggested that the word "should" in the bulletted items be changed to "will." The Board agreed. Mr. Healey made a motion to support the committee charge for the Town of Southborough Ad-Hoc Capital Planning Committee with the changes agreed upon this evening. Mr. Stivers seconded. The motion passed all favor (4-0-0). Chairman Shea encouraged the public to go to the Town website to fill out an application to be a member of this Committee. Ms. Hale suggested a February 20th deadline for the submittal of applications. The Board agreed. Ms. Hale stated she will ask other Town Departments to share these openings for the Capital Planning Committee on their social media accounts.

I. On a motion made by Chairman Shea, seconded by Mr. Stivers and voted all in favor, the meeting was adjourned at 8:27 P.M.

Upcoming Meetings *February 25, 2020* *March 10, 2020*

Respectfully submitted,

Kathleen Barry, Recording Secretary

List of Documents referred to at the February 11, 2020 BOS Meeting:

- Letter from Ryan Donovan to Mark Purple re: Recommendation of Library Trustee Appointment dated 1.22.20
- Letter from Chief Paulhus to BOS re: Middlesex Savings Bank Donation dated 1.30.20
- Letter from Mike Kuza, VP Middlesex Savings Charitable Foundation to SPD dated 1.28.20
- Letter from Chief Achilles to Mark Purple re: Donation from Middlesex Savings Charitable Foundation dated 1.31.20
- Memorandum from DPW re: Water Rate Increase dated 2.5.20
- Regular Session Minutes: 1.21.20
- Regular Session Minutes: 1.27.20
- Letter from Ryan Donovan to BOS re: Donation to the Library dated 1.28.20
- Letter from Chief Achilles to Mark Purple re: Donation from Mr. John Mauro dated 2.3.20
- Letter from DPW to BOS dated 1.24.20
- Letter from John and Marlene Calkins to Karen Galligan dated 12.6.19
- Letter from Tim Davis to BOS re: Depietri Field-Contract Award dated 2.4.20
- Citizen Activity Form, Robyn Lisa Stewart
- Professional Services Proposal from Lucas Environmental dated 1.21.20
- SOIs for MSBA for School projects
- Letter from EDC to BOS dated 1.27.20
- Draft Southborough Public Accessibility Committee Warrant Article
- Draft Annual Warrant for Town Meeting on 3.28.20
- Letter from Town Clerk to Brian Shea re: Annual Town Election ballot - Library Board of Trustees vacancies dated 2.10.20
- Letter from Timothe Litt to Mark Purple re: Updated ADA bylaw dated 2.10.20
- Letter from William Sines to Mark Purple re: ADA Charter and Warrant Article
- Letter from Karen Galligan to Mark Purple re: Water Rate Memo dated 2.11.20

DRAFT

From: Mark Purple
To: Katie Barry
Subject: FW: St. Marks Church project
Date: Tuesday, February 25, 2020 8:46:34 PM

Because it was referenced and discussed so much this evening, should probably be part of the attachments to the minutes. Thx.

Mark J. Purple
Town Administrator
Town of Southborough
P: 508-485-0710
F: 508-480-1061

From: Kathy Cook <kcook@southboroughma.com>
Sent: Monday, February 24, 2020 4:17 PM
To: Mark Purple <mpurple@southboroughma.com>; Brian Shea <bshea@southboroughma.com>
Subject: Fw: St. Marks Church project

fyi

[EXTERNAL]
fyi

From: John Butler <johnbutler.us@gmail.com>
Sent: Sunday, February 23, 2020 6:37 PM
To: amills@southboroughma.com; Marty Healey <healeym7377@icloud.com>
Cc: Sam Stivers <sam@samstivers.com>; Kathy Cook <kcook@fusiongroupinc.com>
Subject: St. Marks Church project

Andrew,
and
Members of the Community Preservation Committee

I became aware that the CPC is considering bringing forward a motion to Town Meeting for financial support under CPA for repair of the steeple of the St. Marks Church. I am writing to urge your committee not to support this on grounds that would be imprudent, all things considered, because it poses a risk of entangling the Town in expensive Church v State litigation (I disagree with Town Counsel that there is no risk, see below) and it risks empowering similar requests from other old churches in Town which would be difficult to support at this level, and as events might unfold, could risk Town voter support for the CPA under upcoming unavoidable conditions of sharp tax increases from non-CPA causes.

I take it as a principle that the Town, and the CPC, does not want to run along the edge of the law, particularly where the law is fluid, and risk exposing the Town to expensive litigation, when there is a stream of worthy projects that do not carry these risks. I have read, in the CPC minutes from September 2019, that in December 2018 Town Counsel offered the opinion that "there is no risk to providing CPC funding for the [steeple] project". I don't agree with that assessment and further would say that risks on this project can come from several directions, not just an adverse court judgment, about which Town Counsel may opine.

The Town of Acton's CPC recently became embroiled in an extended legal fight over church repairs with a national organization called AU, "Americans United for Separation of Church and State", who were represented *pro bono* by the national law firm of Venable LLP. The Town spent upwards of $250,000 in legal fees defending a roughly $50,000 CPA award to two churches and substantially lost. Although the SJC in its March 2018 decision did not blanket prohibit all church repairs from consideration for CPA, stained glass window depictions were barred as essentially "too religious" and the Town was opened to discovery process on the remaining items. Since, if one wants to find a Christian church, one can look for a church belfry, or steeple, and if one wants to find a mosque or a synagogue one does not look for that symbol, I don't see what assurance the Town can have that this same national organization might not decide to push the issue again through the MA court system at the Town's expense over repair of a belfry as a Christian architectural symbol, which the court might hold it has already prohibited. Would the Town prevail in the end? Who knows, but it won't be cheap and we may well regret the fight. I am attaching a link the plaintiff's blog about the case. Do you read this site and think that, after beating Acton, they are going away, or would not fight yet again? Is it worth it? I am also attaching the SJC opinion from the case. You will note that it is long and complex with difficult balancing factors laid out and a lot of open space for future discrimination. With national organizations suing nearby Towns and this kind of ambiguity, I don't think it is prudent to charge ahead as if it is just clear sailing. It's not. It's risky.

Given the number of churches here in Town, the $200,000 request is large. Most of the churches are old and probably have postponed repairs. Do we want to be in the position of having given this much to one church and then being asked for that amount by four or five more, potentially? How would you say "No" to all the others without appearing arbitrary and discriminatory? This is a classic invitation to trouble, by appearing to prefer one church over another, that led to the Massachusetts constitutional amendment upon which the Acton case was litigated.

Note that the granting of a historical preservation easement, if that were to be considered, over the repaired facade is not a protection from AU litigation as the SJC also gave them an opening stemming from this. The SJC specifically questioned the degree of "entanglement" that such easements created and saw it as a potential negative factor. An example of something that in one case was not a problem is funding for creating a safe protective surface

for a non-denominational daycare playground on church property. A belfry is not that. If an Islamic or Hindu group buys the church building at some point it might want to remove the belfry as a Christian symbol. The SJC was skeptical that government should own an easement interest in anything that might be a symbol of one religious group. This is a classic invitation to expensive trouble for the Town.

We are entering a period in the Town when we will be challenged by rapidly rising tax rates. In this climate it is important, I believe, to be especially careful with CPA funds so as not to risk voter backlash over questionable decisions triggering litigation expense, backlash that jeopardizes support for CPA.

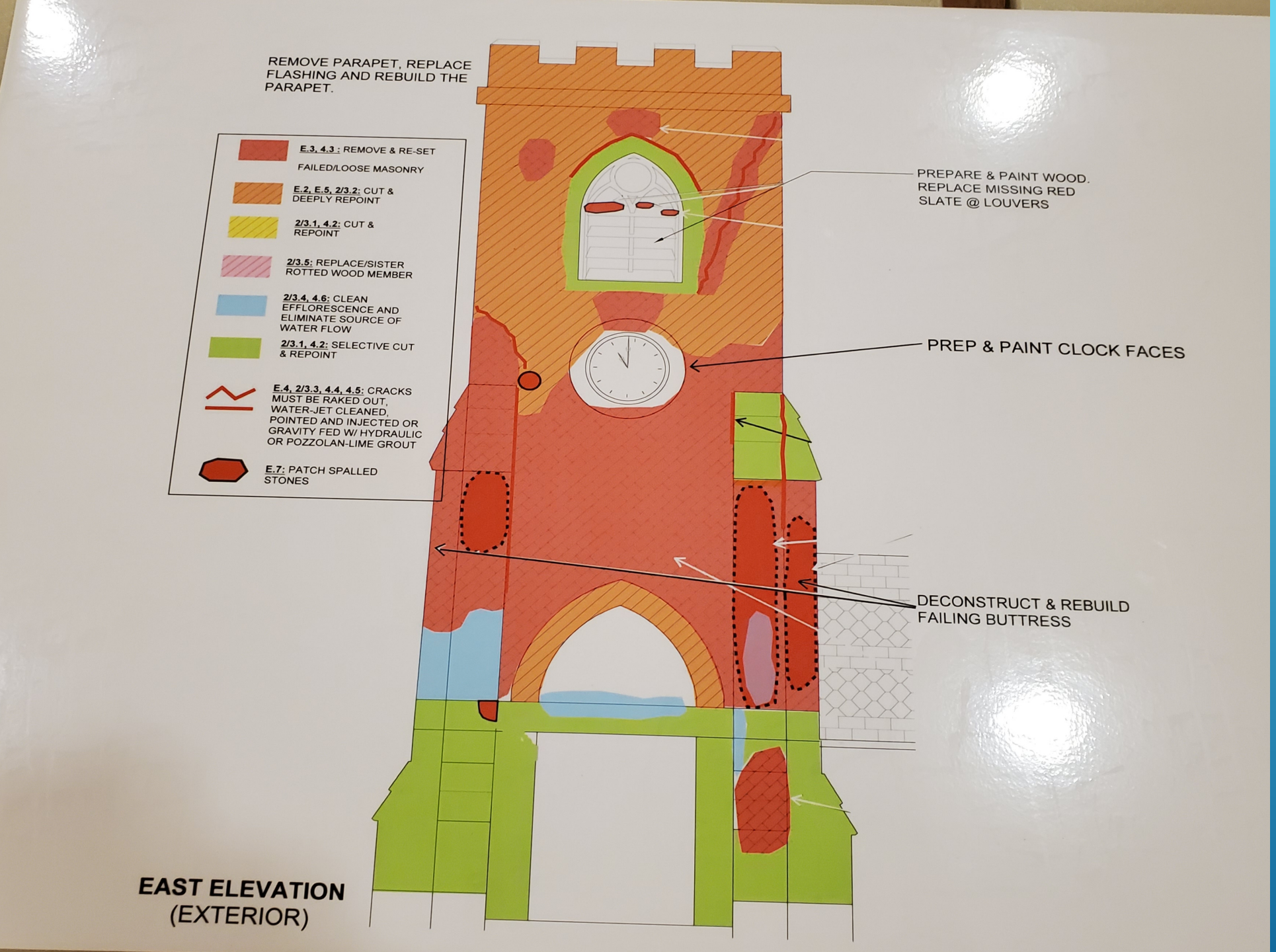
I recommend that you not support this.

John Butler

https://www.au.org/church-state/september-2016-church-state/featured/massachusetts-mistake

https://www.au.org/blogs/wall-of-separation/what-really-happened-in-the-mass-tax-aid-to-churches-lawsuit

https://www.communitypreservation.org/sites/macpc/files/uploads/sjc_court_opinion_-_caplan_v._town_of_acton_sjc_12274.pdf


REMOVE PARAPET, REPLACE FLASHING AND REBUILD THE PARAPET.
E.3, 4.3 : REMOVE & RE-SET FAILED/LOOSE MASONRY
E.2, E.5, 2/3.2: CUT & DEEPLY REPOINT
2/3.1, 4.2: CUT & REPOINT
2/3.5: REPLACE/SISTER ROTTED WOOD MEMBER
2/3.4, 4.6: CLEAN EFFLORESCENCE AND ELIMINATE SOURCE OF WATER FLOW
2/3.1, 4.2: SELECTIVE CUT & REPOINT
E.4, 2/3.3, 4.4, 4.5: CRACKS MUST BE RAKED OUT, WATER-JET CLEANED, POINTED AND INJECTED OR GRAVITY FED W/ HYDRAULIC OR POZZOLAN-LIME GROUT
E.7: PATCH SPALLED STONES
PREPARE & PAINT WOOD. REPLACE MISSING RED SLATE @ LOUVERS
PREP & PAINT CLOCK FACES
DECONSTRUCT & REBUILD FAILING BUTTRESS
EAST ELEVATION
(EXTERIOR)

Commonwealth of Massachusetts
DEPARTMENT OF HOUSING & COMMUNITY DEVELOPMENT
Charles D. Baker, Governor ◆ Karyn E. Polito, Lt. Governor ◆ Chrystal Kornegay, Undersecretary

June 16, 2017

Ms. Brendalee A. Hird
10B Fitzgerald Lane
Southborough, Massachusetts 01772

Re: Refinance for LIP Unit – **10B Fitzgerald Lane, Southborough, MA**

Dear Ms. Hird:

We have reviewed your request for approval to refinance the mortgage on your Local Initiative Program (LIP) unit at the above referenced address. Your approved new mortgage will be in the amount of One Hundred Twenty-Five Thousand and no/100 Dollars ($125,000.00) from Residential Mortgage Services, Inc. which will increase your debt to a total of One Hundred Twenty-Five Thousand and no/100 Dollars ($125,000.00).

DHCD's policy is to consent to a refinancing where the new loan does not cause the total outstanding debt to exceed 97% of the Maximum Resale Price (or 97% of current fair market value, if that is less). Maximum Resale Price (MRP) is derived by using a formula that appears on your LIP Deed Rider and cannot exceed a price affordable to a household with income of 80% of area median income.

Since 97% of current Maximum Resale Price is not exceeded, we will consent to the new mortgage in the amount of $125,000, provided that all prior mortgages are discharged and also provided that the rights created at the original sale of said property to you will remain unchanged. In particular, the Affordable Housing Restriction, terms of which are found in the Deed Rider, remains in effect and your new mortgage is subject to its terms. You should be aware that when you sell your property, the sale price may not exceed the Maximum Resale Price as defined in the Deed Rider, regardless of the amount of outstanding debt on the unit.

The executed Consent to Refinancing will be sent to your closing attorney. This document is provided on the condition that your closing attorney will see to its recording and provide copies of the recorded documents to the Department. Unless this condition is satisfied, the document is not to be used.

If you have any questions, please do not hesitate to call Bertha Borin at (617) 573-1309.

Sincerely,

Catherine Racer
Associate Director

cc: Barbara Rowe, Esq.✓

1 PAGE

2017 00092131
Bk: 57622 Pg: 311
Page: 1 of 1 08/23/2017 11:38 AM WD

CONSENT TO REFINANCING

THE COMMONWEALTH OF MASSACHUSETTS, acting by and through the Department of Housing and Community Development pursuant to Massachusetts General Laws Chapter 23B as amended by Chapter 19 of the Acts of 2007 (the "Department"), pursuant to a Deed Rider annexed to a certain Deed from Lisa A. Pezzoni, Trustee of Atwood Realty Trust under Declaration of Trust dated January 18, 1994 and recorded with the Worcester South Registry of Deeds (the "Registry") in Book 15998, Page 42, to Jeneve R. Hird, dated March 5, 1997 and recorded with the Registry in Book 18651, Page 89, hereby consents to the encumbrance of the property located at 10B Fitzgerald Lane, Southborough, Massachusetts, by a Mortgage granted by Brendalee A. Hird to Residential Mortgage Services, Inc., not to exceed the principal amount of One Hundred Twenty-Five Thousand and no/100 Dollars ($125,000.00). The Department consents to said mortgage in such amount conditioned upon the discharge of all prior mortgages.

Executed as a sealed instrument this 16th day of June, 2017.

The Undersecretary of the Department of Housing and Community Development

By: _____
Catherine Racer, Associate Director
Duly Authorized Designee

COMMONWEALTH OF MASSACHUSETTS

Suffolk, ss.

On this 16th day of June, 2017, before me, the undersigned Notary Public, personally appeared Catherine Racer, Associate Director of the Department of Housing and Community Development ("DHCD"), proved to me through satisfactory evidence of identification, which was my personal knowledge, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that she signed it voluntarily for its stated purpose, as Associate Director of DHCD, a department duly organized and existing pursuant to Massachusetts General Laws Chapter 23B as amended by Chapter 19 of the Acts of 2007, and as the voluntary act of DHCD.

Bertha Borin
Notary Public
My commission expires:

BERTHA BORIN
Notary Public
COMMONWEALTH OF MASSACHUSETTS
My Commission Expires
March 11, 2022

M.R. Book 57622, Page 312

Return To:
Rowe Law Office
P.O. Box 617
Marlboro, MA 01752-0617

ATTEST: WORC. Anthony J. Vigliotti, Register

Property Address: 10B Fitzgerald Lane, Southborough, Massachusetts

Mark Purple

From: Laurie Livoli
Sent: Thursday, February 20, 2020 3:56 PM
To: Mark Purple
Subject: proposed zoning bylaw change -article 29- let me know if you have ? or want to change,add,etc.

Mark,

Article 29, section 174-19, Extensions, Alternations or Structural Changes

The current bylaw, as written, does not allow for the Building Commissioner to make a determination on a building permit application for a non-conforming lot unless the proposed projects meets current setbacks (front, side, rear) for the district. The current bylaw requires, if you are removing and rebuilding in the same footprint and not increasing the non-conformity to be heard by the Zoning Board of Appeals.

For instance an applicant removes a deck that impedes a side setback and rebuilds the deck in the same footprint. This would not be more non-conforming.

Due to recent Massachusetts Case law, this type of project for residential one and two family homes has been upheld in the court systems in recent years and the current bylaw does not reflect the issuance of a building permit without the need for a hearing from the Zoning Board of Appeals.

Pro: Adding item #5, will eliminate the need for a hearing and have substantial cost savings to homeowners.

Con: Abutters are not notified, if an issue with project, the course of action is to appeal the permit to the Zoning Board of Appeals like any other allowed building permit issued by right.

5) Extension, alteration, reconstruction or structural change to a non-conforming structure which will not increase the footprint of the existing structure providing that existing height restrictions shall not be exceeded

Sincerely,

Laurie

Laurie A. Livoli, C.B.O.
Building Commissioner/Zoning Enforcement Officer
Town of Southborough
9 Cordaville Road, Lower Level Rear
Southborough, MA 01772
llivoli@southboroughma.com
508-485-0717

FW: EDC for FY21

Mark Purple <mpurple@southboroughma.com>
Mon 2/24/2020 10:57 AM
To: Lisa Braccio <lbraccio@southboroughma.com>

Sent from my Verizon, Samsung Galaxy smartphone

-------- Original message --------
From: Marijke Munsiff-Vegting <mmunsiff@southboroughma.com>
Date: 1/29/20 9:43 AM (GMT-05:00)
To: Brian Ballantine <bballantine@southboroughma.com>
Cc: Mark Purple <mpurple@southboroughma.com>
Subject: RE: EDC for FY21

The EDC expects to spend more on printing services and other office supplies in conjunction with the downtown initiative

- Exhibitions to inform the public on zoning changes (creation of display boards, signage)
- Informational brochures/handouts
- Mailings to invite residents and businesses to public forums and events

Other EDC business:

- Printing of Shop SOBO business directory
- Planned expansion of Shop Local campaign for which brochures need to be developed and printed
- Mailings for business networking events
- Create an EDC "booth" for use at public and business events

An increase in Other Contracted Services is expected FY2021 as the EDC anticipates hiring outside vendors for work associated with the Downtown Initiative. Such us professional assistance in creating concept and/or architectural renderings, assistance with design guidelines and way finding programs for the DBVD. As well as potential need for assistance in parking solutions and improved connectivity related to the DBVD.

Let me know if you need any additional information.

Thanks,

Marijke

From: Brian Ballantine
Sent: Tuesday, January 28, 2020 12:13 PM
To: Marijke Munsiff-Vegting <mmunsiff@southboroughma.com>
Subject: EDC for FY21

Hi!

Advisory is trying to get more info on the EDC budget increase for next year – it equals about 10K. My understanding it is costs associated with the downtown initiative – more will be spent on supplies and printing in conjunction with that. Do you have a specific breakdown of that? I know this might be a conversation at Advisory next Tuesday and possibly with the BOS same night. If you do have anything further can you send to Mark/myself..?

Thanks!

Brian

Mark Purple

From: Marijke Munsiff-Vegting
Sent: Monday, February 10, 2020 9:47 AM
To: Mark Purple
Subject: Zoning Article

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Administrator Purple:

The Economic Development Committee (EDC) had previously been sponsored by the Board of Selectmen for a zoning article originally slated for the 2020 Spring Town Meeting. Although that warrant article will not be moving forward this Spring, the EDC sees the community benefits of strategic zoning changes to encourage development. The EDC will endeavor to bring those zoning changes forward in the Fall.

While the date for the Fall Town Meeting has not been set, the EDC is aware of the timeframe and is in the process of scheduling all the necessary steps to ensure a successful article. The benefit of starting now is the ability to solicit the full collaboration of other boards, commissions, and residents should they want to participate. We also understand that trying to gather feedback during the summer is difficult, so the support of the Board to begin the necessary work early is important.

We have been advised that the EDC needs to 1) identify an article sponsor, and 2) the sponsor needs to vote to become the sponsor. Therefore, at the Feb 7th EDC meeting, a motion was made to initiate a request to the Board of Selectmen to sponsor the Downtown Zoning Mixed Use overlay article for the Fall Town Meeting. The motion passed 6-0-0.

We ask that you please make the Board of Selectmen aware of the EDC's request, and stand ready to answer any questions that you may have.

Thank you,

Marijke Munsiff
Economic Development Coordinator

SOUTHBOROUGH EDC Economic Development Committee

Southborough Town House
17 Common Street, Southborough MA 01772-1662
Tel: (508) 485-0710, ext 3011
mmunsiff@southboroughma.com

TOWN OF SOUTHBOROUGH

OFFICE OF THE TOWN ADMINISTRATOR
TOWN HOUSE · 17 COMMON STREET · SOUTHBOROUGH, MASSACHUSETTS 01772-1662
(508) 485-0710 · FAX (508) 480-0161 · selectmen@southboroughma.com

TO: Board of Selectmen
FROM: Mark J. Purple, Town Administrator
DATE: February 24, 2020
SUBJECT: CommCan, Inc. New On-site Manager

On February 17, 2020, the Town received a letter from CommCan, Inc., indicating their intention to employ a new on-site manager at the Southborough dispensary. Per the Community Host Agreement, the Selectmen must review any applicant for the manager position, and is permitted to conduct a CORI check on the proposed applicant.

I was informed today by the Police Department that a CORI check was conducted for the proposed manager, Michael Akers, and the CORI did not have any information that would prevent Mr. Akers from performing his duties as the on-site manager. Therefore, I recommend that the Board approve the recommended new on-site manager for CommCan, Inc. as requested in the February 17, 2020 correspondence.

Thank you.

730 Main Street, Suite 2A
Millis, MA 02054
Tel: 508 376 2041 Fax: 508 376 8563
Email: ellen@rosenfeld-law.com

February 17, 2020

Mark Purple
Town Administrator
Town of Southborough
17 Common Street
Southborough, MA 01772-1662

RE: HCA payment and change of on-site manager

Dear Mark,

Enclosed please find a check in the amount of $21,182.63, which represents the payment due under a Host Community Agreement ("HCA") negotiated between the Board of Selectmen and CommCan, Inc. Also enclosed please find sales records dating from July 24, 2019 through January 23, 2020. Said sales records are provided by CommCan's point of sale software company, Leaflogix. We have included a monthly breakdown of sales (6 in total), a summary report, and a calculation sheet.

Please also be advised that as per paragraph 5 of the HCA, the new on-site manager of Southborough shall be Michael Akers, effective March 2, 2020. This letter shall serve as notice that the Town of Southborough is authorized to perform a criminal history (CORI) check on Mr. Akers.

Please do not hesitate to contact us with any questions.

Sincerely,

Ellen Rosenfeld

Southboro Retail Sales 7/24/19 thru 1/23/2020

7/24/19-7/31/19	$	89,299.28
8/1/19-8/31/19	$	366,482.40
9/1/19-9/30/19	$	385,373.24
10/1/19-10/31/19	$	316,430.01
11/1/19-11/30/19	$	266,846.02
12/1/19-12/31/19	$	259,295.64
1/1/20-1/23/20	$	189,027.88
Total Gross Revenue	**$**	**1,872,754.47**
x 3% Gross Revenue	$	56,182.63
Less #3 per HCA paid on 7/23/19	$	(35,000.00)
Due Town of Southboro	**$**	**21,182.63**

TOWN OF SOUTHBOROUGH

OFFICE OF THE BOARD OF SELECTMEN
TOWN HOUSE · 17 COMMON STREET · SOUTHBOROUGH, MASSACHUSETTS 01772-1662
(508) 485-0710 · FAX (508) 480-0161 · selectmenoffice@southboroughma.com

June 15, 2017

Brendalee Hird
10B Fitzgerald Lane
Southborough, MA 01772

Dear Ms. Hird:

At their meeting of June 14, 2017, the Southborough Board of Selectmen voted to approve your request to refinance your home at 10B Fitzgerald Lane.

The vote of approval stipulated that the loan be at a fixed rate and the principal loan amount should not exceed $125,000.

You may now proceed with your loan, subject to obtaining the prior written approval of the Department of Housing and Community Development. By copy of this letter to that Agency, we are confirming that the Town of Southborough has approved your request.

Very truly yours,

Mark J. Purple
Town Administrator

Enclosure

cc: Bertha Borin, DHCD

TO: The Southborough Board of Selectman

FROM: The Southborough Public Safety Building Naming Committee

Date: January 7th, 2020

RE: Building Spaces names

To the honorable Board of Selectmen,

The following is a list of names that was compiled after careful consideration with input from the public and the people that submitted nominations. All activities of the committee were conducted within view of the public and anyone that wanted to speak was given an opportunity. The list is in order of our recommendations. Please let us know if we can be of further service in this matter.

Fire Training Tower

1. Chief Peter Phaneuf
2. Hubley Family
3. Chief Edward Brock.

Dispatch Center

1. Chief William Webber
2. Mattioli Family
3. Sgt. Ray O'Connell

Meeting/Training Room

1. Jason Malinowski and John Rooney
2. Daniel Kolenda
3. Edward Donahue

Sincerely,

Peter Goodney,

Chairman of the Southborough Public Safety Building Naming Committee

MEMORANDUM

Date: February 19, 2020

To: Southborough Board of Selectmen

From: John Parent, Director of Facilities

Re: Consent to Hiring of New Employee

Dear Chairman Shea:

After receiving several resumes and interviewing multiple candidates for the full-time position of Maintenance Technician within the Facilities Department, I strongly recommend that your Board consent to appoint Mr. Ronald Fraser for said position.

Throughout his career, Mr. Fraser has developed an impressive resume which highlights the broad range of construction and facilities maintenance skills he possesses. In addition to having owned a construction company, Mr. Fraser has worked on numerous building projects, held the position of Lead Carpenter at Beth Israel Deaconess Medical Center, and has been a member of the Marlborough Hospital Maintenance Department. Along with his impressive work experience, Mr. Fraser also possesses a Construction Supervisors License. Mr. Fraser has a very kind, respectful, and outgoing demeanor. I believe the combination of Mr. Fraser's skill set, demeanor, and desire to improve his surroundings would make him a valuable addition to the Facilities Department and the Town of Southborough.

Please contact me should you have any questions in regard to this matter.

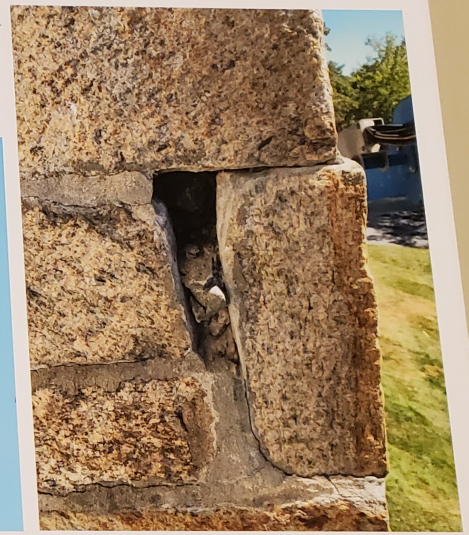
Thank you,

John A. Parent
TOWN OF SOUTHBOROUGH
Director of Facilities

Spencer, Sullivan & Vogt
ARCHITECTURE ▪ PRESERVATION

"Progress to date"

Our Heritage, Our Faith, Our Future



ST. MARK'S
EPISCOPAL CHURCH
Welcoming, Inspiring & Serving God's People

DRAFT

Town of Southborough
Personnel Board

Proposed Revisions for the FY21 Personnel Bylaw Entitled "The Salary Administration Plan"

Section-by-Section Detail

Spring Town Meeting 2020

DRAFT

Personnel Board

Jay Dietz
Doriann Jasinski
Dave Nixon
Betsy Rosenbloom, Chair
Barry Rubenstein

Section	Change & Comment
Title	Strike "revised at March 23, 2019 Annual Town Meeting" and insert the following language: **[revised at March 28, 2020 Annual Town Meeting]**
6	**Recommendation:** In Section 6(d), add the word "annual" before the word "salary" where it appears in this section, and add the word "The" at the beginning. The section now reads: d. **The annual s**alary set forth in Schedule A represents a 40 hour work week and in the event an employee works less than 40 hours per week but more than 20 hours per week, the indicated **annual** salary is pro-rated reflective of the posted salary schedule in Schedule A. **Comment:** This clarification was made necessary by the Board's proposal to include hourly as well as annual salaries in the Schedule A salary table.
7	**Recommendation:** delete Section 7(d)(3) relating to six month "probationary" reviews and pay increases. **Comment:** The Board undertook a review of the provisions of the SAP relating to probationary employees in concert with the Personnel Director and Special Town Labor Counsel Timothy Norris. The Board voted to abolish the practice of "probationary" salary reviews and increases at six months. Employees will be eligible for a review and a raise one year from their date of hire. Counsel advised that this was a policy, not a legal matter.
9	**Recommendation:** add additional language to Section 9(b) relating to the "probationary period." **Comment:** The Board undertook a review of the provisions of the SAP relating to probationary employees in concert with the Personnel Director and Special Town Labor Counsel Timothy Norris. The Board voted to maintain the "probationary employee" status and to strengthen the language in the SAP. The language added was provided by Special Town Labor Counsel Timothy Norris.
9	**Recommendation:** amend the section by adding a subparagraph 9(d) to include that the Personnel Board receive notice of SAP employee departures. **Comment:** The existing 9(c) states that "Department Heads shall notify the Personnel Board of the hiring of all personnel and their hiring rates." In practice, notice comes from the Assistant Town Administrator. This revision would add that Personnel Board receives notice of all departures as well.
11	**Recommendation**: amend Section 11(i) subparagraph (2) and delete subparagraphs (3) and (4). **Comment:** These provisions spell out in the detail the Tuition Reimbursement policy of the Town and the procedure for applying and receiving reimbursement. The benefit is not being changed. The Personnel Board and Personnel Director agreed that the detailed procedure for applying and seeking reimbursement is more appropriately stated in a policy than a Bylaw. The benefit remains but will be spelled out in a policy enacted under the Bylaw. The Personnel Board approved such a policy which will be implemented in FY21 if this change is approved.

DRAFT

Schedule A (Full-Time Positions)	
	Recommendation: Reclassify the position of Deputy Assessor from Grade 4 to Grade 5. **Comment:** At the request of the Principal Assessor and the Board of Assessors, the Personnel Board reviewed and determined that the position of Deputy Assessor should be reclassified from Schedule A, Grade 4 to Grade 5.
	Recommendation: Delete the existing salary table and insert a new salary table which reflects an increase of 2.1%. **Comment:** One of the Board's duties is to review the salary schedules and recommend action to the Town. The Board, in consultation with the Personnel Director and Finance Director voted to recommend to Town Meeting a 2.1% increase in the Schedule A salary ranges. This figure represents the three-year average of the CPI as calculated by the Finance Director.
	Recommendation: Revise the table to show hourly as well as annual salary rates for full-time employees. **Comment:** Historically, only annual rates for full-time salaries have been shown in the table. The Personnel Board voted to recommend to Town Meeting to include hourly rates as well.

DRAFT

Schedule C (Part-Time Positions)	
	Recommendation: Add a new position of Library Technician to Schedule C @ Grade 2. **Comment:** At the request of the Library Director and Library Board of Trustees and upon presentation and review of substantiating data, the Personnel Board determined that the position of Library Technician should be added to the Schedule C at Grade 2.
	Recommendation: Delete the existing salary table and insert a new salary table which reflects an increase of 2.1%. **Comment:** One of the Board's duties is to review the salary schedules and recommend action to the Town. The Board, in consultation with the Personnel Director and Finance Director voted to recommend to Town Meeting a 2.1% increase in the Schedule A salary ranges. This figure represents the three-year average of the CPI as calculated by the Finance Director.
	Recommendation: Revise the table to show annual as well as hourly salary rates for part-time employees. **Comment:** Historically, only hourly rates for part-time salaries have been shown in the table. The Personnel Board voted to recommend to Town Meeting to include annualized rates as well. The annual rates show what a part-time employee would be paid if they worked 40 hour week, not what part-time employees actually are paid.

DRAFT

PERSONNEL BYLAW
ENTITLED "THE SALARY ADMINISTRATION PLAN"
[revised at March 2~~3~~8, 20~~19~~20 Annual Town Meeting]

This bylaw establishes a Salary Administration Plan for the Town of Southborough that (i) groups position classifications in Town services, (ii) establishes salary schedules and employee benefits and (iii) establishes and authorizes the Personnel Board to administer the bylaw and to represent the interest of both the taxpayers and the Town employees.

This Salary Administration Plan applies to the positions of all officers and employees in the service of the Town, whether full-time, part-time, temporary, seasonal, special or any other, except those positions filled by popular election, under the direction and control of the School Committee, performed pursuant to a contract approved by the Town or encompassed in any officially recognized labor union and/or association. The positions covered by this Salary Administration Plan are hereby classified by titles in the groups listed in Schedule A through G ("Classification Schedule") as set forth in Section 20 of this bylaw.

The classification of positions subject to the Massachusetts Welfare Compensation Plan (as amended) and the scheduled rates therefor, as well as the applicable provisions of the Massachusetts General Laws relating to the application of rates set forth in the aforementioned Welfare Compensation Plan are hereby incorporated by reference.

SECTION 1. DEFINITIONS

As used in this bylaw, the following words and phrases shall have the following meanings:

"Administrative Authority" means the elected or appointed official or board having jurisdiction over a function or activity.

"Anniversary Date" means the date 180 days after (i) the first day of employment or (ii) the date of any promotion, whichever is later.

"Base Pay" means the compensation paid by the Town of Southborough for the purposes of determining retirement credits and contributions for Town employees.

The Town shall contribute funds as required for each eligible employees in accordance with the procedures and formula established by the Worcester Regional Retirement System and the bylaws of the Town of Southborough. Contributions shall include (i) wages earned during the first eight hours worked in any one day (no contributions shall be made for hours worked in excess of 40 per week,**)** (ii) any lump sum bonus that is guaranteed by the Salary Administration Plan or the Bylaws of the Town, (e.g., longevity pay); (iii) vacation pay, except when paid in lieu of taking vacation; (iv) sick pay; and (v) holiday pay.

"Class" means a group of positions in the Town service sufficiently similar with respect to duties and responsibilities such that for each position the same (i) descriptive title may be used, (ii) qualifications shall be required, (iii) tests of fitness may be used to choose qualified employees and (iv) scale of compensation can be equitably applied.

"Classification Schedule" means any of Schedules A, B, C, D, E, F and G of Section 20 hereof.

"Compensation Grade" means a range of salary/wage rates as may appear in the Classification Schedules.

"Continuous Full-Time Service" means employment requiring a predetermined minimum work period that is uninterrupted except for authorized leaves (e.g., vacation, sick, etc.).

"Continuous Employment" means full-time or part-time employment that is uninterrupted except for authorized leaves (e.g., vacation, sick, etc.).

"Department" means a functional unit of Town government.

"Department Head" means the person appointed and responsible to carry out the duties of a Department.

"Full-Time Employment" means employment for not less than 20 hours per week for fifty-two weeks per annum, excepting authorized holidays and leave periods.

"Group" means a group of classes as may appear in the Classification Schedules.

"Maximum Rate" means the highest compensation rate to which an Employee is entitled.

"Minimum Rate" means the lowest rate in a Range, and is normally the hiring rate of a new employee.

"On-Call Compensation" refers to additional money paid to an employee who is required to work when the need requires; oftentimes in an evening or weekend capacity.

"Part-Time Employment" means employment less than 20 hours per week.

"Position" means an office or post of employment in the Town service with duties and responsibilities calling for the Full-Time or Part-Time Employment of one person in the performance and exercise thereof (or of more than one person sharing the same position).

"Position Class" means the same as "Class" (note that a class may include only one position, in which event it is defined as a "single position class").

"Probationary Employee" means a first-time Town employee within his/her first six months of employment.

"Promotion" means a change from one position to another position in a higher class and/or compensation grade.

"Range" means the difference between minimum and maximum rates of an assigned grade.

"Rate" means the measure of compensation for personal services on an hourly, weekly, monthly, annual or other basis.

"Salary Administration Plan" means the Personnel Bylaw Entitled "The Salary Administration Plan."

"Single Rate" means a rate for a specific position class that is not in a designated range.

SECTION 2. POSITION TITLES

No person shall be appointed, employed or paid in any position under any title other than those of the Classification Schedule for which the duties are actually performed. The position title in the Classification Schedule shall be the official title for all purposes, including payrolls, budgeting and official reports.

SECTION 3. NEW OR CHANGED POSITIONS

No new position shall be established, nor the duties of an existing position so changed that a new level or work demand exists, unless upon presentation of substantiating data satisfactory to the Personnel Board, the Board shall rate such new or changed position, and allocate it to its appropriate classification grade and establish the rate therefor.

SECTION 4. RECLASSIFICATION OF EMPLOYEES

No position may be reclassified to another grade, whether higher or lower, unless the Personnel Board shall have determined such reclassification is consistent with this Salary Administration Plan.

SECTION 5. JOB DESCRIPTIONS

The Personnel Board shall maintain written job descriptions of the position classes in the Classification Schedule, each consisting of a statement describing the essential nature of the work required of such classes. Each Department Head shall be required to retain current job descriptions and to submit any revisions to the Personnel Board (following any review by the Board of Selectmen or their designated appointee or the appropriate Commissioners or Trustees). The description for any class shall not be deemed to limit the duties or responsibilities of any position, nor to affect in any way the power of any administrative authority to appoint, to assign duties to, or to direct and control the work of any employee under the jurisdiction of such authority.

SECTION 6. COMPENSATION

a. The bi-weekly pay period shall begin at 12:00 a.m. Thursday and shall end at 11:59 p.m. on the following second Wednesday.

b. Non-exempt employees subject to this Salary Administration Plan shall be paid for one and one-half hours worked for any hour worked in the excess of forty in their weekly pay period, provided such extra hours were authorized by the Department Head.

c. The salary schedules set forth in Schedules A, B, C, D, E, F and G of Section 20 hereof reflect the maximum and minimum salaries for each grade.

d. The annual ~~S~~salary set forth in Schedule A represents a 40 hour work week and in the event an employee works less than 40 hours per week but more than 20 hours per week, the indicated annual salary is pro-rated reflective of the posted salary schedule in Schedule A.

e. Amounts paid to employees in reimbursement for expenses incurred in the performance of their duties (e.g., mileage, meals, dues, etc.) shall be paid in addition to their compensation. Reimbursement shall be based upon the actual documented expenditure made by the employee, or at rates established by the Internal Revenue Service, supported by that agency's requirements for documentation.

f. On-Call Compensation: Employees shall be eligible to earn a weekly stipend not to exceed $200.00 per week for on-call service if the department head has required them to work outside of their normal schedule. This need is likely to occur on an evening or weekend basis as the need requires. There is no provision to accrue compensation time in lieu of payment.

SECTION 7. SALARY ADJUSTMENT & COMPENSATION POLICIES

a. Every employee that is in Continuous Full-Time or Part-Time service of the Town, as computed from the date of their latest employment, shall be eligible annually for consideration of a salary increase, one year from the date of his/her latest increase. Except as may be authorized by the Personnel Board in exceptional circumstances, such increase is not to exceed one increase in any single twelve-month period until the maximum of the grade is obtained, and such increase shall be subject to the recommendation of the Department Head, with the approval of the Board of Selectmen or their designated appointee in the case of departments within the jurisdiction of the Board of Selectmen, or the appropriate Commissioners or Trustees in the case of departments outside the jurisdiction of the Board of Selectmen.

Retroactive salary increases voted by the Personnel Board shall not be compensated beyond July 1 of that fiscal year, regardless of the funding mechanism.

An evaluation of the employee's performance, in a format approved by the Personnel Board, must accompany a request for an increase in the case of all employees in Full-Time Graded Positions under Schedule A. Evaluations of employees in Part-Time Hourly Graded Positions under Schedule C and Seasonal Personnel under Schedule F may require performance evaluations under Personnel Policy enacted hereunder. Upon receiving such documentation, the Personnel Board shall have final review and approval of all adjustments.

An employee may appear before the Personnel Board prior to its action on any request for an increase. Any employee denied such an increase may appeal, in writing, to the Personnel Board, which shall confer with the employee, the Department Head and the Board of Selectmen or their designated appointee, or the appropriate Commissioners or Trustees, and shall decide the matter.

b. Regular Part-Time employees shall be eligible for consideration for salary increases within their grade one year from the date of their last increase, absent exceptional circumstances as may be authorized by the Personnel Board.

c. Special and other Part-Time personnel for whose positions there is a single rate established in Schedule D shall not be eligible for adjustment.

d. Probationary Employees:

1**.** During the probationary period, benefit eligible employee(s) will earn vacation, sick and personal time in accordance with Section 11(b-d**)** hereof.

2**.** During the probationary period, paid leave accruals shall be based on the original hire date.

~~3.~~ ~~At the end of the 6-month probationary period, an employee may receive an increase [based on any annual adjustment voted by the Personnel Board] provided that: the Department Head recommends it, presents a completed performance evaluation, and the Personnel Board approves it by a majority vote.~~

~~Any such increase shall apply only at the start of employment with the Town and shall not apply in case of transfer or promotion from one job to another. The effective date of the new position shall then become the employee's new anniversary date for salary increases~~.

SECTION 8. TRANSFERS AND PROMOTIONS

a. An employee who is promoted to a job with a higher range or rate of pay shall enter it at the rate recommended by the Department Head with the approval of the Personnel Board. The employee may also receive at the time an increase, provided the maximum for the job is not exceeded, if the Department Head recommends that qualifications and performance warrant it and the Personnel Board approves. If the Department Head recommends that there should be a probationary period before the promotional increase [not to exceed the percentage increase voted for that fiscal year], then the Personnel Board may approve such a deferred promotional increase at the conclusion of the probationary period (which shall not exceed six months).

b. An employee transferred to a job with a lower range or rate of pay shall enter it at the rate paid for the previous position or at the maximum rate for the job, whichever is the lower, provided the Personnel Board approves. The employee shall have a right to appeal this decision, in writing, to the Personnel Board, which shall confer with the employee, the Department Head and the Board of Selectmen or their designated appointee, or the appropriate Commissioners or Trustees, and shall decide the matter.

SECTION 9. NEW PERSONNEL HIRING; DEPARTURES

a. Pre-employment physical examinations will be required of newly-hired employees consistent with the Town's policies.

b. Probationary period: For new hires, the first six months of employment shall be a probationary period. The probationary period does not apply to Town employees who change positions within the Town. The probationary period is a time during which an employee will be evaluated to ensure that the employee has the requisite knowledge, skills, and abilities to perform the position (with or without reasonable accommodations). Completing the probationary period does not change the employee's relationship with the Town, which will remain one in which either the employee or the Town may terminate the relationship at will.

c. A new employee's hiring rate shall be the minimum of the rate range of the job, unless otherwise authorized by the Personnel Board or Personnel Director. The Personnel Board is cognizant of the need to make timely decisions during the recruitment process, therefore, the Personnel Director is empowered to set starting salaries for new employees with comparable experience at a rate not exceeding the mid-point of the pay scale set forth in Schedules A and C of the Salary Administration Plan. ~~Department Heads shall notify the Personnel Board of the hiring of all personnel and their hiring rates.~~

~~c.~~d. The Personnel Director or his/her delegatee shall notify the Personnel Board in writing of the hiring of all personnel and their hiring rates. The Personnel Director or his/her delegatee shall also notify the Personnel Board in writing of the departure of any employee.

SECTION 10. DEPARTMENT BUDGETS

Each Department Head shall include in the annual departmental budget a pay adjustment section to provide funds for anticipated pay adjustments, with expenditures to be made only in accordance with this Salary Administration Plan and with the approval of the Personnel Board. Degree bonus [Sec 11i(1)] funds shall also be budgeted in the departmental budget.

SECTION 11. EMPLOYEE BENEFITS

Employee benefits are a cost to the Town and a form of "indirect pay" to employees. The benefits listed below are not intended to supersede what State or Federal law may otherwise require.

All forms of paid leave set forth in the SAP may represent a 40 hour work week; in the event an employee works less than 40 hours per week but more than 20 hours per week, the indicated benefit shall be pro-rated reflective of the approved hours per week for that position.

a. Holidays with Pay

Each eligible Employee shall receive one day's pay at their regular rate for the following:

New Year's Day	Labor Day
Martin Luther King Day	Columbus Day
Presidents' Day	Veteran's Day
Patriot's Day	Thanksgiving Day
Memorial Day	Day after Thanksgiving Day
Independence Day	Christmas Day
	Day before or after Christmas Day (as set by the Town annually)

To be eligible for holiday pay, an Employee must work (or be duly excused from working) their regular scheduled days preceding and following the holiday. Employees who do not work 20 hours or more per week on a regular basis shall not be compensated for holidays.

Employees whose regular day off falls on a holiday may have one day off with pay within the ensuing thirty days in lieu of holiday pay, with the specific choice of day subject to Department Head approval**.** Furthermore, the day granted in lieu of holiday pay shall not cross fiscal years.

All administrative policies and practices relative to holidays with pay shall be prepared and established under the direction of the Personnel Board.

b. Vacations with Pay

(1) Regular Full-Time Employees who have been in the continuous employ of the Town shall earn paid vacation in accordance with the following schedule:

Years of Employment	Hours Earned per month
0-5	6.666
6-10	10.0
11-15	13.333
16 or more	16.666

Employees hired prior to July 1, 2005, shall be eligible to earn twenty hours per month after serving twenty years of full time employment with the Town.

(2) At the recommendation of the hiring authority and upon the approval of the Personnel Board, new employees entering into a position with the Town of Southborough from a similar position in another municipality or similar government agency will be allowed to enter into the vacation schedule using their years of service from their prior employment, up to a maximum of three weeks' vacation [pro-rated] for the first year of employment with the Town. Employees commencing employment with three weeks per year will be required to complete five years of service before ascending to the next band in the vacation schedule chart.

(3) Vacation shall be granted by Department Heads at their discretion subject to the regular work needs of the Department. An employee shall be permitted to carry over to the following year one year's worth of earned vacation. The employee must have the Department Head's approval to take any portion of a prior year's unused vacation in addition to the days earned in the current fiscal year.

(4) If in the opinion of the Department Head there are unusual work-related circumstances that warrant it, a department head may seek approval from the Town Administrator or his/her delegatee to allow the employee to continue to work and receive vacation pay in lieu of taking vacation. Approval granted in this section may not exceed ten days per fiscal year.

(5) In the event of termination of employment other than for cause, the employee shall be paid, or be entitled to time off with pay, for any accumulated vacation time. Personal and sick leave shall not be compensated at termination.

(6) Vacation administrative policies and practices shall be prepared and established under the direction of the Personnel Board.

c. Sick Leave

(1) All regular Full-Time Employees shall be entitled to accrue 10 sick hours per month, equaling 120 hours annually (15 sick days); employees working less than 40 hours in a weekly pay period will accrue ratably based on hours worked per week. Pay for each day of sick leave shall be at the regular rate. Absences on account of sickness in excess of that authorized shall be charged to vacation or other available paid leave. Sick leave shall be payable only in cases of genuine illness, non-work connected accident, or work connected accidents not covered by Massachusetts General Laws Chapter 152 (Workers' Compensation).

(2) Unused sick leave may be accumulated without limitation for employees hired before July 1, 2007. Employees of the Town of Southborough hired on or after July 1, 2007 may only accrue 120 sick days at any one time. At retirement [or death] only, the Town will pay the employee twenty percent (20%) of the employee's then-accumulated sick leave.

(3) Employees who because of genuine illness or a non-work connected accident are absent for a period of more than three days shall be required to present a doctor's certificate to their Department Head before returning to work stating the reason, the period of time the employee was absent and whether there are any physical restrictions or required outpatient services the employee must adhere to in the workplace.

(4) Annually, an employee may use up to seven of the allowed fifteen days of sick leave for the care of a sick family member.

(5) Sick leave administrative policies and practices shall be prepared and established under the direction of the Personnel Board.

d. Personal Days

Each employee shall be entitled to three personal days per year, to be granted annually on the anniversary of the employee's date of hire. New employees shall be granted three personal days which shall be pro-rated based on hours worked per pay period. Requests for personal days shall be approved by the Department Head. Personal days shall not accumulate from year to year.

e. Military Leave

(1) Reserve Duty: An employee in full-time employment in the military reserve shall be paid the difference between compensation received while on reserve duty and regular compensation rates paid the employee by the Town. Such payment by the Town shall be limited to a period not to exceed two weeks in any twelve-month period.

(2) Active Duty: Pursuant to Article 8 of the April 11, 2005 Annual Town Meeting, an employee in the federal military reserve or a state National Guard who is called to active service shall be entitled to their regular base salary and shall not lose any seniority or paid leave benefits while on military leave; *provided*, however, that such base pay shall be reduced by any amount received from the United States as pay or allowance for military service performed.

f. Jury Duty

Any employee who is called to jury duty shall be paid the difference between their normal compensation and the amount (excluding any travel allowance) received from the court, upon presentation of evidence of the amount paid by the court.

g. Miscellaneous Paid Time Off

Working time lost from regularly scheduled work days for reasons listed below shall be without loss of pay, provided such lost time is authorized by the Department Head:

(1) Bereavement leave – In the event of the death of a spouse, father, mother, child, father-in-law, mother-in-law, brother, sister, grandparent, or of any other person then residing with the employee, such employee shall be entitled to receive three days' leave for the purpose of the funeral and services of the deceased. If out-of-state travel is required, the Town Administrator or his/her delegatee may authorize up to two additional days of travel time.

(2) Medical examination or inoculation required by the Town.

(3) Blood donation authorized by the Department Head.

(4) Attendance at professional and educational programs authorized by the Department Head.

h. Court Time Pay

If the Town requires that an employee appear in Court as a witness or in any other capacity arising from the performance of the employee's duty, or on behalf of the Commonwealth or the Town in any civil or criminal case pending in any Court or other official governmental board or agency, then for any such appearance that is made outside of the employee's normal working hours the employee shall be entitled to overtime compensation for every hour or fraction thereof during which they appear (but in no event less than three hours of such overtime pay).

i. Employee Educational Support/Professional Development

(1) Degree Bonus: All Part-Time and Full-Time employees who, while an employee of the Town, earns a degree in a field applicable to their position from an accredited college or university, shall receive a one-time bonus subject to appropriation, according to the following schedule:

Associates Degree....$ 800.00
Bachelors Degree...$1,200.00
Masters Degree.....$1,500.00

A copy of the completed transcript, diploma or other appropriate evidence of the completed degree must be presented to the Department Head and the Personnel Board, and shall be submitted as documentation for accounts payable.

(2) Tuition reimbursement: th e Town may offer tuition reimbursement to eligible Full-Time and Part-Time employees as prescribed by Personnel Board policy enacted under this Bylaw. ~~As administered through the Personnel Board and subject to the procedure below, the Town may provide tuition reimbursement to any Part-Time or Full-Time employee for a course that applies to the employee's specific position and for which the employee submits written verification of a grade of "B" or better.~~

~~(3) Approval Procedure: Town funds must first be appropriated by Town Meeting in the Personnel Board's fiscal year budget. If funds are appropriated, then no later than August 31st of each year interested employees shall advise the Personnel Board in writing of their interest in taking work related courses during the fiscal year. The request should be routed through the employee's Department Head to the Assistant Town Administrator, and should include detailed information regarding the desired coursework and cost of tuition. Thereafter the Personnel Board will review all such requests and make recommendations for reimbursement based on available funds and the number of requests. The Board will then notify the employee and their department~~ head of the decision.

~~(4) Reimbursement: Tuition reimbursed shall be paid only after the employee presents to the Department Head written verification of (a) course completion (with a grade of at least B) and (b) full payment by the employee. If an employee resigns employment within twelve months of such reimbursement, the employee shall be responsible to repay the amount paid to them by the Town.~~

j. Group Medical Insurance

Starting July 1, 2009, the Town will contribute fifty percent (50%) of the cost of a medical indemnity plan or seventy-five percent [75%] of the cost of a Health Maintenance Organization plan.

SECTION 12. UNPAID LEAVES OF ABSENCE

a. A leave of absence without compensation may be granted by the Personnel Board.

b. Leaves of absence of over three months' duration (except Military Leave) shall be deemed a break in employment, and on return to work the employee shall have the status of a new employee unless an extension of leave beyond three months was authorized by the Personnel Board.

SECTION 13. TRANSITIONS BETWEEN FULL-TIME AND PART-TIME STATUS

a. A Part-Time employee shall be eligible for Full-Time status when the employee has worked 20 hours or more per week for a period of at least three consecutive months, subject to approval by the Department Head.

b. A Full-Time employee whose hours of employment total less than 20 hours per week for a period of more than three consecutive months shall thereafter be deemed a Part-Time employee.

SECTION 14. APPOINTMENT OF "ACTING" DEPARTMENT HEADS

a. In the absence or retirement of a Department Head for three consecutive weeks, the Board of Selectmen or appropriate board or commission may appoint an "Acting" Department Head to serve for a period of not more than three months. Such three-month period may be extended for up to three additional three-month periods, upon the approval of the Board of Selectmen or other appropriate board or commission for each such extension. In no case shall an appointment of an "Acting" Department Head exceed one year.

b. Duly appointed "Acting" employees shall be compensated at an additional 10% per week, payable retroactively only upon the conclusion of three consecutive weeks of service by the "Acting" employee. Such employees shall still be eligible for overtime pay when fulfilling regular duties from the previous job beyond normal working hours.

SECTION 15. PERSONNEL BOARD

a. There shall be a Personnel Board to administer the Salary Administration Plan. Said Board is to be appointed by the Town Moderator. The Board shall consist of five voters other than employees of the Town or those regularly serving the Town in any elective capacity. They shall serve without compensation. For purposes of this section, Election Workers and Wardens shall not be considered "employees of the Town."

b. Other than as may be needed to fill unexpected vacancies, appointments shall be for three years. The Moderator shall fill any vacancies. The Personnel Board may employ assistance and incur expenses as it deems necessary, subject to appropriation of funds therefor.

SECTION 16. DUTIES OF THE PERSONNEL BOARD

a. The Personnel Board shall administer the Salary Administration Plan and shall establish such policies, procedures and regulations as it deems necessary for the administration of the Plan.

b. The Town Administrator serves as the Town's Personnel Director under the Town Administrator Bylaw [Ch. 27, Art. IX]. As such, the Personnel Director is invested with personnel authority and responsibilities as set forth therein. From time to time, and as may be necessary, the Personnel Board will consult and/or act in concert with the Personnel Director or his/her delegatee on matters of joint responsibility and concern.

c. The Board shall meet annually in July and organize by the choice of a Chair and Clerk. The Board shall meet at least monthly, except when there is no business before the Board. A majority of the Board shall constitute a quorum for the transaction of business. The votes of the majority of all the members of the Board shall be necessary on any matter upon which it is authorized to or required to pass under the Salary Administration Plan.

d. The Personnel Board shall maintain records of all employees subject to this Plan as it deems desirable, including personnel evaluations. Such records are to be kept by the Personnel Director or his/her delegatee, under the direction of the Personnel Board. Department Heads shall furnish such information as requested by the Board.

e. The Personnel Board shall from time to time, but no less often than every federal Election Year, review the Classification Schedule, Salary Schedules, and administration policies of the Salary Administration Plan. It shall keep informed as to pay rates and policies outside the Town, and shall recommend to the Town any action that

the Board deems desirable in that regard. The Personnel Board may tentatively add a new class to the Classification Schedule or reallocate an existing class to a different compensation grade, either higher or lower, subject to the subsequent ratification of its action by formal amendment of the Salary Administration Plan at the next Annual Town Meeting.

f. Not later than six (6) months prior to Annual Town Meeting, the Personnel Board may vote an annual adjustment (but shall reserve the right to vote no adjustment) to the Classification Schedule and establish the effective rate for employees of each grade for the next fiscal year, subject to the subsequent ratification of its action by formal amendment of the Salary Administration Plan at the next Annual Town Meeting. The Personnel Board shall base any annual adjustments upon available relevant information. Approval of the rate for any given employee is not guaranteed and is driven by the annual performance evaluation.

g. Matters of concern by SAP employees that are communicated in writing to the Chair of the Personnel Board will be scheduled on an agenda at the next available meeting providing all necessary and requested information has been submitted in time to be part of the meeting packet. In addition, notice in writing shall be forwarded to the concerned employee and respective Department Head within seven days of the Board's decision. Notwithstanding the foregoing, if the Personnel Board shall so request and the concerned employee and Department Head shall agree, a reasonable extension of these time periods may be granted.

h. Upon recommendation of a Department Head, supported by evidence in writing of special reasons and exceptional circumstances satisfactory to the Personnel Board, the Board may authorize variances in the Salary Administration Plan as it may deem necessary for the proper functioning of the services of the Town, and to effectuate the basic intent of the Plan.

SECTION 17. EMPLOYEES AND THE PERSONNEL BOARD

a. All employees covered by this Salary Administration Plan shall have the right to request an appointment to confer with the Personnel Board on any matter of interest or concern to them that is covered by the Salary Administration Plan. The employee shall notify the Department Head in writing in advance of the desire to discuss the matter with the Board. One of the duties of the Board shall be to foster mutual understanding and good will with the personnel of the Town.

b. To facilitate this, if any employee should feel aggrieved by the operation of any provision of the Plan, the employee shall first discuss the matter with the Department Head, in a mutual effort to clear up any problems or misunderstanding.

c. If two weeks after such a conference a satisfactory understanding and solution of the problem has not been reached, then either the Department Head or the employee may take the matter to the Personnel Board, and the Board shall hear the parties not later than at its next regular meeting. There shall be no discrimination or prejudice by a Department Head against any employee who may take a matter to the Board.

SECTION 18. AMENDMENT OF THE PLAN

The Salary Administration Plan may be amended in the same manner that Town Bylaws may be amended. However, no amendment to the Plan shall be made until it has been presented by a signed petition to, and acted upon by, the Personnel Board. Upon receipt of such a written petition, the Board, after giving the petitioner(s), the Department Head(s) and the affected employee(s) at least two weeks' written notice, shall hold a hearing to consider the proposed amendment. If the Personnel Board approves of any proposed amendment, it shall bring it before the next available Special or Annual Town Meeting for its consideration. If the Personnel Board disapproves any proposed amendment or shall fail to act thereof within fifteen days after the hearing (which failure shall be deemed disapproval), the petitioner(s) may the present the petition to the next available Town Meeting for its consideration. The Board of its own motion, after a similar hearing and/or conference with parties interested, may propose an amendment to the Plan.

SECTION 19. SEVERABILITY PROVISION

In the event that any provision of this bylaw, or application thereof, shall be held to be invalid by the proper authorities, this shall not be construed to affect the validity of any other provision, or application thereof, of this bylaw.

SECTION 20: CLASSIFICATION SCHEDULE
SCHEDULE A: FULL-TIME SALARY GRADED POSITIONS

POSITION TITLE	PAY GRADE
DEPARTMENT HEADS & MANAGEMENT STAFF	
Superintendent of Public Works*	9
Finance Director/Treasurer-Collector*	
Assistant Town Administrator	8
Director of Facilities	
Library Director	
Building Commissioner	
IT Manager	
Police Lieutenant	
Town Accountant*	
Director, Council on Aging	
Principal Assessor*	
Conservation Agent	7
Director, Youth & Family Services	
Director of Recreation	
Town Planner	
SUPERVISORS & TECHNICAL STAFF	
Assistant Town Clerk	6
Assistant Director, Youth & Family Services	
Outreach Coordinator	
Assistant Library Director	
Police Business Administrator	
Program Manager, COA	
Business Administrator II	5
Children's Librarian	
Staff Engineer	
Executive Assistant to the Board of Selectmen	
Program Coordinator	
Deputy Assessor	
Business Administrator I	4
~~Deputy Assessor~~	
Maintenance Technician	
Assistant Treasurer/Collector	
Assistant Town Accountant	

ADMINISTRATIVE & SUPPORT STAFF	
Administrative Assistant	3
Administrative Assistant II	
Senior Library Assistant	
Library Assistant	2
Maintenance Mechanic	
Maintenance Custodian	1

*when not under contract

~~Annual~~ Rates for Full-Time Positions

~~Grade~~	~~Minimum~~	~~Midpoint~~	~~Maximum~~
~~1~~	~~$37,712~~	~~$43,396~~	~~$49,080~~
~~2~~	~~$40,541~~	~~$46,622~~	~~$52,703~~
~~3~~	~~$43,581~~	~~$50,119~~	~~$56,656~~
~~4~~	~~$48,487~~	~~$56,973~~	~~$65,458~~
~~5~~	~~$52,124~~	~~$61,245~~	~~$70,366~~
~~6~~	~~$56,033~~	~~$65,839~~	~~$75,644~~
~~7~~	~~$67,343~~	~~$80,812~~	~~$94,280~~
~~8~~	~~$79,128~~	~~$94,954~~	~~$110,780~~
~~9~~	~~$92,975~~	~~$111,571~~	~~$130,166~~

Grade	Minimum		Midpoint		Maximum	
	Annual	Hourly	Annual	Hourly	Annual	Hourly
1	$38,504	$18.51	$44,307	$21.30	$50,111	$24.09
2	$41,392	$19.90	$47,601	$22.89	$53,810	$25.87
3	$44,496	$21.39	$51,171	$24.60	$57,846	$27.81
4	$49,505	$23.80	$58,169	$27.97	$66,833	$32.13
5	$53,219	$25.59	$62,531	$30.06	$71,844	$34.54
6	$57,210	$27.50	$67,221	$32.32	$77,233	$37.13
7	$68,757	$33.06	$82,509	$39.67	$96,260	$46.28
8	$80,790	$38.84	$96,948	$46.61	$113,106	$54.38
9	$94,927	$45.64	$113,913	$54.77	$132,899	$63.89

SCHEDULE B: [RESERVED FOR FUTURE USE]

SCHEDULE C: PART-TIME HOURLY GRADED POSITIONS

Election Worker 1
Library Page 1

Election Warden 2
Seasonal Laborer 2
Custodian 2
Library Technician 2

Library Associate 3
Administrative Assistant 3
Police Dispatcher 3

Technical Specialist 4
Business Assistant 4
Economic Development Coordinator 4

Electrician 5
Nurse 5
Public Health Director 5

~~Hourly~~ Rates for Part-Time Positions

~~Grade~~	~~Minimum~~	~~Maximum~~
~~1~~	~~$11.00~~	~~$14.00~~
~~2~~	~~$12.00~~	~~$17.00~~
~~3~~	~~$18.00~~	~~$25.00~~
~~4~~	~~$22.00~~	~~$31.00~~
~~5~~	~~$28.00~~	~~$42.00~~

Grade	Minimum		Maximum	
	Hourly	Annual*	Hourly	Annual*
1	$11.23	$23,360	$14.29	$29,732
2	$12.25	$25,484	$17.36	$36,103
3	$18.38	$38,226	$25.53	$53,092
4	$22.46	$46,721	$31.65	$65,834
5	$28.59	$59,463	$42.88	$89,195

**This represents the annualized rate if a Part-Time employee worked a 40 hour week; however, under this Bylaw, Part-Time employees work 20 hours or less per week.*

Municipalities are subject to the federal minimum wage law, not the state law.

SCHEDULE D: FIRE DEPT POSITIONS (not covered by Collective Bargaining Agreement)

Grade	Proposed Pay Structure	Drills	Boxes	Signal 55
1	Firefighter (Entry Level)	0.00	0.00	0.00
2	Firefighter I Certified	18.00	16.00	16.00
3	Firefighter I/II Certified Firefighter I Certified/Operator	19.00	17.00	17.00
4		20.00	18.00	18.00
5	Firefighter I/II Certified/Operator	21.00	19.00	19.00
6	EMT (Entry Level)	0.00	0.00	0.00
7	EMT	18.00	16.00	16.00
8	EMT-I	20.00	18.00	18.00
9	Firefighter I Certified/EMT	20.00	18.00	18.00
10	Firefighter I/II Certified/EMT	21.00	19.00	19.00
11	Firefighter I Certified/Operator/EMT	22.00	20.00	20.00
12	Firefighter I/II Certified/Operator/EMT	23.00	21.00	21.00
13	Lieutenant	24.00	22.00	22.00
14	Lieutenant/EMT	26.00	24.00	24.00

Details. On any occasion that the Fire Chief determines that public safety is at risk (fire watches, pyrotechnic displays, pyrotechnic blasting for construction, etc.) and calls for a detail consisting of a Firefighter or Firefighters [not covered by any other collective bargaining agreement] to stand-by during any of these situations to monitor for fire, explosion, or any other possible hazard, the person or persons assigned to the detail will be compensated in the following manner:

$50.00 per hour
$56.00 per hour/ for week-end or holiday

SCHEDULE E: MISCELLANEOUS ANNUAL COMPENSATION SCHEDULE

Cemetery Agent $8,000
Clerk, Board of Registrars $1,638.33
Emergency Management Coordinator $2,000
Energy Management Stipend $6,000
Registrar of Voters $205.66
Town Counsel (not including fees) $1,704.33
Tree Warden $4,000
Veterans' Agent and Director of Veterans' Services $15,000

SCHEDULE F: FEE BASED COMPENSATION (Recreation Seasonal Personnel)

Assistant Instructor 3
Camp Counselor 1 1
Camp Counselor 2 2
Lifeguard 5
Coordinator 6
Instructor I. 6
Monitors 6
Program Driver 6
Assistant Supervisor 9
Supervisor 11
Instructor II 12
Master Instructor 13
Seasonal Nurse 13

Hourly Rates for Recreation Seasonal Personnel

Grade	Minimum	Midpoint	Maximum
1	Min wage*	Midpoint	$10.00
2	$8.34	$10.35	$12.35
3	$8.84	$10.91	$12.98
4	$9.26	$11.52	$13.78
5	$9.71	$12.10	$14.49
6	$10.25	$12.74	$15.22
7	$10.73	$13.34	$15.95
8	$11.26	$14.02	$16.77
9	$11.82	$14.72	$17.62
10	$12.54	$15.60	$18.66
11	$13.87	$19.44	$25.00
12	$21.00	$27.50	$34.00
13	$29.00	$35.00	$41.00

**Municipalities are subject to the federal minimum wage law, not the state law.*

SCHEDULE G: SPECIAL ADMINISTRATIVE AND SUPERVISORY POSITIONS

Police Lieutenant:

In addition to all the benefits provided employees under the SAP, he/she would be eligible for some additional benefits as provided members of Mass COP Local 167, the police union collective bargaining agreement.

As a result, a separate policy is adopted by the Southborough Board of Selectmen and enforced by the Southborough Police Department subject to change in conjunction with future collective bargaining agreements.

*Increases in salary for long term employees will be considered case by case by Personnel Board.

SCHEDULE H: LONGEVITY SCHEDULE: Full-Time Employees of Town of Southborough – Compensated annually at Anniversary Date

After 5 years	$400
After 10 years	$600
After 15 years	$700
After 20 years	$850
After 25 years	$1,000
After 30 years	$1,200
After 40 years	$1,500

11/1/19 12:00 AM	TOWN OF SOUTHBOROUGH BUDGET REQUEST FY 21 (Water)						
	LEVEL SERVICE WATER BUDGET						
BUDGET NUMBER AND NAME	**FY 2016**	**FY 2017**	**FY 2018**	**FY 2019**	**FY 2020**	**FY 2021**	**PERCENT**
400 - 450 WATER - PUBLIC WORKS	**ACTUAL**	**ACTUAL**	**ACTUAL**	**ACTUAL**	**BUDGET**	**REQUEST**	**(+) or (-)**
51000-51990 Personal Services							
51100 Salaries & Wages Permanent	264,399	284,723	294,407	279,180	293,210	298,611	2%
51300 Overtime	20,380	20,916	11,751	31,472	23,037	23,874	4%
51450 Longevity	2,900	3,050	3,250	3,650	2,150	2,250	5%
51470 Stand By	23,850	23,250	22,950	23,400	23,920	29,120	22%
51950 Stipends	2,090	4,095	1,690	1,820	1,550	1,550	0%
51000-51990 Total Personal Services	313,619	336,035	334,048	339,522	343,867	**355,405**	**3.36%**
52000-58990 Other Charges & Expenses							
52100 Electricity	88,289	85,971	86,931	87,484	88,000	88,000	0%
52110 Heat	10,880	3,619	4,581	4,436	6,000	6,000	0%
52400 Building Maintenance	1,833	7,608	2,921	10,766	2,000	5,500	175%
52420 Equipment Repair Vehicle	405	246	0	0	1,000	1,000	0%
52440 Meter Repairs	0	0	0	168	100	100	0%
52480 Pumping Station Repairs	3,020	3,392	3,770	6,163	4,000	4,000	0%
52500 Equipment Repairs Construction	0	189	3,956	900	500	500	0%
52540 Software & Licenses	4,020	260	5,475	4,512	4,150	4,500	8%
52810 Uniform Rental	3,029	2,576	2,148	473	3,000	0	-100%
52840 Equipment Rental	540	881	110	110	1,500	1,500	0%
53050 Engineering Services	31,224	70,987	33,637	53,340	60,000	55,000	-8%
53070 Employee Training	844	1,650	619	2,058	1,400	2,000	43%
53100 Legal Notices	421	34	74	2,060	500	500	0%
53400 Telephone	552	261	85	130	750	500	-33%
53410 Data Processing Lines	2,971	2,552	2,056	2,492	3,000	3,000	0%
53420 Postage	7,408	5,046	4,978	2,950	5,500	5,500	0%
53430 Wireless Communications	1,147	1,182	1,218	1,223	1,200	1,200	0%
53880 Other Purchased Services	66,590	45,191	45,148	68,498	50,000	55,000	10%
54220 Office Supplies Stationary	166	645	797	394	500	500	0%
54800 Gasoline	6,900	9,000	11,000	12,985	9,000	9,000	0%
54820 Batteries	76	0	0	79	250	250	0%
54830 Tires	0	0	0	0	250	250	0%
54850 Parts	410	267	2,028	830	1,000	1,000	0%
55340 Gravel, Stone & Fill	1,576	1,269	432	524	1,500	2,000	33%
55370 Bituminous Concrete	1,429	4,666	1,007	1,450	1,500	3,000	100%
55410 Small Tools	3,292	1,702	5,798	6,825	3,000	7,500	150%
55420 Service Supplies	5,256	11,115	9,254	4,606	5,000	7,500	50%
55430 Water Main & Fittings	12,471	4,448	28,472	4,502	5,000	5,000	0%
55440 Meters	9,264	11,323	9,028	20,606	9,500	20,000	111%
55450 Service Connections	14,199	13,274	16,175	32,300	13,000	15,000	15%
55460 Hydrant Repairs	14,845	5,560	4,547	9,132	10,000	10,000	0%
55850 Personal Protective Equipment	1,700	925	2,232	2,268	1,650	3,500	112%
55870 Subscriptions News	55	0	0	0	150	150	0%
56940 Purchase Water	852,959	951,424	1,000,460	869,871	1,020,000	1,020,000	0%
57300 Dues	862	720	720	658	500	500	0%
58500 New Equipment	3,231	6,311	240	3,540	2,000	2,000	0%
58700 Replacement Equipment	0	3,651	20,335	5,457	1,000	1,000	0%
52000-58990 Other Charge & Expense	1,151,864	1,257,945	1,310,232	1,223,790	1,317,400	1,341,950	**1.86%**
Total Water Budget	**1,465,483**	**1,593,980**	**1,644,280**	**1,563,312**	**1,661,267**	**1,697,355**	**2.17%**
Requested	1445788	1,590,126	1,621,252	1,647,405	1,659,805		
DPW Water							
Debt Service							
	FY 2016	**FY 2017**	**FY 2018**	**FY 2019**	**FY 2020**	**FY 2021**	**PERCENT**
6161-710 Retirement of Debt-Water Fund	**ACTUAL**	**ACTUAL**	**ACTUAL**	**ACTUAL**	**BUDGET**	**REQUEST**	**(+) or (-)**
59000-59490 Debt Service							
59100 Principal Long Term Debt Water	295,000	290,000	290,000	290,000	290,000	340,000	17.2%
Total Debt Service Water Principal	**295,000**	**290,000**	**290,000**	**290,000**	**290,000**	**340,000**	**17.24%**
	FY 2016	**FY 2017**	**FY 2018**	**FY 2019**	**FY 2020**	**FY 2021**	**PERCENT**
6161-751 Interest on Debt-Water Fund	**ACTUAL**	**ACTUAL**	**ACTUAL**	**ACTUAL**	**BUDGET**	**REQUEST**	**(+) or (-)**
59000-59490 Debt Service							
59150 Interest Long Term Debt Water	126,142	121,429	114,621	107,604	97,246	117,490	20.8%
59250 Interest on Notes	0	0	0	0	22,357	0	-100.0%
57880 Bond Issue Expense	0	0	0	0	0	25,000	100.0%
Total Debt Service Water Interest	**126,142**	**121,429**	**114,621**	**107,604**	**119,603**	**142,490**	**19.1%**
TOTAL DEBT & INTEREST	**421,142**	**411,429**	**404,621**	**397,604**	**409,603**	**482,490**	**17.8%**

RECEIVED
By Town Clerk/rhc at 2:24 pm, Oct 22, 2020

Board of Selectmen
Executive Session Meeting Minutes
Tuesday, February 25, 2020
Historical Museum
Town House, 25 Common Street, Southborough, MA

Present: Brian Shea, Marty Healey, Lisa Braccio, Daniel Kolenda and Sam Stivers, Police Chief Kenneth Paulhus

The Board voted to enter into Executive Session at 6:00 P.M. per M.G.L. Chapter 30A §21 (Exemption 2) for negotiations with the Police Chief on a successor employment agreement; the Board will not be returning to Open Session at the conclusion of Executive Session. Roll Call: Shea, aye; Healey, aye; Braccio, aye; Stivers, aye.

Chairman Shea summarized the prior discussions regarding this matter. He stated the Board requested the contracts of other Town employees to better understand how they are written. He described the process for creating additional compensation options. He asked the Board for their thoughts.

Mr. Healey stated that after reviewing the other contracts and with the understanding of the requests from the Chief, he was comfortable starting at a first-year salary rate increase of 5% with a 3% salary increase for the next two years in addition to other compensation options. He asked Chief Paulhus his priority list for other compensation options. Chief Paulhus replied that his pension is priority. He gave examples of compensation options and highlighted achieving accreditation from the Massachusetts Police Accreditation Commission which is a unique accomplishment to the Police Department. He suggested a stipend tied to that achievement. Ms. Braccio asked how often the Department would need to go through the process to retain the accreditation. Chief Paulhus stated the Department applies every three years but must prove that the accreditation has been maintained through that time period.

Mr. Kolenda entered the meeting at 6:05P.M. and Mr. Healey summarized the discussion thus far. The Board agreed that Chief Paulhus's salary should be in line with his peers. Chief Paulhus reminded the Board that most of his peers have a contract starting and ending on July 1st. Chairman Shea suggested a longevity component of $400 in accordance with the Salary Administration Plan, a 2.5% deferred compensation, $4,000 in recognition of work already done for accreditation, and a salary adjustment of 2.5% for three years. Chief Paulhus stated his concern that the stipend and deferred compensation does not impact his pension. More variations of this compensation plan were discussed. Mr. Healey stated that the language Chief Paulhus provided regarding the stipend would include it in his pension. Mr. Kolenda proposed a 3% yearly salary rate increase. The compensation amounts for each option were discussed. Chief Paulhus asked for his contract to be extended three years and five months to put him on a July 1st schedule. The Board agreed.

Chairman Shea made a motion to accept a three-year contract for Chief Paulhus. The first year includes a 3% increase in salary, an Accreditation Stipend of $7,300 and the $400 longevity per the Salary Administration Plan. The second year includes a 3% increase on salary, an Accreditation Stipend of $7,500 and the $400 longevity per the Salary Administration Plan. The third year includes a 3% increase in salary, an Accreditation Stipend of $7,800 and the $400 longevity per the Salary Administration Plan. There will also be an extension of Chief Paulhus's contract from February 11 – July 1 of 2023 with

an increase of 1.5% on his salary and a proration of his Accreditation Stipend to bring his contract to a July 1st start. Mr. Kolenda seconded. The motion passed by roll call all in favor (5-0-0). Roll Call: Shea, aye; Healey, aye; Braccio, aye; Kolenda, aye; Stivers, aye.

On a motion made by Mr. Healey, seconded by Mr. Stivers and voted by roll call all in favor, Executive Session was closed at 6:29 P.M. Roll Call: Shea, aye; Healey, aye; Braccio, aye; Kolenda, aye; Stivers, aye.

Respectfully submitted,

Kathleen Barry, Recording Secretary

Town Clerk Rcv'd
3/25/2020
8:47 AM
CMB

TOWN OF SOUTHBOROUGH

BOARD OF SELECTMEN Meeting Minutes

Meeting Date: Tuesday, March 10, 2020, 6:00 P.M.
Location: McAuliffe Hearing Room, 17 Common Street, Southborough, MA
Present: Brian Shea, Marty Healey, Lisa Braccio, Daniel Kolenda, Sam Stivers and Town Administrator Mark Purple

I. Chairman Shea called the meeting to order at 6:04 P.M.

II. **Pre-Town Meeting conducted by Moderator Paul Cimino**

Mr. Cimino addressed the impact the Coronavirus may have related to Town Meeting and M.G.L. Chapter 39 § 10A. He asked Public Health Nurse Leslie Chamberlin to speak to the issue. Ms. Chamberlin explained that she met with local Boards of Health in twenty-three surrounding communities and the decision was made to follow the CDC guidelines when taking public health precautions. She explained the three stages the epidemic has been broken into "before, during and after." She stated Southborough has yet to have a patient with a presumptive positive case of the Coronavirus and therefore she recommended the Town follow the procedures the CDC has laid out for the "before" stage. She said due to these recommendations the Senior Center and schools have cancelled their social events. Ms. Chamberlin added that the Board of Health would need an official vote, but her recommendation was to postpone Town Meeting.

Mr. Cimino stated the recommendations he has seen involve handwashing and keeping a safe distance and asked Ms. Chamberlin if Town Meeting is not held March 28th then he presumes it will not be held the week after either. Ms. Chamberlin responded that if there are good prevention strategies there is hope for a low rate of infection and there is no evidence to show that next month or early May would be worse. Mr. Kolenda asked for her recommendation for another date for Town Meeting and Ms. Chamberlin responded she could not answer that question. She stated the best way to predict is to look at China but reiterated there are still a lot of unknowns. Mr. Healey stated that those over 60 years of age are at high risk and asked Ms. Chamberlin if the Board of Health would recommend they do not go to Town Meeting in March. Ms. Chamberlin said she could not make that recommendation but all events over 100 attendees have been canceled for seniors. She explained the need for safe distances and ventilation which are not easily available at Town Meeting. Mr. Healey asked what would happen if the Town does not act at Town Meeting before the beginning of the fiscal year. Town Counsel Cipriano replied that it could adversely affect the ability to appropriate money. He stated he will be participating in a Mass Municipal Lawyers Association audio conference regarding these legal issues and will report back to the Board well before Town Meeting. Mr. Healey asked that the message be relayed that the Cities and Town of Massachusetts be given maximum flexibility whether that includes administrative action by the DOR or an Act of Legislature. Ms. Braccio asked if there were legal ramifications for holding Town Meeting when it could exclude those at high risk. Attorney Cipriano replied that public safety would outweigh an individual right. Options included holding Town Meeting outdoors or in the garage bays at the Public Safety Building. Mr. Cimino

stated that no decision would be made tonight and opened the discussion to public comment. There was no public comment.

Mr. Cimino moved on to the Town Meeting Warrant and informed the Board and public he will review the articles and ask for the names of those making the motions for each. The list is included below:

Article 1	**Article 2**	**Article 3**	**Article 4**	**Article 5**	**Article 6**	**Article 7**
Shea	Healey	Braccio	Kolenda	Rosenbloom	Stivers	Shea
Article 8	**Article 9**	**Article 10**	**Article 11**	**Article 12**	**Article 13**	**Article 14**
Shea	Healey	Braccio	Kolenda	Stivers	Shea	Martin
Article 15	**Article 16**	**Article 17**	**Article 18**	**Article 19**	**Article 20**	**Article 21**
Healey	Mills	Mills	Mills	Davis	Mills	Braccio
Article 22	**Article 23**	**Article 24**	**Article 25**	**Article 26**	**Article 27**	**Article 28**
Kolenda	Stivers	Stivers	Shea	Healey	Hegarty	Nicholson
Article 29	**Article 30**	**Article 31**	**Article 32**			
Hoolahan	Luttrell	Lapine	Weishan			

Articles Requiring 2/3 Vote: 10, 14, 28, 29
Articles Requiring Majority Vote: 22, 23, 24

Mr. Cimino suggested Mr. Mills to clarify that St. Mark's Church share a name but is not affiliated with the St. Mark's School when presenting Article 20. Mr. Mills agreed to do so. Mr. Mills stated a St. Mark's Church representative from another town would like to present. Mr. Cimino said the hall would have to vote in favor of this.

Mr. Cimino asked if the required public hearings were conducted for Articles 28, 29 and 30. Mr. Morris, Chair of the Planning Board, stated they have been holding public hearings on these articles since the beginning of February and continue them until before Town Meeting. He stated when the hearings are closed minutes before Town Meeting, the Planning Board will then vote to support or not support each of these articles. Mr. Cimino asked if there were presentations for these articles and Mr. Morris stated there were and there will be amendments to the Outdoor Illumination Article.

Mr. Lapine stated he will be making the motion and presentation for the Noise Bylaw in Article 31. He added there are six minor amendments that will be submitted. Mr. Stivers suggested he include a redlined version for the public to compare with the original article at Town Meeting. Mr. Lapine agreed.

Mr. Cimino praised Mr. LaFlamme for his effort in capturing presentations and amendments and presenting them for assembly at Town Meeting. He asked that all presentations be forwarded to Mr. LaFLamme no later than next Friday, March 20th.

There was discussion regarding department heads who do not live in Town and their ability to speak or present. Mr. Cimino said the blanket approval from the hall is for those out of Town to be in the room, not participate in presentations. Ms. Braccio asked the Board if they would approve Chief Paulhus speaking at Town Meeting in regards to the Article 31, Noise Bylaw. The Board agreed.

III. Public Comment

None

IV. Scheduled Appointments

Capital Planning Committee interviews/appointments

Chairman Shea stated there were six individuals who volunteered for the Capital Planning Committee and invited the two in attendance to speak.

a. Kathryn Cook, 11 Graystone Way
Not present.

b. Jeffrey Hark, 10 Stockwell Lane
Mr. Hark gave a background of his experience which included fifteen years in the financial services industry, thirteen years with PwC in the assurance practice, operational work with Fortune 500 companies and many years reviewing contracts, budgets and consulting. He stated he would like to give back to the Town.

c. Jason Malinowski, William Colleary Lane
Not present.

d. Michael Nordstrom, 14 Meeting House Lane
Not present.

e. Joseph Palmer, 18 Parkerville Road
Mr. Palmer stated he has background in hotel management and operation and capital planning for those facilities and then moved on to positions in business marketing. He stated he felt the Town has tax increases partially due to a lack of understanding of facility needs. He referenced the needs at the Library and explained there needs to be more budgeting and planning to allow for more discretion throughout the year.

f. Andrew Pfaff, 50 Oak Hill Road
Not present.

Mr. Stivers asked about availability over the summer months and both Mr. Hark and Mr. Palmer stated there would be no issues. Mr. Kolenda asked how they heard about the open committee positions and both said members from Town asked them to apply. Mr. Healey asked if they had experience with bonding issues. Mr. Palmer said he did not directly and Mr. Hark said he had experience on the client end and has understanding how the process works.

Chairman Shea explained there are six applicants and five positions. Ms. Braccio voiced her concerns about including two Advisory members on the committee and felt a Board member should be included. Mr. Kolenda made a motion to expand the committee to seven members.

Ms. Braccio seconded for discussion. Chairman Shea stated he was concerned with having a Board member sit on a committee that would report and make recommendations to the Board. Mr. Healey agreed and suggested keeping the committee at five members with only one Advisory member. There was discussion about the skills and value brought to the committee from both Ms. Cook and Mr. Pfaff and the Board agreed with the sentiment. Mr. Stivers stated he was not familiar with Mr. Nordstrom and would like to hear from him before appointment. He added that a committee of seven creates a strong outside input. The motion to expand the committee to seven passed (3-2-0). Chairman Shea and Mr. Healey opposed. Mr. Kolenda made a motion to appoint the six applicants and Ms. Braccio to the Capital Planning Committee. Mr. Healey seconded. Chairman Shea suggested the appointment of six with the exception of Mr. Nordstrom and invite him to the next meeting for an interview and possible appointment. Mr. Kolenda amended his motion to appoint the five applicants and Ms. Braccio with the exception of Mr. Nordstron and ask him to attend the next meeting. Mr. Healey seconded. The motion passed all in favor (5-0-0).

<u>EDC – Discussion of FY21 budget: request for Selectmen sponsorship of bylaw</u>
Chairman Shea gave a summary of prior Board EDC budget discussions and the letter of request of for sponsorship of the Downtown Initiative bylaw. He directed the Board to start the EDC budget discussion.

Ms. Braccio summarized her concerns that the request for an additional $10,000 could be covered by the grant the EDC received and that using Town funds to support a proposed bylaw could set an unwanted precedent. She added that Advisory took a position to not support this budget request. Ms. Braccio gave examples of other boards and committees that achieved successful zoning changes and project execution without asking for Town funds. John Wood, EDC member, stated that the funds requested in the budget are not for promotion of the bylaw change. He explained the revenue issues in Town and the fact that businesses are moving to surrounding towns. He added the Downtown Initiative is one aspect of the EDC's focus but they are also working to bring business back to Route 9. Marijke Munsiff-Vegting, EDC Coordinator, explained that there was a misunderstanding at the Advisory meeting regarding their budget request. She stated that the $10,000 request is to start researching and applying for grants to fund additional aspects of the Downtown Initiative and other EDC goals. Mr. Healey asked the cost for the initial grant writing. Ms. Munsiff-Vegting stated $1,000. Mr. Stivers added that he would rather see the $10,000 appropriated to a part-time grant writing position to support multiple boards and committees. Mr. Kolenda suggested the EDC speak to the fact that the majority of taxes are paid by residents and the value of the EDC's efforts to fill vacancies on Route 9 and reduce the residential tax burden. Ms. Braccio reiterated her concerns. Ms. Munsiff-Vegting replied that the initial budget request was a misunderstanding and felt the reasons for the request had not changed since then.

Ms. Munsiff-Vegting summarized the Downtown Initiative timeline for a September or October Town Meeting. She added the RFPs had gone out for consulting for the writing of the proposed zoning bylaw change and believes they are due back March 27th. Chairman Shea requested the EDC work towards a presumed September start date for the purposes of momentum and requested a join meeting with the Board, the EDC and the chosen consultant. Chairman Shea made a motion to sponsor the EDC proposed zoning bylaw. Mr. Kolenda seconded. The motion passed all in favor (5-0-0).

V. Reports

Town Administrator's Report

Mr. Purple stated that the Warrant has been printed and will be available in Town buildings and on the website. He added the Budget Book and Town Report is currently being printed.

Mr. Purple recognized Conservation Agent Melissa Danza for completing her Master's Degree in Science and Sustainable Development from Unity College in Unity, ME. He congratulated her on the accomplishment.

Mr. Purple stated in order for the replacement of the Finn boilers to occur over the summer, the Board will need to vote to authorize and enter into a project funding agreement with the MSBA and authorize signatures to execute the document on behalf of the Town. He asked the Board if they would like to vote on this sponsored article tonight. The Board agreed. Mr. Healey made a motion to grant the authorization to enter into a project funding agreement with the MSBA for the Finn School boiler replacement. Ms. Braccio seconded. The motion passed all in favor (5-0-0).

Mr. Purple said the Board has booked Trottier Room 190 for 11:30 A.M. on March 28th should Town Meeting still occur on that date. This is in order for the Board to discuss any outstanding items.

Mr. Purple stated that the Golf Course opened this past weekend. He stated there are finishing touches needed to be done and Assabet needs to finish work on the stairs and the deck.

Mr. Purple informed the Board that there is a new parking sign reserved for Veteran's only in the front of the Town House to thank them for their service. He said Brian Stearns, Veterans' Agent, brought this forward after seeing it in another community. Mr. Kolenda stated Main Street Bank has this designation as well. Ms. Braccio suggested a Veterans designated parking spot be made at the Senior Center. Mr. Purple said he would work with Mr. Parent and Ms. Livoli at the Senior Center.

Chairman's Report

i. Discussions of draft policies on process for considering requests under proposed thickly settled/safety zone bylaws

Chairman Shea suggested the Board begin drafting a proposed policy for the traffic safety measures should these articles pass at Town Meeting. He explained that during prior discussions, the Board anticipated questions regarding enforcement and Board responsibilities. Chairman Shea stated he asked Mr. Stivers to prepare drafts and asked the Board to review and filter comments and questions to Mr. Purple by end of business on March 18th. He stated there will be no action taken tonight but the creation of the draft could enhance the ability for the articles to pass at Town Meeting. The Board agreed.

Members' Reports

Mr. Kolenda praised the Southborough Police and Fire Departments for their professionalism and care taken as he recently witnessed their work firsthand.

Mr. Kolenda praised the Southborough Veterans for their volunteerism through the VFW, American Legion and preparing for events like Memorial Day and Veterans Day. He added that these upcoming events will have new additions due to the work of the Veterans and Eagle Scout volunteers.

Mr. Stivers said that at their meeting last evening, the Planning Board, asked him to mention to the Board the idea of using leftover funds from the snow and ice fund to contract for an assessment and enforcement of sign illumination issues. Mr. Stivers stated he spoke with Advisory who responded that there is rarely money left over from the snow and ice fund.

Mr. Stivers stated Ms. Danza coordinated a Municipal Vulnerability Preparedness with many department heads and emergency personnel in order to prepare for future natural disasters and longer-term environmental issues. He thanked her for coordinating the event and said some of the activities identified could be supported through grants.

Mr. Stivers stated he was happy to see the Golf Course open on Sunday and encouraged the public to visit and play.

Mr. Stivers said he received another speeding complaint from Deerfoot Road and numerous others from Flagg Road, Parkerville Road, and Pine Hill Road. He said with the construction on Main Street causing pressure on other roads, he suggested installing speed bumps and tables on these roads. He suggested working with the DPW.

Ms. Braccio commended Mr. Kolenda for a prior discussion regarding naming a part of the Woodward Field after former Selectmen, Brian Shifrin. She said his dedication to the Town, baseball and coaching was the inspiration for the dedication and would like to see this topic on the next agenda. Chairman Shea stated he attended a recent Recreation Commission meeting and spoke on this under public comment to ensure that both parties worked together. Mr. Shifrin's wife, Kristine and others in attendance suggested a field located at Finn School may be more appropriate. Mr. Kolenda agreed and requested the Shifrin Family attend the next meeting and include this topic on the agenda for the Board to possibly vote at the next meeting. Mr. Purple agreed to facilitate.

VI. Consent Agenda

a. Chairman Shea made a motion to approval of Regular Session in minutes: February 25, 2020. Mr. Kolenda seconded. The motion passed all in favor (5-0-0).
b. Chairman Shea made a motion to approve of Executive Session minutes: February 25, 2020. Mr. Kolenda seconded. The motion passed all in favor (5-0-0).
c. Chairman Shea made a motion to approve of new employee agreement with Police Chief Paulhus. Mr. Kolenda seconded. The motion passed all in favor (5-0-0).
ci. Chairman Shea made a motion to appoint PT Communication Officers for Police Department. Mr. Kolenda seconded. The motion passed all in favor (5-0-0).
e. Chairman Shea made a motion to appoint Doriann Jasinski to Affordable Housing Trust Fund Committee, term 6/30/21. Mr. Kolenda seconded. The motion passed all in favor (5-0-0).
f. Chairman Shea made a motion to appoint Hal Keiss to Taxation Aid Committee, term 6/30/20. Mr. Kolenda seconded. The motion passed all in favor (5-0-0).
g. Chairman Shea made a motion to reappoint Brian Stearns as Veterans' Agent term 4/30/21. Mr. Kolenda seconded. The motion passed all in favor (5-0-0).
Mr. Kolenda thanked Mr. Stearns for all the work he has done as Veterans' Agent. He stated Mr. Stearns has been a tremendous advocate and always available to Veterans.

VII. Other Matters Properly Before the Board

<u>Continued discussion/review of draft Small Cell (5G) policy</u>

Mr. Purple stated the Board had reviewed the policies prepared by Special Counsel and gave feedback to him. Ms. Hale, Mr. Healey and Mr. Purple participated in a review of Board member comments with Attorney Laughman and results of that meeting were included in the packet.

Mr. Healey stated that during the meeting there was a walkthrough of all comments submitted by the Board and all of them were accepted. Some had minor changes due to legal requirements explained by the attorney. Mr. Stivers stated he supports the overall policy but felt it was disjointed in regards to the definitions and the applications of the policy statement. Mr. Healey responded that the Board had the opportunity to review those issues prior and Mr. Stivers apologized for missing that opportunity but felt it still needed work. Mr. Stivers asked if there was any feedback from Ms. Davis and Mr. Purple said he had not received anything yet. Chairman Shea made a motion to adopt the Small Cell (5G) policy and other documents as distributed in the packet. Mr. Healey seconded. The motion passed (4-1-0). Mr. Stivers opposed not in concept but in execution.

Process/schedule for Public Safety naming of spaces

Chairman Shea stated the Board had received the memo from the Public Safety Building Naming Sub-committee with suggestions for naming of spaces and he would like to invite them to the next meeting to review the process for names they considered and then suggested to the Board. Mr. Kolenda stated he was present for the Naming Sub-committee meeting and reviewed the process. He said it was thorough and every piece of information received from the public was read into record and reviewed. The names were categorized in buckets for each space and then assessed, discussed and rated for consideration by the Board. He said he would like to see this topic on the agenda for the next meeting. Mr. Purple stated he would reach out to subcommittee Chair, Peter Goodney for the March 24th meeting.

VIII. On a motion made by Chairman Shea, seconded by Ms. Braccio and voted all in favor, the meeting was adjourned at 8:26 P.M.

Upcoming Meetings
March 24, 2020
Annual Town Meeting, March 28, 2020

Respectfully submitted,

Kathleen Barry, Recording Secretary

List of Documents referred to at the March 10, 2020 BOS Meeting:

- Annual Warrant for Annual Town Meeting on March 28, 2020
- Amended March 28, 2020 Annual Town Meeting Motions
- Citizen Activity Form, Kathryn Cook
- Citizen Activity Form, Jeffrey Hark
- Letter from Jason Malinowski to BOS re: Capital Planning Committee dated 2/13/20
- Citizen Activity Form, Michael Nordstrom
- Citizen Activity Form, Joseph Palmer
- Citizen Activity Form, Andrew Pfaff

- Revised budget voted by EDC 12/6
- Letter from Marijke Munsiff-Vegting to Mark Purple re: Zoning Article dated 2/10/20
- Draft Policy "Thickly Settled/Business" Areas and "Safety Zone" Speed Limits
- Letter from Neil Boudrea to Municipal Official dated 10/17/16
- Regular Session in minutes: February 25, 2020
- Employee Agreement between Town of Southborough and Police Chief
- Letter from Chief Paulhus to BOS re: Part-Time Telecommunications Officer/Dispatcher dated 3/3/20_Emily Brogie
- Letter from Chief Paulhus to BOS re: Part-Time Telecommunications Officer/Dispatcher dated 3/3/20_John Terranova
- Citizen Activity Form, Doriann Jasinski
- Citizen Activity Form, Harold Keiss
- Forwarded Letter from Brian Shea and Paul Cimino to Mark Purple and Aldo Cipriano dated 3.8.20

AMENDED 02-28-20

MARCH 28, 2020
ANNUAL TOWN MEETING MOTIONS

***ARTICLE 1*: SELECTMEN - TBD**

I move that the Town hear reports of the various Town Officers and Committees and to take such action thereon as the Town may vote.

***ARTICLE 2*: SELECTMEN - TBD**

I move that the Town vote to accept any sum of money from St. Mark's School, Fay School, Harvard Medical School, Harvard University, L'Abri Fellowship, The New England Center for Children, and any other contributor and deposit same amount in Estimated Receipts Account, and determine what disposition shall be made of the same, if accepted.

***ARTICLE 3*: SELECTMEN - TBD**

I move that the Town vote to authorize the Town Treasurer, with the approval of the Selectmen, to borrow from time to time in anticipation of revenue of the financial year beginning July 1, 2019 in accordance with the provisions of Massachusetts General Laws, Chapter 44, and to issue a note or notes as may be given for a period of less than one year in accordance with Massachusetts General Laws, Chapter 44, Section 17 as amended.

***ARTICLE 4:* SELECTMEN - TBD**

I move that the Town vote in accordance with Massachusetts General Laws Chapter 30B, Section 12(b) to authorize the Board of Selectmen and Superintendent of Schools to solicit and award contracts for terms exceeding three years to a maximum of seven years, including any renewal, extension or option, provided in each instance the longer term is determined to be in the best interest of the Town by a vote of the Board of Selectmen or the School Committee.

***ARTICLE 5:* BETSY ROSENBLOOM**

I move that the Town vote to approve changes to the Personnel Salary Administration Plan, as specified in Chapter 31 of the Code of the Town of Southborough, entitled: PERSONNEL, and insert in its place the language as printed in the warrant.

ARTICLE 6: **SELECTMEN - TBD**

I move that the Town votes to rescind the amount of $3,000,000 which represents authorized but unissued debt of the Town originally appropriated for acquiring real estate from St. Mark's School of Southborough, Inc. and the construction of a public safety facility, approved by a vote of Town Meeting under Article 1 on March 8, 2017, which borrowing authority is no longer required for the purposes for which it was originally approved.

ARTICLE 7: **SELECTMEN - TBD**

I move that the Town vote to raise a sum of money not to exceed the sum of **$54,821,354** as may be necessary for the Town's use, and make appropriations of the same.

Transfer from the Cemetery Perpetual care	25,000.00
Transfer from Free Cash	1,878,069.00
Transfer from Overlay Reserve	262,954.00
Transfer from Fay PS Donation Account	14,670.00
Transfer from Ambulance Fund, Receipts Reserved (Fund 23)	353,250.00
Transfer from Septic Betterment Fund	52,547.00
Transfer from Reserve SBAB Fund Balance	5,970.00
Transfer from Water Enterprise Fund	160,847.00
Transfer from Fund 2261 "911 Revolving"	40,000.00

AND that the Balance of **$52,028,047** be raised and appropriated.

ARTICLE 8: **SELECTMEN - TBD**

I move that $2,179,845 be appropriated for the Water Enterprise Fund and that $160,847 be included in appropriations from the general fund for indirect costs and be allocated to the Water Enterprise Fund, and transfer in $4,424 from water premium funds, and that $2,336,268 be raised as follows:

FY21 Revenues: $2,336,268

ARTICLE 9: **SELECTMEN - TBD**

I move that the Town vote to raise and appropriate:

- $35,000 for Transfer Station Engineering &Design for renovation;
- $12,000 for DPW large truck and equipment body work;
- $325,000 for DPW road maintenance;
- $45,000 for a repeater site for Public Safety radio system;
- $85,000 for a replacement boiler at the Library;
- $75,000 for an energy management system at the Library;
- $40,000 for an ADA Title II self-evaluation

#	ITEM	TOTAL	Recommend ADVISORY	Recommend SELECTMEN
A.	Transfer Station renovation study	**$35,000**	Recommend	Recommend
B.	DPW Truck Repair	**$12,000**	Recommend	Recommend
C.	DPW Road Maintenance	**$325,000**	Recommend	Recommend
D.	Repeater site for radio system	**$45,000**	Recommend	Recommend
E.	Library boiler replacement	**$85,000**	Recommend	Recommend
F.	Library EMS	**$75,000**	Recommend	Recommend
G.	ADA Title II self-evaluation	**$40,000**	Recommend	Recommend

ARTICLE 10: **SELECTMEN - TBD**

I move that the Town appropriates $600,000 to pay costs of purchasing a fire truck and for the payment of all other costs incidental or related thereto, and that to meet this appropriation, the Treasurer, with the approval of the Selectmen, is authorized to borrow said amount under and pursuant to M.G.L. c. 44, §7(1), or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefor. Any premiums received by the Town upon the sale of any bonds or notes issued pursuant to this vote, less any premium applied to the payment of costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with M.G.L. c. 44, §20, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount.

ARTICLE 11: **SELECTMEN - TBD**

I move that the Town vote to raise and appropriate the sum of $28,000 for the purpose of paying to retirees the amount due for accrued vacation and sick time.

ARTICLE 12: **SELECTMEN - TBD**

I move that the Town vote to raise and appropriate the sum of $10,000 for the purpose of paying the Town's share of casualty and other losses incurred to Town property and equipment which are not covered by insurance policies,

ARTICLE 13: **SELECTMEN - TBD**

I move that the Town vote to raise and appropriate the sum of $100,000 for the ongoing maintenance of capital equipment and systems associated with town buildings and facilities. The Town Facilities Manager shall recommend appropriate projects to the Town Administrator. The Town Administrator shall approve all expenditures under this article. The Town Facilities Manager shall report all funded projects to the Advisory Committee as requested.

ARTICLE 14: **SCHOOL COMMITTEE – TBD**

I move that the Town vote to appropriate the amount of Nine Hundred and Ninety Thousand One Hundred and Eighty ($990,180) Dollars for the purpose of paying costs of replacement of the boiler at the Mary E. Finn Elementary School, 60 Richards Road, Southborough, including the payment of all costs incidental or related thereto (the "Project"), which proposed repair project would materially extend the useful life of the school and preserve an asset that otherwise is capable of supporting the required educational program, and for which the Town has applied for a grant from the Massachusetts School Building Authority ("MSBA"), said amount to be expended under the direction of the School Committee. To meet this appropriation the Treasurer, with the approval of the Board of Selectmen, is authorized to borrow said amount under M.G.L. Chapter 44, or pursuant to any other enabling authority. The Town acknowledges that the MSBA's grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and if the MSBA's Board of Directors votes to invite the Town to collaborate with the MSBA on this proposed repair project, any project costs the Town incurs in excess of any grant that may be approved by and received from the MSBA shall be the sole responsibility of the Town; and that, if invited to collaborate with the MSBA on the proposed repair project, the amount of borrowing authorized pursuant to this vote shall be reduced by any grant amount set forth in the Project Funding Agreement that may be executed between the Town and the MSBA. Any premium received by the Town upon the sale of any bonds or notes approved by this vote, less any such premium applied to

the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with Chapter 44, Section 20 of the General Laws, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount.

ARTICLE 15: **SELECTMEN – TBD**

I move that the Town vote pursuant to Massachusetts General Laws, Chapter 44 § 53E ½ to authorize the following spending limits for Fiscal Year 2021:

1. Immunization/emergency dispensing clinic; $12,000;
2. Inspectional services; $100,000;
3. 9-11 Field Maintenance; $100,000;
4. Wetland Protection; $30,000;
5. Hazardous materials; $75,000;
6. CPR classes; $6,500;
7. Community garden; $2,500;
8. Recreation programs; $400,000;
9. Tobacco Control Program; $4,000;
10. Golf Course Maintenance; $30,000.

ARTICLE 16: **CPC - MILLS**

I move that the Town vote to accept the report of the Community Preservation Committee for the FY 2021 Community Preservation Projected Receipts and act upon the recommendations of the Community Preservation Committee and to set aside for later expenditure, certain sums of money from the Community Preservation Fund established pursuant to Chapter 44B of the General Laws, as printed in the warrant.

ARTICLE 17: **CPC - MILLS**

I move that the Town vote to appropriate $85,437.50 to be applied towards the bond for the Perpetual Preservation Restriction on 84 Main Street also known as the Burnett House for the purpose of Historic Preservation. $32,278 from the CPA Historic Preservation Reserve Fund and $53,159.50 from the CPA FY2021 Budgeted Reserve Fund. Said funds to be expended under the direction of the Community Preservation Committee and the Town Treasurer.

ARTICLE 18: **CPC - MILLS**

I move that the Town vote to appropriate a total of $114,753 to be applied towards the bond for the renovation and restoration of the Historic Southborough Library building, $19,749 for interest due September 2020 and $95,004 to be applied towards the bond for the purpose of Historic Preservation. $32, 278 from the CPA historic Preservation Reserve Fund and $82,475 from CPA General Unreserved Fund. Said funds to be expended under the direction of the Community Preservation Committee and the Town Treasurer.

ARTICLE 19: **CPC - MILLS**

I move that the Town vote to appropriate $238,750 from the CPA Fund FY2021 Budgeted Reserve for the renovation and restoration of Kallander Field, located on Kallander Drive in Southborough (Parcel ID 56-0000-012-0) for recreation purposes as requested by the Recreation Department. This consists of $210,100 in project costs and an additional $28,650 in contingency funding. Contingency funds only available after approval of the CPC for unexpected costs unforeseen at the time of application. Project to be completed in conformance with details as presented to the members of the CPC and to be documented in the application and signed Memorandum of Understanding. Said funds to be expended under the direction of the Community Preservation Committee and the Town Treasurer

ARTICLE 20: **CPC - MILLS**

I move that the Town vote to appropriate $300,000 for the restoration and preservation of the Historic St. Mark's Bell Tower located at 27 Main Street Southborough for Historic purposes. $23,061.76 from the CPA Historic Preservation Reserve Fund and $276,938.24 from CPA General Unreserved Fund. Project to be completed in conformance with details as presented to the members of the CPC and to be documented in the application and signed Memorandum of Understanding. Said funds to be expended under the direction of the Community Preservation Committee and the Town Treasurer.

ARTICLE 21: **SELECTMEN – TBD**

I move that the Town vote to accept Massachusetts General Laws Chapter 59, Section 5C1/2, which provides for an additional real estate exemption for taxpayers who are granted personal exemptions on their domiciles under Massachusetts General Laws Chapter 59, Section 5, including certain blind persons, veterans, surviving spouses and seniors, and to provide that the additional exemption shall be up to 100 percent of the personal exemption, to be effective for exemptions granted for any fiscal year beginning on or after July 1, 2020.

ARTICLE 22: **SELECTMEN – TBD**

I move that the Town vote vote to amend Section 9-24 "Qualification of elected and appointed officials" of the Town Code, by deleting the text in its entirety, and replacing with the following:

"All elected and appointed officials shall be qualified by the Town Clerk within 30 days of their election except where a different period is specified in the General Laws. If an appointed official is not qualified in this period, his/her appointment shall terminate, and the appointing authority shall be so notified by the Town Clerk."

ARTICLE 23: **SELECTMEN – TBD**

I move that the Town vote to accept MGL c.90, Section 17C to allow the Board of Selectmen to reduce the statutory speed limit from 30MPH to 25MPH on any or all town-owned roadways in thickly settled or business district areas.

ARTICLE 24: **SELECTMEN – TBD**

I move that the Town vote to accept MGL c.90, Section 18B to allow the Board of Selectmen to establish regulatory 20MPH safety zones on public streets within the Town of Southborough.

ARTICLE 25: **SELECTMEN – TBD**

I move that the Town vote impose a .75% meals tax on the sales of restaurant meals by accepting Massachusetts General Laws, Chapter 64L, Section 2.

ARTICLE 26: **SELECTMEN – TBD**

I move that the Town vote to adopt as Chapter 9, Article IX Southborough Public Accessibility Committee, Sections 9.34 through 9.35 of the Town bylaws, as printed in the warrant.

ARTICLE 27: **TOWN CLERK – HEGARTY**

I move that the Town vote to accept the provisions of Chapter 41, Sec. 110A of the Massachusetts General Laws "Office hours on Saturday": "Any public office in any city or town may remain closed on any or all Saturdays as may be determined from time to time, in a city by the city council, subject to the provisions of the city charter, or, in a town, by vote of the town at a special or regular town meeting, and the provisions of section nine of chapter four shall apply in the case of such closing of any such office on any Saturday to the same extent as if such Saturday were a legal holiday."

ARTICLE 28: **ZBA – NICHOLSON**

I move that the Town vote TO amend the Zoning Code of the Town of Southborough, Zoning Article I entitled "Miscellaneous Provisions" and Article V entitled "Nonconforming Uses and Structures" by amending thereto Section 174-9 entitled "Special Permit Requirements" and 174-19 entitled "Extensions", as printed in the warrant.

ARTICLE 29: **PLANNING BOARD - MORRIS**

I move that the Town vote to amend the Zoning Code of the Town of Southborough Article III entitled "Use Regulations" by replacing thereto Section 174-12.1 thereof entitled "Outdoor illumination" as printed in the warrant.

ARTICLE 30: **PLANNING BOARD - MORRIS**

I move that the Town vote to amend the Zoning Code of the Town of Southborough, Article III entitled "Use Regulations" by amending thereto Section 174-10, entitled "Site Plan Approval" as as printed in the warrant.

ARTICLE 31: **PETER LAPINE**

I move that the Town vote to approve the article as printed in the warrant.

ARTICLE 32: **MICHAEL WEISHAN**

I move that the Town vote to approve the article as printed in the warrant.

Southborough, MA
17 Common Street

Phone: 508-485-0710

Citizen Activity Form

Good Government Starts with You

Date Submitted:	February 20, 2020
Name:	Kathryn Cook
Home Address:	11 Graystone Way SOUTHBOROUGH
Mailing Address:	11 Graystone Way SOUTHBOROUGH
Phone Number(s):	(508)380-3526 - Cell
Email Address:	kcook@southboroughma.com
Current Occupation/Employer:	Accountant
Narrative:	I am currently the chair of the Advisory Committee. I hold a B.S. in Accountancy and a Masters of Accountancy with a concentration in Taxation from the University of Tennessee. I have owned my own accounting firm for more than twenty years. Prior to that I spent 13 years at Ernst & Young. I have served as a volunteer in Southborough for about 20 years between the former Capital Budget Committee and the current Advisory Committee. I believe my background in finance would serve this committee well and am very interested in this position.
Board(s) / Committee(s):	

ANNUAL WARRANT

of the

TOWN OF SOUTHBOROUGH

MASSACHUSETTS

For the Annual Town Meeting
on

March 28, 2020

1:00 – 5:00 p.m.
7:00 – 11:00 p.m.

Contents

Page No.

Town Finance Terminology....4
Introduction to the Rules of Town Meeting....5

Articles

1. To Hear Reports....9
2. Acceptance of Monies from Contributors....9
3. Borrowing Authorization....9
4. Authorize Board of Selectmen and Supt. of Schools/Three Year Contracts....9
5. Amend the Personnel Salary Administration Plan....10
6. Amend Borrowing Authorization for Public Safety Building Project....24
7. Fiscal Year 2020 Budget....24
    - Moderator....25
    - Elected Board of Selectmen....25
    - Board of Selectmen....25
    - Advisory Committee....25
    - Reserve Fund....25
    - Town Accountant....25
    - Audit....25
    - Elected Board of Assessors....26
    - Assessors....26
    - Treasurer/Collector....26
    - Legal....26
    - Personnel Board....26
    - Special Legal Counsel....26
    - Municipal Technology Committee....26
    - Technology....27
    - Other Operation Support....27
    - Elected Town Clerk....27
    - Town Clerk....27
    - Conservation Commission....27
    - Planning Board....27
    - Zoning Board of Appeals....27
    - Open Space....28
    - Economic Development Committee....28
    - Public Buildings and Properties Maintenance....28
    - Public Accessibility Committee....28
    - Police Department....28
    - Fire Department....28
    - Building Department....28
    - Civil Defense....29
    - Animal Control Officer and Animal Inspector....29
    - Department of Public Works – Highway, Cemetery, Tree....29
    - Elected Board of Health....29
    - Board of Health....29
    - Council on Aging....29
    - Youth Commission....29
    - Veterans' Services....30
    - Library....30
    - Recreation Commission....30
    - Historical Commission....30

Contents

Page No.

Articles (cont.)

Memorial Day 30
Debt Principal and Debt Interest 30
Employee Benefits 31
Budget Capital 31
Court Judgments 31
Liability Insurance 31
Elected School Committee 32
Southborough Schools 32
Algonquin Regional High School 32
Assabet Valley Regional Technical High School 33
Norfolk County Agricultural High School 33

8. Fiscal Year 2021 Water Budget 34
9. General Government Capital Items (Non-borrowing) 34
10. General Government Capital Items (Borrowing) 35
11. Payment to Retirees for Accrued Leave Time 35
12. Insurance Deductible Account 35
13. Facilities Maintenance Fund 35
14. MSBA Project for Finn School Boiler 36
15. Annual Authorization of Revolving Fund Amounts 36
16. Appropriation from CPA Funds – Administrative 37
17. Appropriation from CPA Funds – Debt Payment for Burnett House 37
18. Appropriation from CPA Funds – Debt Payment for Library Façade Project 38
19. Appropriation from CPA Funds – Kallander Field Construction 38
20. Appropriation from CPA Funds – St. Mark's Church Bell Tower Renovation 38
21. Adopt MGL to Increase Property Exemptions 38
22. Amend Town Code – Increase Qualification Period for Appointments 39
23. Adopt MGL to Reduce Speed Limit in Thickly Settled Areas 39
24. Adopt MGL to Designate Safety Zones 39
25. Adopt MGL to Implement Local Meals Tax 39
26. Amend Town Code – Southborough Public Accessibility Committee 40
27. Adopt MGL for Saturday Office Hours 41
28. Amend Town Code – Zoning – Miscellaneous Provisions 42
29. Amend Town Code – Zoning – Outdoor Illumination 43
30. Amend Town Code – Zoning – Site Plan Review 49
31. Citizen Petition – Amend Town Code: Noise Bylaw 53
32. Citizen Petition – Amend Town Code: Reduce Plastic Waste 57

Town Finance Terminology

The following terms are frequently used in the Advisory Committee Report and at Town Meeting. For your convenience, we provide the following definitions.

Surplus Revenue: (Often referred to as "Excess and Deficiency")
The fund represents the amount by which the Cash, Accounts Receivable and other floating assets exceed the liabilities and reserves.

Available Funds: (Often referred to as "Free Cash")
The amount of the Unreserved Fund Balance (Surplus Revenue) account over and above uncollected taxes of prior years constitutes "free cash" or "available funds".

Overlay:
The Overlay is the amount raised by the Assessors in excess of appropriations and other charges for the purpose of creating a fund to cover abatements and exemptions as granted.

Overlay Reserve:
This is the accumulated amount of the Overlay for various years not used or required to be held in the specific Overlay account for a given year, and may be used by vote of the town for extraordinary or unforeseen purposes or voted into the Reserve Fund.

Stabilization Fund:
An outside section of Chapter 138 of the Acts of 1991 (the FY92 State budget) modifies limitations on the Stabilization Fund appropriation process by enabling communities to appropriate from this fund for any non-capital, lawful purpose without Emergency Finance Board approval (section 333). Beginning in FY92, the Stabilization Fund will thus become a source of revenue for general operating expenses for communities.

The Stabilization Fund is a mechanism for setting aside money for capital projects. It equalizes the effect of capital expenditures over time, as capital appropriations can change considerably from year to year. The balance in the fund will build up during years when expenditures for capital items are low. During years with high capital expenditures, the community will transfer money from the fund to reduce the project's impact on the tax rate or the amount of borrowing required for the project.

A community may appropriate up to 10% of its tax levy each year, as long as the balance in the Stabilization Fund does not exceed 10% of the community's equalized valuation. Interest earned on any fund balance is retained as part of the fund.

Appropriations into a Stabilization Fund can be made at either an annual or special town or district meeting. Chapter 94 of the Acts of 1985 permits appropriations to be made from a Stabilization fund at a special town or district meeting, not just at the annual meeting. Regardless of the timing, appropriations from the Stabilization Fund require a two-thirds vote by the appropriating authority. Until the FY92 state budget, a community could only appropriate from the Stabilization Fund for a none-capital purpose with the approval of the Emergency Finance Board.

Reserve Fund:
This fund is established by the voters at the Annual Town Meeting only and may be composed of (a) an appropriation (not exceeding 5% of the tax levy of the preceding year), (b) money transferred from Overlay Reserve, or (c) both. Transfers from the Reserve fund may be made only by the Advisory Committee and are for "extraordinary or unforeseen expenditures" only.

Conservation Fund:
For land purchases and any other conservation use.

Introduction to the Rules of Town Meeting

Southborough's Town Meeting is an open town meeting in which all registered voters may participate. Town Meeting is a deliberative assembly, conducted via a defined process, charged with considering a maximum number of questions of varying complexity in a minimum amount of time and with full regard to the rights of the majority, strong minority, individuals, absentees and all of these together. In other words, we gather for the purpose of conducting the Town's business thoughtfully and efficiently.

AUTHORITY

The three elements of authority at Town Meeting are a quorum of one hundred (100) registered voters or more, the Clerk and the Moderator. Of these three, the quorum is the most important.

The Town Clerk is responsible for voter registration, certification of a quorum, setting up the hall and keeping the record of the proceedings. He may also officiate Town Meeting in the absence of a Moderator.

The Moderator presides at and regulates the proceedings, decides all questions of order, and makes declarations of all votes. No one may speak on an issue without being recognized by the Moderator. It is the Moderator's responsibility to approve the distribution of materials, and persons wishing to do so must seek his permission. The Moderator appoints Tellers and alternates for the purpose of counting votes of the meeting.

THE WARRANT

All matters to be considered at Town Meeting must be published in the Town Meeting Warrant, which is the responsibility of the Board of Selectmen. The primary and most important purpose of the Warrant is to notify voters in advance the nature of the business to be taken up at Town Meeting. By state law, Town by-law or custom, several business articles (such as budget appropriations) must be presented in the Town Warrant each year for consideration. Other items are added by warrant articles proposed by Town officials, committees, boards, or groups of ten or more registered voters. The Advisory Committee reviews the Warrant, making recommendations on all the items of business to be presented. In accordance with the Town by-laws, all articles in the Warrant are considered in the order in which they appear in the Warrant, unless the Town Meeting votes to change the order for reasons that reasonable people would entertain.

PARTICIPATION

Any voter wishing to participate in Town Meeting must go to one of the floor microphones and wait to be recognized by the Moderator. Upon recognition by the Moderator, first state your name and address, and then state your business.

Anyone whose name is not on the list of registered voters requires the approval of either the Moderator or a majority of the Meeting to sit in the voting area.

All remarks shall be limited to the subject then under discussion. It is improper to indulge in references to personalities, and all expressions of approval or disapproval, such as applause or booing, are out of order. The Moderator may request any person to keep silent. If after warning from the Moderator, a person refuses to be silent or persists in other disorderly behavior, the Moderator may order a person to withdraw and if he fails to withdraw, may order a police officer to remove such person from Town Meeting.

Individuals who have a personal or financial interest with respect to a matter may speak or vote thereon but should frankly disclose their interest. However, no Town Meeting voter should accept compensation for participating without disclosing that fact.

There is no fixed time limit to the debate of any question. However, out of consideration for the others in attendance and the need to give adequate time to all matters coming before Town Meeting, each individual who speaks should make an effort to be as brief as possible and avoid repeating facts, views or opinions already expressed by others.

Anyone wishing to make a presentation with respect to any article must, prior to Town Meeting, obtain the Moderator's approval.

In order to give all a fair opportunity to speak, no one who has addressed any particular motion shall speak again, except to answer questions, until all others wishing to speak to the motion have done so.

HOW ARE MOTIONS CLASSIFIED?

Main Motions
Motions of this group are for the bringing of questions, or propositions, before Town Meeting for consideration. Only one main motion can be considered at a given time, and once introduced such a motion excludes all other main motions until it has been disposed.

Subsidiary Motions
Motions of this group have are for the modification or disposition of the main motion that is being considered. Their existence as motions depends entirely upon the principal motion to which they are subordinate. Since they relate to the question then under consideration, it is in order to propose them when a main motion is pending and to vote upon them before voting upon the main motion.

Privileged Motions
Motions of this group have no connection whatsoever with any main motion, but are motions of such importance that they are entitled to immediate consideration. These motions have the privilege of temporarily setting aside the main business then before Town Meeting.

Incidental Motions
Motions of this group have few characteristics in common, but for convenience have been grouped into one class. The name "incidental" applies because they arise only incidentally out of the business of Town Meeting.

RULES RELATIVE TO MOTIONS

A motion is the means of bringing a proposal or question for consideration by Town Meeting. When first put forward it is a motion; after it is seconded and acknowledged by the Moderator, it becomes the question or proposal. Except for complimentary resolutions (the presentation of which must be approved in advance by the Moderator), no main motion shall be entertained unless it's substance is contained within the scope of a Warrant article. Upon completion of debate, articles will be voted upon.

The Moderator shall determine whether a motion, or any discussion relative to a motion, is within the scope of the Warrant article under consideration. That is, the motion and the debate must be relevant to the article as written in the Warrant, since the purpose of the Warrant is to apprise voters of the actions to be taken at Town Meeting.

Articles only give notice to the voters and do not initiate action; motions do. Motions may be withdrawn; articles may not be withdrawn – articles must be acted upon by Town Meeting.

There are four types of amendments: striking out, inserting, striking out and inserting, and substitution. Motions to amend may be hostile as long as they are germane. An amendment to a motion is an amendment of the first rank; an amendment to an amendment is of the second rank; there can be no amendment beyond that of the second rank.

Some motions do not lead to a final determination by Town Meeting. A motion to commit or to refer sends the matter to an existing board or committee or one to be established. The motion to postpone indefinitely disposes of the question without bringing it to a direct vote. The motion to postpone indefinitely should not be confused with the motion to table which only temporarily delays a vote. As previously stated, articles may not be withdrawn; so when the Meeting does not wish to act on a particular article, the proper motion is to postpone consideration indefinitely.

Motions to reconsider shall be entertained when new information is available that is materially different than was presented (or could have been presented) at the time of the original vote on the article. Articles may be reconsidered only once. If a motion to reconsider is passed by the necessary 2/3 vote, it brings the original article back to the floor (which requires a new motion and additional debate); if the motion to reconsider is defeated, then the original article stands as previously voted and may not be reconsidered again. Actions to reconsider can be taken at the same session or any subsequent session of Town Meeting. A notice of reconsideration may be filed in advance with the Town Clerk stating that, at a specific point during the current Town Meeting, a voter will move for reconsideration on a particular article, and the Moderator will inform the hall of said action. Note that such a motion so noticed in advance must still be in order (i.e., must comply with all conditions required of any reconsideration motion).

All motions other than purely procedural motions must be in writing and signed by the sponsor.

CHART OF PRECEDENCE OF MOTIONS AND SUMMARY OF GOVERNING RULES

	May interrupt a speaker	Req. a sec.	Debatable	Vote Required	Motions that may apply
PRIVILEGED MOTIONS					
1. To dissolve	no	yes	no	majority	none
2. To adjourn	no	yes	limited	majority	amend
3. Point of no quorum	no	no	no	none	none
4. Recess	no	yes	limited	majority	amend
5. Question of privilege	yes	no	no	chair rules	none
SUBSIDIARY MOTIONS					
6. To lay on the table	no	yes	no	2/3	none
7. Previous question	no	yes	no	2/3	none
8. Limit or extend debate	no	yes	no	2/3	amend, reconsider
9. To postpone to time certain	no	yes	limited	majority	amend, reconsider
10. To commit or refer	no	yes	limited	majority	amend, reconsider
11. To amend	no	yes	yes	majority	amend, reconsider
12. To postpone indefinitely	no	yes	yes	majority	reconsider
MAIN MOTIONS					
Main Motions	no	yes	yes	majority*	all
To reconsider or rescind	no	yes	yes	2/3	table previous question postpone definitely
To take from the table	no	yes	no	majority	none
To advance an article	no	yes	yes	majority	amend, reconsider
INCIDENTAL MOTIONS					
Point of order	yes	no	no	chair rules	none
Division of a question	no	yes	no	majority	none
Separate consideration	no	yes	no	majority	none
To withdraw a motion	no	no	no	majority	reconsider
To suspend rules	no	yes	no	2/3	none
Orders of the day	yes	no	no	none	none

*The vote required to pass an affirmative main motion is a matter of substantive law, but is usually a majority.

FORM USED IN MAKING MOTIONS

1. Main Motion	Mr. Moderator, I move that...(statement of the proposal)
2. Adjourn	Mr. Moderator, I move to adjourn to...(state time)
3. Amend	Mr. Moderator, I move to amend by adding...
	Mr. Moderator, I move to amend by inserting...before...
	Mr. Moderator, I move to amend by stroking out...
	Mr. Moderator, I move to amend by striking out...and inserting...
	Mr. Moderator, I move to substitute...for...
4. Amend an Amendment	Mr. Moderator, I move to amend the pending amendment by (see above)
5. Amend Something Previously Adopted	Mr. Moderator, I move to amend the resolution under Article...by...
6. Commit or Refer	Mr. Moderator, I move that the proposal be referred to a committee of...
8. Division of a Question	Mr. Moderator, I move to divide the question.
9. Lay on the Table	Mr. Moderator, I move that the proposal be laid on the table.
10. Point of Order	Mr. Moderator, I rise to a point of order.
11. Postpone to a time certain	Mr. Moderator, I move to postpone the question to...
12. Postpone Indefinitely	Mr. Moderator, I move that the question be postponed indefinitely.
13. Previous Question	Mr. Moderator, I move the previous question.
14. Question of Privilege	Mr. Moderator, I rise to a question of privilege.
15. Recess	Mr. Moderator, I move to recess for...
16. Reconsider	Mr. Moderator, I move to reconsider the vote under Article...
	Mr. Moderator, I move to reconsider the vote on the amendment to...
17. Separate Consideration	Mr. Moderator, I move for separate consideration.
18. Suspend the Rules	Mr. Moderator, I move to suspend the rules which interfere with...
19. Take from the Table	Mr. Moderator, I move to take from the table the motion relating to...

INTERRUPTING A SPEAKER

No one may interrupt a speaker except for a point of order or a question of privilege.

POINT OF ORDER

A point of order if a question of the Moderator about whether the speaker is entitled to be speaking, or whether the current subject under discussion (or what the speaker is saying) is irrelevant, illegal or contrary to proper procedure. No other “point of order” is proper.

PREVIOUS QUESTION

To call or move the question is a request to stop discussion and to take an immediate vote. This requires a 2/3 vote.

VOTING

Voting is by hand vote and the Moderator declares the result of such votes. If seven or more voters immediately question the declared result, the Moderator shall determine the result by a standing count of votes by the Tellers. After the vote counted by the Tellers is presented to the Moderator and announced to the floor, any further motions for recount are out of order.

ADJOURNMENT AND DISSOLUTION

Sessions of Town Meeting normally adjourn at eleven o’clock in the evening but may adjourn at such earlier or later time as vote of the majority may determine. Town Meeting shall not dissolve until all articles in the warrant have been properly considered.

TOWN WARRANT
COMMONWEALTH OF MASSACHUSETTS

ANNUAL TOWN MEETING

Worcester, ss. February 25, 2020

In the name of the Commonwealth of Massachusetts you are hereby directed to notify and warn the Inhabitants of the Town of Southborough qualified to vote in town affairs, to meet in the P. Brent Trottier Middle School, 49 Parkerville Road, in said Southborough, on

Saturday, March 28, 2020

at ***1:00 p.m.***, then and there to take action on the following Articles:

ARTICLE 1: To hear reports of the various Town Officers and Committees and to take such action thereon as the Town may vote.

Proposed by: BOARD OF SELECTMEN
Board of Selectmen Recommendation: Support
Advisory Committee Recommendation: Support
Summary: *To hear reports of Town Boards, Committees or Commissions.*

ARTICLE 2: To see if the Town will vote to accept any sum of money from St. Mark's School, Fay School, Harvard Medical School, L'Abri Fellowship, The New England Center for Children, and any other contributor and deposit same amount in Estimated Receipts Account, and determine what disposition shall be made of the same, if accepted, or do or act anything in relation thereto.

Proposed by: BOARD OF SELECTMEN
Board of Selectmen Recommendation: Support
Advisory Committee Recommendation: Support
Summary: *To allow the Board of Selectmen to accept donations from Tax Exempt organizations and determine the disposition of funds.*

ARTICLE 3: To see if the Town will vote to authorize the Town Treasurer, with the approval of the Selectmen, to borrow from time to time in anticipation of revenue of the financial year beginning July 1, 2019 in accordance with the provisions of Massachusetts General Laws, Chapter 44, and to issue a note or notes as may be given for a period of less than one year in accordance with Massachusetts General Laws, Chapter 44, Section 17 as amended, or do or act anything in relation thereto.

Proposed by: BOARD OF SELECTMEN
Board of Selectmen Recommendation: Support
Advisory Committee Recommendation: Support
Summary: *This article allows the Town Treasurer to short-term borrow in anticipation of revenue.*

ARTICLE 4: To see if the Town will vote in accordance with the provisions of Massachusetts General Laws Chapter 30B, Section 12(b), to authorize the Board of Selectmen or the Superintendent of Schools to solicit and award contracts for terms exceeding three years, including any renewal, extension or option, provided in each instance the longer term is determined to be in the best interest of the Town by a vote of the Board of Selectmen or the School Committee, as appropriate, or do or act anything in relation thereto.

Proposed by: BOARD OF SELECTMEN
Board of Selectmen Recommendation: Support
Advisory Board Recommendation: Support

Summary: *This article allows the Selectmen and/or the School Committee to enter into contracts in excess of three years, if deemed in the best interest of the Town to do so. This has been an annual article, and the exemption has been limited to contracts of no more than seven years.*

ARTICLE 5: To see if the Town will vote to accept the Personnel Salary Administration Plan, as specified in Chapter 31 of the Code of the Town of Southborough, entitled: PERSONNEL.

PERSONNEL BYLAW
ENTITLED "THE SALARY ADMINISTRATION PLAN"
[revised at March 28, 2020 Annual Town Meeting]

This bylaw establishes a Salary Administration Plan for the Town of Southborough that (i) groups position classifications in Town services, (ii) establishes salary schedules and employee benefits and (iii) establishes and authorizes the Personnel Board to administer the bylaw and to represent the interest of both the taxpayers and the Town employees.

This Salary Administration Plan applies to the positions of all officers and employees in the service of the Town, whether full-time, part-time, temporary, seasonal, special or any other, except those positions filled by popular election, under the direction and control of the School Committee, performed pursuant to a contract approved by the Town or encompassed in any officially recognized labor union and/or association. The positions covered by this Salary Administration Plan are hereby classified by titles in the groups listed in Schedule A through G ("Classification Schedule") as set forth in Section 20 of this bylaw.

The classification of positions subject to the Massachusetts Welfare Compensation Plan (as amended) and the scheduled rates therefor, as well as the applicable provisions of the Massachusetts General Laws relating to the application of rates set forth in the aforementioned Welfare Compensation Plan are hereby incorporated by reference.

SECTION 1. DEFINITIONS

As used in this bylaw, the following words and phrases shall have the following meanings:

"Administrative Authority" means the elected or appointed official or board having jurisdiction over a function or activity.

"Anniversary Date" means the date 180 days after (i) the first day of employment or (ii) the date of any promotion, whichever is later.

"Base Pay" means the compensation paid by the Town of Southborough for the purposes of determining retirement credits and contributions for Town employees.

The Town shall contribute funds as required for each eligible employees in accordance with the procedures and formula established by the Worcester Regional Retirement System and the bylaws of the Town of Southborough. Contributions shall include (i) wages earned during the first eight hours worked in any one day (no contributions shall be made for hours worked in excess of 40 per week,**)** (ii) any lump sum bonus that is guaranteed by the Salary Administration Plan or the Bylaws of the Town, (e.g., longevity pay); (iii) vacation pay, except when paid in lieu of taking vacation; (iv) sick pay; and (v) holiday pay.

"Class" means a group of positions in the Town service sufficiently similar with respect to duties and responsibilities such that for each position the same (i) descriptive title may be used, (ii) qualifications shall be required, (iii) tests of fitness may be used to choose qualified employees and (iv) scale of compensation can be equitably applied.

"Classification Schedule" means any of Schedules A, B, C, D, E, F and G of Section 20 hereof.

"Compensation Grade" means a range of salary/wage rates as may appear in the Classification Schedules.

"Continuous Full-Time Service" means employment requiring a predetermined minimum work period that is uninterrupted except for authorized leaves (e.g., vacation, sick, etc.).

"Continuous Employment" means full-time or part-time employment that is uninterrupted except for authorized leaves (e.g., vacation, sick, etc.).

"Department" means a functional unit of Town government.

"Department Head" means the person appointed and responsible to carry out the duties of a Department.

"Full-Time Employment" means employment for not less than 20 hours per week for fifty-two weeks per annum, excepting authorized holidays and leave periods.

"Group" means a group of classes as may appear in the Classification Schedules.

"Maximum Rate" means the highest compensation rate to which an Employee is entitled.

"Minimum Rate" means the lowest rate in a Range, and is normally the hiring rate of a new employee.

"On-Call Compensation" refers to additional money paid to an employee who is required to work when the need requires; oftentimes in an evening or weekend capacity.

"Part-Time Employment" means employment less than 20 hours per week.

"Position" means an office or post of employment in the Town service with duties and responsibilities calling for the Full-Time or Part-Time Employment of one person in the performance and exercise thereof (or of more than one person sharing the same position).

"Position Class" means the same as "Class" (note that a class may include only one position, in which event it is defined as a "single position class").

"Probationary Employee" means a first-time Town employee within his/her first six months of employment.

"Promotion" means a change from one position to another position in a higher class and/or compensation grade.

"Range" means the difference between minimum and maximum rates of an assigned grade.

"Rate" means the measure of compensation for personal services on an hourly, weekly, monthly, annual or other basis.

"Salary Administration Plan" means the Personnel Bylaw *Entitled* "The Salary Administration Plan."

"Single Rate" means a rate for a specific position class that is not in a designated range.

SECTION 2. POSITION TITLES

No person shall be appointed, employed or paid in any position under any title other than those of the Classification Schedule for which the duties are actually performed. The position title in the Classification Schedule shall be the official title for all purposes, including payrolls, budgeting and official reports.

SECTION 3. NEW OR CHANGED POSITIONS

No new position shall be established, nor the duties of an existing position so changed that a new level or work demand exists, unless upon presentation of substantiating data satisfactory to the Personnel Board, the Board shall rate such new or changed position, and allocate it to its appropriate classification grade and establish the rate therefor.

SECTION 4. RECLASSIFICATION OF EMPLOYEES

No position may be reclassified to another grade, whether higher or lower, unless the Personnel Board shall have determined such reclassification is consistent with this Salary Administration Plan.

SECTION 5. JOB DESCRIPTIONS

The Personnel Board shall maintain written job descriptions of the position classes in the Classification Schedule, each consisting of a statement describing the essential nature of the work required of such classes. Each Department Head shall be required to retain current job descriptions and to submit any revisions to the Personnel Board (following any review by the Board of Selectmen or their designated appointee or the appropriate Commissioners or Trustees). The description for any class shall not be deemed to limit the duties or responsibilities of any position, nor to affect in any way the power of any administrative authority to appoint, to assign duties to, or to direct and control the work of any employee under the jurisdiction of such authority.

SECTION 6. COMPENSATION

a. The bi-weekly pay period shall begin at 12:00 a.m. Thursday and shall end at 11:59 p.m. on the following second Wednesday.

b. Non-exempt employees subject to this Salary Administration Plan shall be paid for one and one-half hours worked for any hour worked in the excess of forty in their weekly pay period, provided such extra hours were authorized by the Department Head.

c. The salary schedules set forth in Schedules A, B, C, D, E, F and G of Section 20 hereof reflect the maximum and minimum salaries for each grade.

d. The annual salary set forth in Schedule A represents a 40 hour work week and in the event an employee works less than 40 hours per week but more than 20 hours per week, the indicated annual salary is pro-rated reflective of the posted salary schedule in Schedule A.

e. Amounts paid to employees in reimbursement for expenses incurred in the performance of their duties (e.g., mileage, meals, dues, etc.) shall be paid in addition to their compensation. Reimbursement shall be based upon the actual documented expenditure made by the employee, or at rates established by the Internal Revenue Service, supported by that agency's requirements for documentation.

f. On-Call Compensation: Employees shall be eligible to earn a weekly stipend not to exceed $200.00 per week for on-call service if the department head has required them to work outside of their normal schedule. This need is likely to occur on an evening or weekend basis as the need requires. There is no provision to accrue compensation time in lieu of payment.

SECTION 7. SALARY ADJUSTMENT & COMPENSATION POLICIES

a. Every employee that is in Continuous Full-Time or Part-Time service of the Town, as computed from the date of their latest employment, shall be eligible annually for consideration of a salary increase, one year from the date of his/her latest increase. Except as may be authorized by the Personnel Board in exceptional circumstances, such increase is not to exceed one increase in any single twelve-month period until the maximum of the grade is obtained, and such increase shall be subject to the recommendation of the Department Head, with the approval of the Board of Selectmen or their designated appointee in the case of departments within the jurisdiction of the Board of Selectmen, or the appropriate Commissioners or Trustees in the case of departments outside the jurisdiction of the Board of Selectmen.

Retroactive salary increases voted by the Personnel Board shall not be compensated beyond July 1 of that fiscal year, regardless of the funding mechanism.

An evaluation of the employee's performance, in a format approved by the Personnel Board, must accompany a request for an increase in the case of all employees in Full-Time Graded Positions under Schedule A. Evaluations of employees in Part-Time Hourly Graded Positions under Schedule C and Seasonal Personnel under

Schedule F may require performance evaluations under Personnel Policy enacted hereunder. Upon receiving such documentation, the Personnel Board shall have final review and approval of all adjustments.

An employee may appear before the Personnel Board prior to its action on any request for an increase. Any employee denied such an increase may appeal, in writing, to the Personnel Board, which shall confer with the employee, the Department Head and the Board of Selectmen or their designated appointee, or the appropriate Commissioners or Trustees, and shall decide the matter.

b. Regular Part-Time employees shall be eligible for consideration for salary increases within their grade one year from the date of their last increase, absent exceptional circumstances as may be authorized by the Personnel Board.

c. Special and other Part-Time personnel for whose positions there is a single rate established in Schedule D shall not be eligible for adjustment.

d. Probationary Employees:

1. During the probationary period, benefit eligible employee(s) will earn vacation, sick and personal time in accordance with Section 11(b-d) hereof.

2. During the probationary period, paid leave accruals shall be based on the original hire date.

SECTION 8. TRANSFERS AND PROMOTIONS

a. An employee who is promoted to a job with a higher range or rate of pay shall enter it at the rate recommended by the Department Head with the approval of the Personnel Board. The employee may also receive at the time an increase, provided the maximum for the job is not exceeded, if the Department Head recommends that qualifications and performance warrant it and the Personnel Board approves. If the Department Head recommends that there should be a probationary period before the promotional increase [not to exceed the percentage increase voted for that fiscal year], then the Personnel Board may approve such a deferred promotional increase at the conclusion of the probationary period (which shall not exceed six months).

b. An employee transferred to a job with a lower range or rate of pay shall enter it at the rate paid for the previous position or at the maximum rate for the job, whichever is the lower, provided the Personnel Board approves. The employee shall have a right to appeal this decision, in writing, to the Personnel Board, which shall confer with the employee, the Department Head and the Board of Selectmen or their designated appointee, or the appropriate Commissioners or Trustees, and shall decide the matter.

SECTION 9. NEW PERSONNEL HIRING; DEPARTURES

a. Pre-employment physical examinations will be required of newly-hired employees consistent with the Town's policies.

b. Probationary period: For new hires, the first six months of employment shall be a probationary period. The probationary period does not apply to Town employees who change positions within the Town. The probationary period is a time during which an employee will be evaluated to ensure that the employee has the requisite knowledge, skills, and abilities to perform the position (with or without reasonable accommodations). Completing the probationary period does not change the employee's relationship with the Town, which will remain one in which either the employee or the Town may terminate the relationship at will.

c. A new employee's hiring rate shall be the minimum of the rate range of the job, unless otherwise authorized by the Personnel Board or Personnel Director. The Personnel Board is cognizant of the need to make timely decisions during the recruitment process, therefore, the Personnel Director is empowered to set starting salaries for new employees with comparable experience at a rate not exceeding the mid-point of the pay scale set forth in Schedules A and C of the Salary Administration Plan.

d. The Personnel Director or his/her delegatee shall notify the Personnel Board in writing of the hiring of all personnel and their hiring rates. The Personnel Director or his/her delegatee shall also notify the Personnel Board in writing of the departure of any employee.

SECTION 10. DEPARTMENT BUDGETS

Each Department Head shall include in the annual departmental budget a pay adjustment section to provide funds for anticipated pay adjustments, with expenditures to be made only in accordance with this Salary Administration Plan and with the approval of the Personnel Board. Degree bonus [Sec 11i(1)] funds shall also be budgeted in the departmental budget.

SECTION 11. EMPLOYEE BENEFITS

Employee benefits are a cost to the Town and a form of "indirect pay" to employees. The benefits listed below are not intended to supersede what State or Federal law may otherwise require.

All forms of paid leave set forth in the SAP may represent a 40 hour work week; in the event an employee works less than 40 hours per week but more than 20 hours per week, the indicated benefit shall be pro-rated reflective of the approved hours per week for that position.

a. Holidays with Pay

Each eligible Employee shall receive one day's pay at their regular rate for the following:

New Year's Day	Labor Day
Martin Luther King Day	Columbus Day
Presidents' Day	Veteran's Day
Patriot's Day	Thanksgiving Day
Memorial Day	Day after Thanksgiving Day
Independence Day	Christmas Day
	Day before or after Christmas Day (as set by the Town annually)

To be eligible for holiday pay, an Employee must work (or be duly excused from working) their regular scheduled days preceding and following the holiday. Employees who do not work 20 hours or more per week on a regular basis shall not be compensated for holidays.

Employees whose regular day off falls on a holiday may have one day off with pay within the ensuing thirty days in lieu of holiday pay, with the specific choice of day subject to Department Head approval**.** Furthermore, the day granted in lieu of holiday pay shall not cross fiscal years.

All administrative policies and practices relative to holidays with pay shall be prepared and established under the direction of the Personnel Board.

b. Vacations with Pay

(1) Regular Full-Time Employees who have been in the continuous employ of the Town shall earn paid vacation in accordance with the following schedule:

Years of Employment	Hours Earned per month
0-5	6.666
6-10	10.0
11-15	13.333
16 or more	16.666

Employees hired prior to July 1, 2005, shall be eligible to earn twenty hours per month after serving twenty years of full time employment with the Town.

(2) At the recommendation of the hiring authority and upon the approval of the Personnel Board, new employees entering into a position with the Town of Southborough from a similar position in another municipality or similar government agency will be allowed to enter into the vacation schedule using their years of service from their prior employment, up to a maximum of three weeks' vacation [pro-rated] for the first year of employment with the Town. Employees commencing employment with three weeks per year

will be required to complete five years of service before ascending to the next band in the vacation schedule chart.

(3) Vacation shall be granted by Department Heads at their discretion subject to the regular work needs of the Department. An employee shall be permitted to carry over to the following year one year's worth of earned vacation. The employee must have the Department Head's approval to take any portion of a prior year's unused vacation in addition to the days earned in the current fiscal year.

(4) If in the opinion of the Department Head there are unusual work-related circumstances that warrant it, a department head may seek approval from the Town Administrator or his/her delegatee to allow the employee to continue to work and receive vacation pay in lieu of taking vacation. Approval granted in this section may not exceed ten days per fiscal year.

(5) In the event of termination of employment other than for cause, the employee shall be paid, or be entitled to time off with pay, for any accumulated vacation time. Personal and sick leave shall not be compensated at termination.

(6) Vacation administrative policies and practices shall be prepared and established under the direction of the Personnel Board.

c. Sick Leave

(1) All regular Full-Time Employees shall be entitled to accrue 10 sick hours per month, equaling 120 hours annually (15 sick days); employees working less than 40 hours in a weekly pay period will accrue ratably based on hours worked per week. Pay for each day of sick leave shall be at the regular rate. Absences on account of sickness in excess of that authorized shall be charged to vacation or other available paid leave. Sick leave shall be payable only in cases of genuine illness, non-work connected accident, or work connected accidents not covered by Massachusetts General Laws Chapter 152 (Workers' Compensation).

(2) Unused sick leave may be accumulated without limitation for employees hired before July 1, 2007. Employees of the Town of Southborough hired on or after July 1, 2007 may only accrue 120 sick days at any one time. At retirement [or death] only, the Town will pay the employee twenty percent (20%) of the employee's then-accumulated sick leave.

(3) Employees who because of genuine illness or a non-work connected accident are absent for a period of more than three days shall be required to present a doctor's certificate to their Department Head before returning to work stating the reason, the period of time the employee was absent and whether there are any physical restrictions or required outpatient services the employee must adhere to in the workplace.

(4) Annually, an employee may use up to seven of the allowed fifteen days of sick leave for the care of a sick family member.

(5) Sick leave administrative policies and practices shall be prepared and established under the direction of the Personnel Board.

d. Personal Days

Each employee shall be entitled to three personal days per year, to be granted annually on the anniversary of the employee's date of hire. New employees shall be granted three personal days which shall be pro-rated based on hours worked per pay period. Requests for personal days shall be approved by the Department Head. Personal days shall not accumulate from year to year.

e. Military Leave

(1) Reserve Duty: An employee in full-time employment in the military reserve shall be paid the difference between compensation received while on reserve duty and regular compensation rates paid the employee by the Town. Such payment by the Town shall be limited to a period not to exceed two weeks in any twelve-month period.

(2) Active Duty: Pursuant to Article 8 of the April 11, 2005 Annual Town Meeting, an employee in the federal military reserve or a state National Guard who is called to active service shall be entitled to their regular base salary and shall not lose any seniority or paid leave benefits while on military leave; *provided*, however, that such base pay shall be reduced by any amount received from the United States as pay or allowance for military service performed.

f. Jury Duty

Any employee who is called to jury duty shall be paid the difference between their normal compensation and the amount (excluding any travel allowance) received from the court, upon presentation of evidence of the amount paid by the court.

g. Miscellaneous Paid Time Off

Working time lost from regularly scheduled work days for reasons listed below shall be without loss of pay, provided such lost time is authorized by the Department Head:

(1) Bereavement leave – In the event of the death of a spouse, father, mother, child, father-in-law, mother-in-law, brother, sister, grandparent, or of any other person then residing with the employee, such employee shall be entitled to receive three days' leave for the purpose of the funeral and services of the deceased. If out-of-state travel is required, the Town Administrator or his/her delegatee may authorize up to two additional days of travel time.

(2) Medical examination or inoculation required by the Town.

(3) Blood donation authorized by the Department Head.

(4) Attendance at professional and educational programs authorized by the Department Head.

h. Court Time Pay

If the Town requires that an employee appear in Court as a witness or in any other capacity arising from the performance of the employee's duty, or on behalf of the Commonwealth or the Town in any civil or criminal case pending in any Court or other official governmental board or agency, then for any such appearance that is made outside of the employee's normal working hours the employee shall be entitled to overtime compensation for every hour or fraction thereof during which they appear (but in no event less than three hours of such overtime pay).

i. Employee Educational Support/Professional Development

(1) Degree Bonus: All Part-Time and Full-Time employees who, while an employee of the Town, earns a degree in a field applicable to their position from an accredited college or university, shall receive a one-time bonus subject to appropriation, according to the following schedule:

Associates Degree....$ 800.00
Bachelors Degree...$1,200.00
Masters Degree.....$1,500.00

A copy of the completed transcript, diploma or other appropriate evidence of the completed degree must be presented to the Department Head and the Personnel Board, and shall be submitted as documentation for accounts payable.

(2) Tuition reimbursement: the Town may offer tuition reimbursement to eligible Full-Time and Part-Time employees as prescribed by Personnel Board policy enacted under this Bylaw.

j. Group Medical Insurance

Starting July 1, 2009, the Town will contribute fifty percent (50%) of the cost of a medical indemnity plan or seventy-five percent [75%] of the cost of a Health Maintenance Organization plan.

SECTION 12. UNPAID LEAVES OF ABSENCE

a. A leave of absence without compensation may be granted by the Personnel Board.

b. Leaves of absence of over three months' duration (except Military Leave) shall be deemed a break in employment, and on return to work the employee shall have the status of a new employee unless an extension of leave beyond three months was authorized by the Personnel Board.

SECTION 13. TRANSITIONS BETWEEN FULL-TIME AND PART-TIME STATUS

a. A Part-Time employee shall be eligible for Full-Time status when the employee has worked 20 hours or more per week for a period of at least three consecutive months, subject to approval by the Department Head.

b. A Full-Time employee whose hours of employment total less than 20 hours per week for a period of more than three consecutive months shall thereafter be deemed a Part-Time employee.

SECTION 14. APPOINTMENT OF "ACTING" DEPARTMENT HEADS

a. In the absence or retirement of a Department Head for three consecutive weeks, the Board of Selectmen or appropriate board or commission may appoint an "Acting" Department Head to serve for a period of not more than three months. Such three-month period may be extended for up to three additional three-month periods, upon the approval of the Board of Selectmen or other appropriate board or commission for each such extension. In no case shall an appointment of an "Acting" Department Head exceed one year.

b. Duly appointed "Acting" employees shall be compensated at an additional 10% per week, payable retroactively only upon the conclusion of three consecutive weeks of service by the "Acting" employee. Such employees shall still be eligible for overtime pay when fulfilling regular duties from the previous job beyond normal working hours.

SECTION 15. PERSONNEL BOARD

a. There shall be a Personnel Board to administer the Salary Administration Plan. Said Board is to be appointed by the Town Moderator. The Board shall consist of five voters other than employees of the Town or those regularly serving the Town in any elective capacity. They shall serve without compensation. For purposes of this section, Election Workers and Wardens shall not be considered "employees of the Town."

b. Other than as may be needed to fill unexpected vacancies, appointments shall be for three years. The Moderator shall fill any vacancies. The Personnel Board may employ assistance and incur expenses as it deems necessary, subject to appropriation of funds therefor.

SECTION 16. DUTIES OF THE PERSONNEL BOARD

a. The Personnel Board shall administer the Salary Administration Plan and shall establish such policies, procedures and regulations as it deems necessary for the administration of the Plan.

b. The Town Administrator serves as the Town's Personnel Director under the Town Administrator Bylaw [Ch. 27, Art. IX]. As such, the Personnel Director is invested with personnel authority and responsibilities as set forth therein. From time to time, and as may be necessary, the Personnel Board will consult and/or act in concert with the Personnel Director or his/her delegatee on matters of joint responsibility and concern.

c. The Board shall meet annually in July and organize by the choice of a Chair and Clerk. The Board shall meet at least monthly, except when there is no business before the Board. A majority of the Board shall

constitute a quorum for the transaction of business. The votes of the majority of all the members of the Board shall be necessary on any matter upon which it is authorized to or required to pass under the Salary Administration Plan.

d. The Personnel Board shall maintain records of all employees subject to this Plan as it deems desirable, including personnel evaluations. Such records are to be kept by the Personnel Director or his/her delegatee, under the direction of the Personnel Board. Department Heads shall furnish such information as requested by the Board.

e. The Personnel Board shall from time to time, but no less often than every federal Election Year, review the Classification Schedule, Salary Schedules, and administration policies of the Salary Administration Plan. It shall keep informed as to pay rates and policies outside the Town, and shall recommend to the Town any action that the Board deems desirable in that regard. The Personnel Board may tentatively add a new class to the Classification Schedule or reallocate an existing class to a different compensation grade, either higher or lower, subject to the subsequent ratification of its action by formal amendment of the Salary Administration Plan at the next Annual Town Meeting.

f. Not later than six (6) months prior to Annual Town Meeting, the Personnel Board may vote an annual adjustment (but shall reserve the right to vote no adjustment) to the Classification Schedule and establish the effective rate for employees of each grade for the next fiscal year, subject to the subsequent ratification of its action by formal amendment of the Salary Administration Plan at the next Annual Town Meeting. The Personnel Board shall base any annual adjustments upon available relevant information. Approval of the rate for any given employee is not guaranteed and is driven by the annual performance evaluation.

g. Matters of concern by SAP employees that are communicated in writing to the Chair of the Personnel Board will be scheduled on an agenda at the next available meeting providing all necessary and requested information has been submitted in time to be part of the meeting packet. In addition, notice in writing shall be forwarded to the concerned employee and respective Department Head within seven days of the Board's decision. Notwithstanding the foregoing, if the Personnel Board shall so request and the concerned employee and Department Head shall agree, a reasonable extension of these time periods may be granted.

h. Upon recommendation of a Department Head, supported by evidence in writing of special reasons and exceptional circumstances satisfactory to the Personnel Board, the Board may authorize variances in the Salary Administration Plan as it may deem necessary for the proper functioning of the services of the Town, and to effectuate the basic intent of the Plan.

SECTION 17. EMPLOYEES AND THE PERSONNEL BOARD

a. All employees covered by this Salary Administration Plan shall have the right to request an appointment to confer with the Personnel Board on any matter of interest or concern to them that is covered by the Salary Administration Plan. The employee shall notify the Department Head in writing in advance of the desire to discuss the matter with the Board. One of the duties of the Board shall be to foster mutual understanding and good will with the personnel of the Town.

b. To facilitate this, if any employee should feel aggrieved by the operation of any provision of the Plan, the employee shall first discuss the matter with the Department Head, in a mutual effort to clear up any problems or misunderstanding.

c. If two weeks after such a conference a satisfactory understanding and solution of the problem has not been reached, then either the Department Head or the employee may take the matter to the Personnel Board, and the Board shall hear the parties not later than at its next regular meeting. There shall be no discrimination or prejudice by a Department Head against any employee who may take a matter to the Board.

SECTION 18. AMENDMENT OF THE PLAN

The Salary Administration Plan may be amended in the same manner that Town Bylaws may be amended. However, no amendment to the Plan shall be made until it has been presented by a signed petition to, and acted upon by, the Personnel Board. Upon receipt of such a written petition, the Board, after giving the petitioner(s), the Department Head(s) and the affected employee(s) at least two weeks' written notice, shall hold a hearing to consider the proposed amendment. If the Personnel Board approves of any proposed amendment, it shall bring it before the

next available Special or Annual Town Meeting for its consideration. If the Personnel Board disapproves any proposed amendment or shall fail to act thereof within fifteen days after the hearing (which failure shall be deemed disapproval), the petitioner(s) may the present the petition to the next available Town Meeting for its consideration. The Board of its own motion, after a similar hearing and/or conference with parties interested, may propose an amendment to the Plan.

SECTION 19. SEVERABILITY PROVISION

In the event that any provision of this bylaw, or application thereof, shall be held to be invalid by the proper authorities, this shall not be construed to affect the validity of any other provision, or application thereof, of this bylaw.

SECTION 20: CLASSIFICATION SCHEDULE

SCHEDULE A: FULL-TIME SALARY GRADED POSITIONS

POSITION TITLE	PAY GRADE
DEPARTMENT HEADS & MANAGEMENT STAFF	
Superintendent of Public Works*	9
Finance Director/Treasurer-Collector*	
Assistant Town Administrator	8
Director of Facilities	
Library Director	
Building Commissioner	
IT Manager	
Police Lieutenant	
Town Accountant*	
Director, Council on Aging	
Principal Assessor*	
Conservation Agent	7
Director, Youth & Family Services	
Director of Recreation	
Town Planner	
SUPERVISORS & TECHNICAL STAFF	
Assistant Town Clerk	6
Assistant Director, Youth & Family Services	
Outreach Coordinator	
Assistant Library Director	
Police Business Administrator	
Program Manager, COA	
Business Administrator II	5
Children's Librarian	
Staff Engineer	
Executive Assistant to the Board of Selectmen	
Program Coordinator	
Deputy Assessor	
Business Administrator I	4
Maintenance Technician	
Assistant Treasurer/Collector	
Assistant Town Accountant	

ADMINISTRATIVE & SUPPORT STAFF	
Administrative Assistant	3
Administrative Assistant II	
Senior Library Assistant	
Library Assistant	2
Maintenance Mechanic	
Maintenance Custodian	1

*when not under contract

Rates for Full-Time Positions

Grade	Minimum		Midpoint		Maximum	
	Annual	Hourly	Annual	Hourly	Annual	Hourly
1	$38,504	$18.51	$44,307	$21.30	$50,111	$24.09
2	$41,392	$19.90	$47,601	$22.89	$53,810	$25.87
3	$44,496	$21.39	$51,171	$24.60	$57,846	$27.81
4	$49,505	$23.80	$58,169	$27.97	$66,833	$32.13
5	$53,219	$25.59	$62,531	$30.06	$71,844	$34.54
6	$57,210	$27.50	$67,221	$32.32	$77,233	$37.13
7	$68,757	$33.06	$82,509	$39.67	$96,260	$46.28
8	$80,790	$38.84	$96,948	$46.61	$113,106	$54.38
9	$94,927	$45.64	$113,913	$54.77	$132,899	$63.89

SCHEDULE B: [RESERVED FOR FUTURE USE]

SCHEDULE C: PART-TIME HOURLY GRADED POSITIONS

Election Worker 1
Library Page 1

Election Warden 2
Seasonal Laborer 2
Custodian 2
Library Technician 2

Library Associate 3
Administrative Assistant 3
Police Dispatcher 3

Technical Specialist 4
Business Assistant 4
Economic Development Coordinator 4

Electrician 5
Nurse 5
Public Health Director 5

Rates for Part-Time Positions

Grade	Minimum		Maximum	
	Hourly	Annual*	Hourly	Annual*
1	$11.23	$23,360	$14.29	$29,732
2	$12.25	$25,484	$17.36	$36,103
3	$18.38	$38,226	$25.53	$53,092
4	$22.46	$46,721	$31.65	$65,834
5	$28.59	$59,463	$42.88	$89,195

**This represents the annualized rate if a Part-Time employee worked a 40 hour week; however, under this Bylaw, Part-Time employees work 20 hours or less per week.*

Municipalities are subject to the federal minimum wage law, not the state law.

SCHEDULE D: FIRE DEPT POSITIONS (not covered by Collective Bargaining Agreement)

Grade	Proposed Pay Structure	Drills	Boxes	Signal 55
1	Firefighter (Entry Level)	0.00	0.00	0.00
2	Firefighter I Certified	18.00	16.00	16.00
3	Firefighter I/II Certified	19.00	17.00	17.00
4	Firefighter I Certified/Operator	20.00	18.00	18.00
5	Firefighter I/II Certified/Operator	21.00	19.00	19.00
6	EMT (Entry Level)	0.00	0.00	0.00
7	EMT	18.00	16.00	16.00
8	EMT-I	20.00	18.00	18.00
9	Firefighter I Certified/EMT	20.00	18.00	18.00
10	Firefighter I/II Certified/EMT	21.00	19.00	19.00
11	Firefighter I Certified/Operator/EMT	22.00	20.00	20.00
12	Firefighter I/II Certified/Operator/EMT	23.00	21.00	21.00
13	Lieutenant	24.00	22.00	22.00
14	Lieutenant/EMT	26.00	24.00	24.00

Details. On any occasion that the Fire Chief determines that public safety is at risk (fire watches, pyrotechnic displays, pyrotechnic blasting for construction, etc.) and calls for a detail consisting of a Firefighter or Firefighters [not covered by any other collective bargaining agreement] to stand-by during any of these situations to monitor for fire, explosion, or any other possible hazard, the person or persons assigned to the detail will be compensated in the following manner:
$50.00 per hour
$56.00 per hour/ for week-end or holiday

SCHEDULE E: MISCELLANEOUS ANNUAL COMPENSATION SCHEDULE

Cemetery Agent $8,000
Clerk, Board of Registrars $1,638.33
Emergency Management Coordinator $2,000
Energy Management Stipend $6,000
Registrar of Voters $205.66
Town Counsel (not including fees) $1,704.33
Tree Warden $4,000
Veterans' Agent and Director of Veterans' Services $15,000

SCHEDULE F: FEE BASED COMPENSATION (Recreation Seasonal Personnel)

Assistant Instructor 3
Camp Counselor 1 1
Camp Counselor 2 2
Lifeguard 5
Coordinator 6
Instructor I. 6
Monitors 6
Program Driver 6
Assistant Supervisor 9
Supervisor 11
Instructor II 12
Master Instructor 13
Seasonal Nurse 13

Hourly Rates for Recreation Seasonal Personnel

Grade	Minimum	Midpoint	Maximum
1	Min wage*	Midpoint	$10.00
2	$8.34	$10.35	$12.35
3	$8.84	$10.91	$12.98
4	$9.26	$11.52	$13.78
5	$9.71	$12.10	$14.49
6	$10.25	$12.74	$15.22
7	$10.73	$13.34	$15.95
8	$11.26	$14.02	$16.77
9	$11.82	$14.72	$17.62
10	$12.54	$15.60	$18.66
11	$13.87	$19.44	$25.00
12	$21.00	$27.50	$34.00
13	$29.00	$35.00	$41.00

**Municipalities are subject to the federal minimum wage law, not the state law.*

SCHEDULE G: SPECIAL ADMINISTRATIVE AND SUPERVISORY POSITIONS

Police Lieutenant:

In addition to all the benefits provided employees under the SAP, he/she would be eligible for some additional benefits
as provided members of Mass COP Local 167, the police union collective bargaining agreement.

As a result, a separate policy is adopted by the Southborough Board of Selectmen and enforced by the Southborough Police Department subject to change in conjunction with future collective bargaining agreements.

*Increases in salary for long term employees will be considered case by case by Personnel Board.

SCHEDULE H: LONGEVITY SCHEDULE: Full-Time Employees of Town of Southborough – Compensated annually at Anniversary Date

After 5 years $400
After 10 years $600
After 15 years $700
After 20 years $850
After 25 years $1,000
After 30 years $1,200
After 40 years $1,500

, or do or act anything in relation thereto.

Proposed by: PERSONNEL BOARD
Board of Selectmen Recommendation: Support
Advisory Committee Recommendation: Support
Summary: *The Personnel By-Law governs policies and pay structures for non-union employees.*

ARTICLE 6: To see if the Town will vote to rescind the authorized, but unissued debt of the Town originally appropriated for acquiring real estate from St. Mark's School of Southborough, Inc., and for the construction costs for a public safety facility, approved by a vote of Town Meeting under Article 1 on March 8, 2017, which borrowing authority is no longer required for the purposes for which it was originally approved; or do or act anything in relation thereto.

Proposed by: BOARD OF SELECTMEN
Board of Selectmen Recommendation: Support
Advisory Committee Recommendation: Support
Summary: *The Public Safety Building Committee completed the new Public Safety Facility, nearly on time and well under budget. As a result of their efforts, the total cost of the project, including land purchase, has been reduced from the original appropriation. As those funds have not been permanently borrowed yet, and are not needed to complete the project, the Town is seeking approval to rescind a portion of the borrowing authority approved by Town Meeting under Article 1 on March 8, 2017.*

ARTICLE 7: To see if the Town will vote to raise a sum of money as may be necessary for the Town's use for Fiscal Year 2021, and make appropriations of the same, as detailed following, or do or act anything in relation thereto.

SEE BUDGETS ON THE FOLLOWING PAGES

BUDGET NAME	FY 2018 ACTUAL	FY2019 ACTUAL	FY2020 BUDGET	FY2021 REQUEST	BOS/ADV RECOMM	Percent Inc./Decr.
114 MODERATOR						
51000-51990 Personal Services	50	50	50	50	50	
52000-58990 Other Charges and Expenses	25	0	25	25	25	
MODERATOR TOTAL	75	50	75	75	75	0.00%

BUDGET NAME	FY 2018 ACTUAL	FY2019 ACTUAL	FY2020 BUDGET	FY2021 REQUEST	BOS/ADV RECOMM	Percent Inc./Decr.
121 ELECTED BOARD OF SELECTMEN						
51000-51990 Personal Services	3,800	3,800	4,000	4,000	4,000	
ELECTED BOARD OF SELECTMEN TOTAL	3,800	3,800	4,000	4,000	4,000	0.00%

BUDGET NAME	FY 2018 ACTUAL	FY2019 ACTUAL	FY2020 BUDGET	FY2021 REQUEST	BOS/ADV RECOMM	Percent Inc./Decr.
122 BOARD OF SELECTMEN						
51000-51990 Personal Services	370,070	381,878	390,087	402,498	402,498	
52000-58990 Other Charges and Expenses	62,432	74,567	50,268	61,687	61,687	
BOARD OF SELECTMEN TOTAL	432,502	456,445	440,355	464,185	464,185	5.41%

BUDGET NAME	FY 2018 ACTUAL	FY2019 ACTUAL	FY2020 BUDGET	FY2021 REQUEST	BOS/ADV RECOMM	Percent Inc./Decr.
131 ADVISORY COMMITTEE						
52000-58990 Other Charges and Expenses	341	180	2,500	2,500	2,500	
ADVISORY COMMITTEE TOTAL	341	180	2,500	2,500	2,500	0.00%

BUDGET NAME	FY 2018 ACTUAL	FY2019 ACTUAL	FY2020 BUDGET	FY2021 REQUEST	BOS/ADV RECOMM	Percent Inc./Decr.
132 RESERVE FUND						
52000-58990 Other Charges and Expenses	150,000	152,853	180,000	180,000	180,000	
RESERVE FUND TOTAL	150,000	152,853	180,000	180,000	180,000	0.00%

BUDGET NAME	FY 2018 ACTUAL	FY2019 ACTUAL	FY2020 BUDGET	FY2021 REQUEST	BOS/ADV RECOMM	Percent Inc./Decr.
135 TOWN ACCOUNTANT						
51000-51990 Personal Services	128,230	143,345	157,963	170,255	170,255	
52000-58990 Other Charges and Expenses	2,439	3,473	2,265	2,650	2,650	
TOWN ACCOUNTANT TOTAL	130,669	146,818	160,228	172,905	172,905	7.91%

BUDGET NAME	FY 2018 ACTUAL	FY2019 ACTUAL	FY2020 BUDGET	FY2021 REQUEST	BOS/ADV RECOMM	Percent Inc./Decr.
136 AUDIT						
52000-58990 Other Charges and Expenses	32,500	26,000	34,450	28,010	28,010	
AUDIT TOTAL	32,500	26,000	34,450	28,010	28,010	-18.69%

BUDGET NAME	FY 2018 ACTUAL	FY2019 ACTUAL	FY2020 BUDGET	FY2021 REQUEST	BOS/ADV RECOMM	Percent Inc./Decr.
140 ELECTED BOARD OF ASSESSORS						
51000-51990 Personal Services	2,250	2,250	2,250	2,250	2,250	
ELECTED BOARD OF ASSESSORS TOTAL	2,250	2,250	2,250	2,250	2,250	0.00%

BUDGET NAME	FY 2018 ACTUAL	FY2019 ACTUAL	FY2020 BUDGET	FY2021 REQUEST	BOS/ADV RECOMM	Percent Inc./Decr.
141 ASSESSORS						
51000-51990 Personal Services	167,235	171,757	177,243	185,672	185,672	
52000-58990 Other Charges and Expenses	31,165	33,273	34,045	55,045	55,045	
ASSESSORS TOTAL	198,400	205,030	211,288	240,717	240,717	13.93%

BUDGET NAME	FY 2018 ACTUAL	FY2019 ACTUAL	FY2020 BUDGET	FY2021 REQUEST	BOS RECOMM*	Percent Inc./Decr.
145 TREASURER/COLLECTOR						
51000-51990 Personal Services	198,938	204,732	214,439	242,779	242,779	
52000-58990 Other Charges and Expenses	10,302	12,152	10,375	10,075	10,075	
TREASURER/COLLECTOR TOTAL	209,240	216,884	224,814	252,854	252,854	12.47%
**** Advisory Committee recommends reducing Personal Services by $23,180***						

BUDGET NAME	FY 2018 ACTUAL	FY2019 ACTUAL	FY2020 BUDGET	FY2021 REQUEST	BOS/ADV RECOMM	Percent Inc./Decr.
151 LEGAL						
52000-58990 Other Charges and Expenses	94,158	100,000	95,000	95,000	95,000	
LEGAL TOTAL	94,158	100,000	95,000	95,000	95,000	0.00%

BUDGET NAME	FY 2018 ACTUAL	FY2019 ACTUAL	FY2020 BUDGET	FY2021 REQUEST	BOS/ADV RECOMM	Percent Inc./Decr.
152 PERSONNEL BOARD						
51000-51990 Personal Services	2,000	1,369	5,000	5,000	5,000	
52000-58990 Other Charges and Expenses	21,160	7,397	11,435	17,000	17,000	
PERSONNEL BOARD TOTAL	23,160	8,766	16,435	22,000	22,000	33.86%

BUDGET NAME	FY 2018 ACTUAL	FY2019 ACTUAL	FY2020 BUDGET	FY2021 REQUEST	BOS/ADV RECOMM	Percent Inc./Decr.
153 SPECIAL LEGAL COUNSEL						
52000-58990 Other Charges and Expenses	89,492	54,688	50,000	50,000	50,000	
SPECIAL LEGAL COUNSEL TOTAL	89,492	54,688	50,000	50,000	50,000	0.00%

BUDGET NAME	FY 2018 ACTUAL	FY2019 ACTUAL	FY2020 BUDGET	FY2021 REQUEST	BOS/ADV RECOMM	Percent Inc./Decr.
154 MUNICIPAL TECNOLOGY COMMITTEE						
52000-58990 Other Charges and Expenses	0	0	1,000	2,964	1,000	
MUNI. TECHNOLOGY COMMITTEE TOTAL	0	0	1,000	2,964	1,000	0.00%

BUDGET NAME	FY 2018 ACTUAL	FY2019 ACTUAL	FY2020 BUDGET	FY2021 REQUEST	BOS/ADV RECOMM	Percent Inc./Decr.
155 TECHNOLOGY						
51000-51990 Personal Services	94,195	96,446	99,615	128,745	128,745	
52000-58990 Other Charges and Expenses	185,364	214,351	210,239	222,994	222,994	
MANAGEMENT INFORMATION SYSTEMS TOTAL	279,559	310,797	309,854	351,739	351,739	13.52%

BUDGET NAME	FY 2018 ACTUAL	FY2019 ACTUAL	FY2020 BUDGET	FY2021 REQUEST	BOS/ADV RECOMM	Percent Inc./Decr.
159 OTHER OPERATION SUPPORT						
52000-58990 Other Charges and Expenses	332,818	352,868	359,895	455,728	455,728	
OTHER OPERATION SUPPORT TOTAL	332,818	352,868	359,895	455,728	455,728	26.63%

BUDGET NAME	FY 2018 ACTUAL	FY2019 ACTUAL	FY2020 BUDGET	FY2021 REQUEST	BOS/ADV RECOMM	Percent Inc./Decr.
160 ELECTED TOWN CLERK						
51000-51990 Personal Services	66,674	83,064	85,141	87,695	87,695	
TOWN CLERK TOTAL	66,674	83,064	85,141	87,695	87,695	3.00%

BUDGET NAME	FY 2018 ACTUAL	FY2019 ACTUAL	FY2020 BUDGET	FY2021 REQUEST	BOS/ADV RECOMM	Percent Inc./Decr.
161 TOWN CLERK						
51000-51990 Personal Services	117,342	124,516	125,247	133,622	133,622	
52000-58990 Other Charges and Expenses	95,695	83,269	66,479	48,267	48,267	
TOWN CLERK TOTAL	213,037	207,785	191,726	181,889	181,889	-5.13%

BUDGET NAME	FY 2018 ACTUAL	FY2019 ACTUAL	FY2020 BUDGET	FY2021 REQUEST	BOS/ADV RECOMM	Percent Inc./Decr.
171 CONSERVATION COMMISSION						
51000-51990 Personal Services	56,395	55,115	68,866	70,252	70,252	
52000-58990 Other Charges and Expenses	9,639	13,886	21,125	31,235	31,235	
CONSERVATION COMMISSION TOTAL	66,034	69,001	89,991	101,487	101,487	12.77%

BUDGET NAME	FY 2018 ACTUAL	FY2019 ACTUAL	FY2020 BUDGET	FY2021 REQUEST	BOS/ADV RECOMM	Percent Inc./Decr.
175 PLANNING BOARD						
51000-51990 Personal Services	113,316	109,691	135,546	143,668	143,668	
52000-58990 Other Charges and Expenses	29,556	41,236	23,060	27,720	27,720	
PLANNING BOARD TOTAL	142,872	150,927	158,606	171,388	171,388	8.06%

BUDGET NAME	FY 2018 ACTUAL	FY2019 ACTUAL	FY2020 BUDGET	FY2021 REQUEST	BOS/ADV RECOMM	Percent Inc./Decr.
176 ZONING BOARD OF APPEALS						
51000-51990 Personal Services	44,838	27,426	25,550	22,854	22,854	
52000-58990 Other Charges and Expenses	454	5,601	3,400	3,200	3,200	
ZONING BOARD OF APPEALS TOTAL	45,292	33,027	28,950	26,054	26,054	-10.00%

BUDGET NAME	FY 2018 ACTUAL	FY2019 ACTUAL	FY2020 BUDGET	FY2021 REQUEST	BOS/ADV RECOMM	Percent Inc./Decr.
177 OPEN SPACE						
52000-58990 Other Charges and Expenses	1,500	1,500	2,000	2,000	2,000	
OPEN SPACE TOTAL	1,500	1,500	2,000	2,000	2,000	0.00%

BUDGET NAME	FY 2018 ACTUAL	FY2019 ACTUAL	FY2020 BUDGET	FY2021 REQUEST	BOS RECOMM*	Percent Inc./Decr.
182 ECONOMIC DEVELOPMENT COMMITTEE						
51000-51990 Personal Services	8,540	24,712	27,885	26,563	26,563	
52000-58990 Other Charges and Expenses	19,755	9,263	10,850	22,900	22,900	
ECONOMIC DEVELOPMENT COMMITTEE TOTA	28,295	33,975	38,735	49,463	49,463	27.70%

**** Advisory Committee recommends reducing Other Charges and Expenses by $10,000***

BUDGET NAME	FY 2018 ACTUAL	FY2019 ACTUAL	FY2020 BUDGET	FY2021 REQUEST	BOS/ADV RECOMM	Percent Inc./Decr.
192 PUBLIC BUILDINGS AND PROPERTIES MAINTENANCE						
51000-51990 Personal Services	347,726	311,905	348,212	377,744	377,744	
52000-58990 Other Charges and Expenses	166,245	222,279	170,179	177,421	177,421	
PUBLIC BLDGS. & PROPERTY MAINT. TOTAL	513,971	534,184	518,391	555,165	555,165	7.09%

BUDGET NAME	FY 2018 ACTUAL	FY2019 ACTUAL	FY2020 BUDGET	FY2021 REQUEST	BOS/ADV RECOMM	Percent Inc./Decr.
193 PUBLIC ACCESSIBILITY COMMITTEE						
51000-51990 Personal Services	0	0	0	0	0	
52000-58990 Other Charges and Expenses	0	0	0	5,000	2,500	
PUBLIC BLDGS. & PROPERTY MAINT. TOTAL	0	0	0	5,000	2,500	100.00%

200-299 PUBLIC SAFETY

BUDGET NAME	FY 2018 ACTUAL	FY2019 ACTUAL	FY2020 BUDGET	FY2021 REQUEST	BOS/ADV RECOMM	Percent Inc./Decr.
210 POLICE DEPARTMENT						
51000-51990 Personal Services	1,816,508	1,912,130	2,055,082	2,220,434	2,220,434	
52000-58990 Other Charges and Expenses	119,274	134,101	129,980	146,270	146,270	
POLICE DEPARTMENT TOTAL	1,935,782	2,046,231	2,185,062	2,366,704	2,366,704	8.31%

BUDGET NAME	FY 2018 ACTUAL	FY2019 ACTUAL	FY2020 BUDGET	FY2021 REQUEST	BOS/ADV RECOMM	Percent Inc./Decr.
220 FIRE DEPARTMENT						
51000-51990 Personal Services	1,905,704	1,941,336	2,020,937	2,089,909	2,089,909	
52000-58990 Other Charges and Expenses	187,857	210,404	187,176	232,000	232,000	
FIRE DEPARTMENT TOTAL	2,093,561	2,151,740	2,208,113	2,321,909	2,321,909	5.15%

BUDGET NAME	FY 2018 ACTUAL	FY2019 ACTUAL	FY2020 BUDGET	FY2021 REQUEST	BOS/ADV RECOMM	Percent Inc./Decr.
241 BUILDING DEPARTMENT						
51000-51990 Personal Services	121,418	114,742	120,228	149,584	149,584	
52000-58990 Other Charges and Expenses	8,226	39,200	10,775	10,205	10,205	
BUILDING DEPARTMENT TOTAL	129,644	153,942	131,003	159,789	159,789	21.97%

BUDGET NAME	FY 2018 ACTUAL	FY2019 ACTUAL	FY2020 BUDGET	FY2021 REQUEST	BOS/ADV RECOMM	Percent Inc./Decr.
291 CIVIL DEFENSE						
51000-51990 Personal Services	2,926	2,926	3,926	2,926	2,926	
52000-58990 Other Charges and Expenses	6,395	6,422	8,224	7,225	7,225	
CIVIL DEFENSE TOTAL	9,321	9,348	12,150	10,151	10,151	-16.45%

BUDGET NAME	FY 2018 ACTUAL	FY2019 ACTUAL	FY2020 BUDGET	FY2021 REQUEST	BOS/ADV RECOMM	Percent Inc./Decr.
292 ANIMAL CONTROL OFFICER AND ANIMAL INSPECTOR						
52000-58990 Other Charges and Expenses	27,720	27,592	28,490	28,490	28,490	
ANIMAL CONTROL OFF. & ANIMAL INSP. TOTAL	27,720	27,592	28,490	28,490	28,490	0.00%

400-499 PUBLIC WORKS & FACILITIES

BUDGET NAME	FY 2018 ACTUAL	FY2019 ACTUAL	FY2020 BUDGET	FY2021 REQUEST	BOS/ADV RECOMM	Percent Inc./Decr.
400, 420 DEPT. OF PUBLIC WORKS (Highway, Cemetery, Tree)						
51000-51990 Personal Services	901,522	916,585	985,396	1,011,955	1,011,955	
52000-58990 Other Charges and Expenses	1,308,742	1,330,150	1,287,950	1,388,970	1,388,970	
DEPT. OF PUBLIC WORKS TOTAL	2,210,264	2,246,735	2,273,346	2,400,925	2,400,925	5.61%

500-599 HUMAN SERVICES

BUDGET NAME	FY 2018 ACTUAL	FY2019 ACTUAL	FY2020 BUDGET	FY2021 REQUEST	BOS/ADV RECOMM	Percent Inc./Decr.
510 ELECTED BOARD OF HEALTH						
51000-51990 Personal Services	150	0	450	450	450	
ELECTED BOARD OF HEALTH TOTAL	150	0	450	450	450	0.00%

BUDGET NAME	FY 2018 ACTUAL	FY2019 ACTUAL	FY2020 BUDGET	FY2021 REQUEST	BOS/ADV RECOMM	Percent Inc./Decr.
512 BOARD OF HEALTH						
51000-51990 Personal Services	104,297	106,820	109,605	112,887	112,887	
52000-58990 Other Charges and Expenses	55,148	54,262	55,817	57,830	57,830	
BOARD OF HEALTH TOTAL	159,445	161,082	165,422	170,717	170,717	3.20%

BUDGET NAME	FY 2018 ACTUAL	FY2019 ACTUAL	FY2020 BUDGET	FY2021 REQUEST	BOS/ADV RECOMM	Percent Inc./Decr.
541 COUNCIL ON AGING						
51000-51990 Personal Services	248,607	258,083	267,038	277,842	277,842	
52000-58990 Other Charges and Expenses	59,213	57,881	60,915	63,240	63,240	
COUNCIL ON AGING TOTAL	307,820	315,964	327,953	341,082	341,082	4.00%

BUDGET NAME	FY 2018 ACTUAL	FY2019 ACTUAL	FY2020 BUDGET	FY2021 REQUEST	BOS RECOMM*	Percent Inc./Decr.
542 YOUTH COMMISSION						
51000-51990 Personal Services	134,032	141,070	172,300	230,671	230,671	
52000-58990 Other Charges and Expenses	10,752	9,072	11,300	13,700	13,700	
YOUTH COMMISSION TOTAL	144,784	150,142	183,600	244,371	244,371	33.10%

**** Advisory Committee recommendation at Town Meeting***

BUDGET NAME	FY 2018 ACTUAL	FY2019 ACTUAL	FY2020 BUDGET	FY2021 REQUEST	BOS/ADV RECOMM	Percent Inc./Decr.
543 VETERANS' SERVICES						
51000-51990 Personal Services	15,000	15,000	15,000	15,000	15,000	
52000-58990 Other Charges and Expenses	18,278	24,319	35,120	20,845	20,845	
VETERANS' SERVICES TOTAL	33,278	39,319	50,120	35,845	35,845	-28.48%

600-699 CULTURE & RECREATION

BUDGET NAME	FY 2018 ACTUAL	FY2019 ACTUAL	FY2020 BUDGET	FY2021 REQUEST	BOS/ADV RECOMM	Percent Inc./Decr.
610 LIBRARY						
51000-51990 Personal Services	375,071	383,123	412,366	425,217	425,217	
52000-58990 Other Charges and Expenses	129,518	137,402	127,799	138,772	138,772	
LIBRARY TOTAL	504,589	520,525	540,165	563,989	563,989	4.41%

BUDGET NAME	FY 2018 ACTUAL	FY2019 ACTUAL	FY2020 BUDGET	FY2021 REQUEST	BOS/ADV RECOMM	Percent Inc./Decr.
630 RECREATION COMMISSION						
51000-51990 Personal Services	125,622	124,478	135,814	138,362	138,362	
52000-58990 Other Charges and Expenses	8,979	9,900	9,900	9,900	9,900	
RECREATION COMMISSION TOTAL	134,601	134,378	145,714	148,262	148,262	1.75%

BUDGET NAME	FY 2018 ACTUAL	FY2019 ACTUAL	FY2020 BUDGET	FY2021 REQUEST	BOS/ADV RECOMM	Percent Inc./Decr.
691 HISTORICAL COMMISSION						
52000-58990 Other Charges and Expenses	3,500	3,500	2,500	2,500	2,500	
HISTORICAL COMMISSION TOTAL	3,500	3,500	2,500	2,500	2,500	0.00%

BUDGET NAME	FY 2018 ACTUAL	FY2019 ACTUAL	FY2020 BUDGET	FY2021 REQUEST	BOS/ADV RECOMM	Percent Inc./Decr.
692 MEMORIAL DAY						
52000-58990 Other Charges and Expenses	3,050	2,432	3,150	3,000	3,000	
MEMORIAL DAY TOTAL	3,050	2,432	3,150	3,000	3,000	-4.76%

700-799 DEBT SERVICE

BUDGET NAME	FY 2018 ACTUAL	FY2019 ACTUAL	FY2020 BUDGET	FY2021 REQUEST	BOS/ADV RECOMM	Percent Inc./Decr.
DEBT PRINCIPAL AND DEBT INTEREST						
0100-710-59100 Principal General Fund	2,507,043	2,602,060	2,397,976	2,352,547	2,352,547	
0100-751-59150 Interest General Fund	317,778	575,634	914,032	1,003,977	1,003,977	
DEBT PRINCIPAL AND DEBT INTEREST TOTAL	2,824,821	3,177,694	3,312,008	3,356,524	3,356,524	1.34%

BUDGET NAME	FY 2018 ACTUAL	FY2019 ACTUAL	FY2020 BUDGET	FY2021 REQUEST	BOS/ADV RECOMM	Percent Inc./Decr.
910 EMPLOYEE BENEFITS						
51700 Police/Fire Accident and Workers' Comp.	224,210	231,685	238,636	243,223	243,223	
51710 Unemployment Payments	1,740	4,350	25,000	25,000	25,000	
51720 Health Insurance	4,402,669	4,611,358	5,038,971	5,177,566	5,177,566	
51730 Retirement Fund	1,611,713	1,777,093	1,959,533	2,170,625	2,170,625	
51740 Life Insurance	4,840	5,669	5,110	5,297	5,297	
51750 Flexible Spending Account	7,056	7,551	6,912	7,440	7,440	
51770 Medicare	333,997	347,606	357,495	375,970	375,970	
51780 Dental Insurance	216,688	225,444	239,549	236,306	236,306	
51785 Medicare B Penalty	17,527	17,644	17,740	17,750	17,750	
59660 Transfer to OPEB Trust	250,000	250,000	250,000	250,000	250,000	
EMPLOYEE BENEFITS TOTAL	7,070,440	7,478,400	8,138,946	8,509,177	8,509,177	4.55%

BUDGET NAME	FY 2018 ACTUAL	FY2019 ACTUAL	FY2020 BUDGET	FY2021 REQUEST	BOS/ADV RECOMM	Percent Inc./Decr.
930 BUDGET CAPITAL						
POLICE: CRUISERS (2)			*97,528*			
LIBRARY: NEW ROOF (ENG & INSTALLATION)			*175,000*			
POLICE: TASER PROGRAM			*9,892*	*10,857*	*10,857*	
POLICE: CHIEF VEHICLE				*38,650*	*38,650*	
FIRE: CHIEF VEHICLE C20				*60,000*	*60,000*	
DPW: TREE MAINT FUNDING				*8,850*	*8,850*	
DPW: EQUIPMENT TRAILER 2006 REPLACEMENT				*12,000*	*12,000*	
52000-58990 Other Charges and Expenses	70,211	324,343	282,420	130,357	130,357	
BUDGET CAPITAL TOTAL	70,211	324,343	282,420	130,357	130,357	-53.84%

BUDGET NAME	FY 2018 ACTUAL	FY2019 ACTUAL	FY2020 BUDGET	FY2021 REQUEST	BOS/ADV RECOMM	Percent Inc./Decr.
941 COURT JUDGMENTS						
57600 Court Judgments	217,999	220,659	225,000	225,000	225,000	
COURT JUDGMENTS TOTAL	217,999	220,659	225,000	225,000	225,000	0.00%

BUDGET NAME	FY 2018 ACTUAL	FY2019 ACTUAL	FY2020 BUDGET	FY2021 REQUEST	BOS/ADV RECOMM	Percent Inc./Decr.
945 LIABILITY INSURANCE						
52000-58990 Other Charges and Expenses	245,886	267,230	272,340	284,595	284,595	
LIABILITY INSURANCE TOTAL	245,886	267,230	272,340	284,595	284,595	4.50%

BUDGET NAME	FY 2018 ACTUAL	FY 2019 ACTUAL	FY2020 BUDGET	FY2021 REQUEST	BOS/ADV RECOMM	Percent Inc./Decr.
300 ELECTED SCHOOL COMMITTEE						
51000-51990 Personal Services	150	100	500	500	500	
ELECTED SCHOOL COMMITTEE TOTAL	150	100	500	500	500	0.00%

BUDGET NAME	FY 2018 ACTUAL	FY 2019 ACTUAL	FY2020 BUDGET	FY2021 REQUEST	BOS/ADV RECOMM	Percent Inc./Decr.
301 SOUTHBOROUGH SCHOOLS						
REGULAR DAY PROGRAMS						
Administration	589,899	618,461	642,676	676,950	676,950	
Instruction	10,527,116	10,810,917	11,310,744	11,218,716	11,218,716	
Other Student Services	789,631	825,698	826,273	852,194	852,194	
Operation and Maintenance Buildings	1,855,870	1,924,422	1,680,550	1,558,613	1,558,613	
Fixed Charges	3,879	3,827	4,100	4,100	4,100	
Contractual Obligation	0	0	0	716,904	716,904	
REGULAR DAY PROGRAMS TOTAL	13,766,395	14,183,325	14,464,343	15,027,477	15,027,477	
SPECIAL EDUCATION PROGRAMS						
Administration	18,163	6,075	18,500	18,000	18,000	
Instruction	4,590,421	4,765,718	4,886,531	4,803,676	4,803,676	
Other Student Services	451,445	487,917	578,500	455,000	455,000	
Operation and Maintenance Buildings	5,880	4,348	5,000	4,000	4,000	
Programs, Other Systems in Massachusetts	909,182	881,965	775,000	1,259,236	1,259,236	
Programs, Member of Collaborative	39,772	76,638	93,000	90,680	90,680	
SPECIAL EDUCATION TOTAL	6,014,863	6,222,661	6,356,531	6,630,592	6,630,592	
GRAND TOTAL OPERATING BUDGET	**19,781,258**	**20,405,986**	**20,820,874**	**21,658,069**	**21,658,069**	4.02%

BUDGET NAME	FY 2018 ACTUAL	FY 2019 ACTUAL	FY2020 BUDGET	FY2021 REQUEST	BOS/ADV RECOMM	Percent Inc./Decr.
302 ALGONQUIN REGIONAL HIGH SCHOOL						
REGULAR DAY PROGRAMS						
Administration	657,991	681,816	688,349	732,407	732,407	
Instruction	10,874,658	11,320,115	11,440,824	11,485,060	11,485,060	
Other Student Services	1,930,658	1,959,871	2,029,191	2,072,430	2,072,430	
Operation and Maintenance Buildings	1,615,313	1,700,449	1,736,088	1,749,785	1,749,785	
Fixed Charges	3,525,866	3,641,881	3,875,748	4,049,667	4,049,667	
New Equipment	110,116	153,603	26,000	16,500	16,500	
Tuition, Other Public Schools	460,816	319,030	290,000	240,000	240,000	
Contractual Obligation	0	0	0	828,080	828,080	
REGULAR DAY PROGRAMS TOTAL	19,175,418	19,776,765	20,086,200	21,173,929	21,173,929	

SPECIAL EDUCATION PROGRAMS						
Administration	21,107	46,389	16,800	17,300	17,300	
Instruction	2,158,008	2,326,097	2,504,494	2,506,734	2,506,734	
Other Student Services	234,956	212,631	253,780	259,280	259,280	
Operation and Maintenance Buildings	1,050	1,524	2,000	2,000	2,000	
Fixed Charges	1,636	1,636	1,595	1,595	1,595	
Programs, Other Systems in Massachusetts	494,861	459,185	840,979	424,279	424,279	
Programs, Member of Collaborative	60,452	46,525	69,600	177,256	177,256	
SPECIAL EDUCATION TOTAL	2,972,070	3,093,987	3,689,248	3,388,444	3,388,444	
GRAND TOTAL OPERATING BUDGET	**22,147,488**	**22,870,752**	**23,775,448**	**24,562,373**	**24,562,373**	3.3%

	NON EXEMPT	EXEMPT	TOTAL		BOS/ADV RECOMM	Percent Inc./Decr.
FY 2021 SOUTHBOROUGH ASSESSMENT	**7,473,257**	**410,021**	**7,883,278**			-2.11%

BUDGET NAME	FY 2018 ACTUAL	FY2019 ACTUAL	FY2020 BUDGET	FY2021 REQUEST	BOS/ADV RECOMM	Percent Inc./Decr.
304 ASSABET VALLEY REGIONAL TECH HIGH SCHOOL						
Southborough Operating Assessment	296,635	329,255	293,357	349,405	349,405	
Renovation Project - Capital Assessment	39,981	38,417	37,405	36,393	36,393	
SOUTHBOROUGH ASSESSMENT	336,616	367,672	330,762	385,798	385,798	16.64%

BUDGET NAME	FY 2018 ACTUAL	FY2019 ACTUAL	FY2020 BUDGET	FY2021 REQUEST	BOS/ADV RECOMM	Percent Inc./Decr.
305 NORFOLK COUNTY AGRICULTURAL HIGH SCHOOL						
Tuition/Transportation Assessment	0	0	0	89,268	89,268	
NORFOLK COUNTY AGRICULTURAL HIGH SCHO	0	0	0	89,268	89,268	100.00%

Proposed by: BOARD OF SELECTMEN

Summary: *See budget report including Advisory Committee and Board of Selectmen's FY21 recommendations. If the Advisory Committee recommendation differs from that of the Board of Selectmen, it shall be noted in that departmental budget.*

ARTICLE 8: To see if the Town will vote to raise a sum of money as may be necessary for the Water Enterprise Fund's use for Fiscal Year 2021, and make appropriations of the same, as detailed following, or do or act anything in relation thereto.

BUDGET NAME	FY 2018 ACTUAL	FY 2019 ACTUAL	FY2020 BUDGET	FY2021 REQUEST	BOS RECOMM	Percent Inc./Decr.
450 DEPT. OF PUBLIC WORKS - WATER						
51000-51990 Personal Services	334,049	339,522	343,867	355,405	355,405	
52000-58990 Other Charges and Expenses	1,310,228	1,223,790	1,317,400	1,341,950	1,341,950	
59100 Principal Water Fund	290,000	290,000	318,233	340,000	340,000	
59150 Interest Water Fund	114,622	107,604	119,603	142,490	142,490	
59510 Indirect Costs	90,000	90,000	131,239	160,847	160,847	
DEPT. OF PUBLIC WORKS - WATER TOTAL	2,138,899	2,050,916	2,230,342	2,340,692	2,340,692	4.9%

Proposed by: BOARD OF SELECTMEN
Board of Selectmen Recommendation: Support
Advisory Committee Recommendation: At Town Meeting
Summary: *The Water budget is funded through an Enterprise Fund that is supported entirely through the water rates, which supports all aspects of the department's operation.*

ARTICLE 9: To see if the Town will vote to raise and appropriate, or transfer from available funds a sum of money for General Government capital items for the following purposes:

	DESCRIPTION	REQUEST	LEVY	OTHER FUNDS
A.	DPW – Transfer Station E&D for renovation	$ 35,000	$ 35,000	
B.	DPW – Large Truck & Equipment Body Work	$ 12,000	$ 12,000	
C.	DPW – Road Maintenance	$325,000	$325,000	
D.	Fire/Police – Repeater site for Radio System	$ 45,000	$ 45,000	
E.	Library – Replacement Boiler	$ 85,000	$ 85,000	
F.	Library – Energy Management System	$ 75,000	$ 75,000	
G.	ADA Title II Self-evaluation	$ 40,000	$ 40,000	

, or do or act anything in relation thereto.

Proposed by: BOARD OF SELECTMEN
Board of Selectmen Recommendation: Support
Advisory Committee Recommendation: Support
Summary:
A. These funds will be used by the ad-hoc Capital Planning Committee for review, analysis, and public input on Transfer Station operations, and will lead to recommendations for future improvements to the layout, management, and traffic flow for that facility;
B. This annual funding addresses maintenance of various DPW capital equipment to extend the life of these assets. This year it will be used for body work (strip, prime, paint) on one 35,000GVW truck;
C. These funds are for public roadway, sidewalks and walkway maintenance, repair and construction throughout town. These are expended in conjunction with Chapter 90 roadway improvement funding from the Commonwealth;

D. These funds will be used to seek a new repeater site for the public safety radio system, which allows Police, Fire and DPW vehicles to communicate throughout Town. No funds will be spent prior to confirmation with the Town's communication consultants that any proposed upgrade to the radio system will improve the coverage of the existing system;
E. These funds will provide the necessary engineering related to and the replacement of the existing 30+ year old boiler and associated components at the Southborough Library;
F. These funds will provide the necessary engineering related to and the replacement of the existing building energy management system (EMS) and associated pneumatic components with a new EMS with Direct Digital Control (DDC) electronic components at the Southborough Library;
G. The Massachusetts Office of Disability (MOD) recently informed the Town that it is required to perform an accessibility review of its public buildings and facilities. The Town will be applying for a MOD grant to offset these costs. The results of the review, and any corresponding improvements, will be incorporated into the Town's capital plan.

ARTICLE 10: To see if the Town will appropriate a sum of money to pay costs of the equipment listed below, and for the payment of costs incidental or related thereto, and to determine whether this amount shall be raised by borrowing, transfer from available funds, or otherwise:

	DESCRIPTION	REQUEST	LEVY	WATER AND OTHER FUNDS
A.	Fire Pumper	$600,000	$600,000	

, or do or act anything in relation thereto.

Proposed by: BOARD OF SELECTMEN
Board of Selectmen Recommendation: Support
Advisory Committee Recommendation: Support
Summary:
A. These funds will be used to replace a 2001 E-One Typhoon Pumper, which is at its useful lifespan for this type of vehicle (20 years). The normal procurement process, including the construction of the vehicle, is 12-15 months. Delivery of the new vehicle is anticipated in early FY2022.

ARTICLE 11: To see if the Town will vote to raise and appropriate or transfer from any available funds the sum of $28,000 for the purpose of paying to retirees the amount due for accrued vacation and sick time, or do or act anything in relation thereto.

Proposed by: BOARD OF SELECTMEN
Board of Selectmen Recommendation: Support
Advisory Committee Recommendation: Support
Summary: *This article will fund any vacation and sick pay due to employees upon their retirement.*

ARTICLE 12: To see if the Town will vote to raise and appropriate the sum of $10,000 for the purpose of paying the Town's share of casualty and other losses incurred to Town property and equipment which are not covered by insurance policies, or do or act anything in relation thereto.

Proposed by: BOARD OF SELECTMEN
Board of Selectmen Recommendation: Support
Advisory Committee Recommendation: Support
Summary: *This article will provide funds to be used to pay the deductible for property damage which is not covered by insurance.*

ARTICLE 13: To see if the Town will vote to raise and appropriate, borrow and appropriate or transfer from available funds the sum of $100,000 for the ongoing maintenance of capital equipment and systems associated with town buildings and facilities. The Town Facilities Manager shall recommend appropriate projects to the Town Administrator. The Town Administrator shall approve all expenditures under this article. The Town Facilities

Manager shall report all funded projects to the Advisory Committee as requested, or do or act anything in relation thereto.

Proposed by: BOARD OF SELECTMEN
Board of Selectmen Recommendation: Support
Advisory Committee Recommendation: Support
Summary: *This article will provide for the maintenance and repair of capital equipment and systems associated with the Town's buildings and facilities.*

ARTICLE 14: To see if the Town will vote to appropriate, borrow or transfer from available funds, an amount of money to be expended under the direction of the School Committee for replacement of the boiler at the Mary E. Finn Elementary School, 60 Richards Road, Southborough, which proposed repair project would materially extend the useful life of the school and preserve an asset that otherwise is capable of supporting the required educational program and for which the Town has applied for a school construction grant from the Massachusetts School Building Authority ("MSBA"). The Town acknowledges that the MSBA's grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and if the MSBA's Board of Directors votes to invite the Town to collaborate with the MSBA on this proposed repair project, any project costs the Town incurs in excess of any grant that may be approved by and received from the MSBA shall be the sole responsibility of the Town, or do or act anything in relation thereto.

Proposed by: SCHOOL COMMITTEE
Board of Selectmen Recommendation: Support
Advisory Committee Recommendation: Support
Summary: *This project would replace the school's 21-year-old heating system with new oil boilers, with an estimated efficiency of 85%. The project also includes providing the hardware to convert to natural gas if it becomes available in the future. This project is a partnership with the Massachusetts School Building Authority (MSBA) Accelerated Repair Project. The total cost of the project is estimated to be $990,180.00. The Town of Southborough's cost for the project is $624,903.00 and MSBA's contribution is $365,276, which reflects the Town of Southborough's MSBA reimbursement rate of 36.89%.*

ARTICLE 15: To see if the Town will vote pursuant to Massachusetts General Laws, Chapter 44 § 53E ½ to authorize the following spending limits for Fiscal Year 2021:

1. Immunization/emergency dispensing clinic; $12,000.
2. Inspectional services; $100,000.
3. 9-11 Field Maintenance; $100,000.
4. Wetland Protection; $30,000.
5. Hazardous materials; $75,000.
6. CPR classes; $6,500.
7. Community garden; $2,500.
8. Recreation programs; $400,000.
9. Tobacco Control Program; $4,000.
10. Golf Course maintenance; $30,000.

, or do or act anything in relation thereto.

Proposed by: BOARD OF HEALTH, BOARD OF SELECTMEN, RECREATION COMMISSION, AND CONSERVATION COMMISSION
Board of Selectmen Recommendation: Support
Advisory Committee Recommendation: Support
Summary: *This article approves the annual spending limits for revolving funds that are now authorized by Town by-law.*

ARTICLE 16: To see if the Town will vote to accept the report of the Community Preservation Committee for the FY 2021 Community Preservation Projected Receipts and act upon the recommendations of the Community Preservation Committee and to set aside for later expenditure, certain sums of money from the Community Preservation Fund established pursuant to Chapter 44B of the General Laws, as follows:

Estimated Surcharge Receipts (based on Town Treasurer's projections)……..	$376,373
State Match (projected FY2021 State match)……..…….……..	$ 54,547
FY2020 State Match Adjustment…….	$ 31,049
Total Projected Revenue……..	$461,969

Set Aside- Open Space

$46,197 to be set aside, held in the Community Preservation Fund, and spent in FY2021 or later years for acquisition, creation or preservation of open space, and for the rehabilitation and/or restoration of open space acquired under the Community Preservation Act.

Set Aside – Historic Preservation

$46,197 to be set aside, held in the Community Preservation Fund, and spent in FY2021 or later years for the acquisition, preservation, rehabilitation and restoration of historic resources.

Set Aside – Community Housing

$46,197 to be set aside, held in the Community Preservation Fund, and spent in FY2021 or later years for the creation, preservation and support of community housing, and for the rehabilitation and/or restoration of community housing acquired under the Community Preservation Act.

Administrative Costs – Community Preservation Committee

$23,098 to defray the administrative and operating expenses of the Community Preservation Committee in FY2021 for the Community Preservation Fund (discretionary)

Set Aside -Budgeted Reserve/Discretionary

Reserved For FY21 CPF (Budgeted Reserve/Discretionary) $300,280

, or do or act anything in relation thereto.

Proposed by: COMMUNITY PRESERVATION COMMITTEE
Board of Selectmen Recommendation: Support
Advisory Committee Recommendation: Support
Summary: *The budget and set asides are an annual requirement under the Community Preservation Act.*

ARTICLE 17: To see if the Town will vote to appropriate $85,437.50 to be applied towards the bond for the Perpetual Preservation Restriction on 84 Main Street also known as the Burnett House for the purpose of Historic Preservation. $32,278 from the CPA Historic Preservation Reserve Fund and $53,159.50 from the CPA FY2021 Budgeted Reserve Fund. Said funds to be expended under the direction of the Community Preservation Committee and the Town Treasurer; or do or act anything in relation thereto.

Proposed by: COMMUNITY PRESERVATION COMMITTEE
Board of Selectmen Recommendation: Support
Advisory Committee Recommendation: Support
Summary: *This article is the Community Preservation Fund payment towards the FY2021 debt funding for the Preservation Restriction of 84 Main Street as approved at the 2016 Annual Town Meeting.*

ARTICLE 18: To see if the Town will vote to appropriate a total of $114,753 to be applied towards the bond for the renovation and restoration of the Historic Southborough Library building, $19,749 for interest due September 2020 and $95,004 to be applied towards the bond for the purpose of Historic Preservation. $32, 278 from the CPA historic Preservation Reserve Fund and $82,475 from CPA General Unreserved Fund. Said funds to be expended under the direction of the Community Preservation Committee and the Town Treasurer; or do or act anything in relation thereto.

Proposed by: COMMUNITY PRESERVATION COMMITTEE
Board of Selectmen Recommendation: Support
Advisory Committee Recommendation: Support
Summary: *This article is the Community Preservation Fund payment toward the FY2021 debt funding for the renovation and restoration of the Historic Southborough Library as approved at the 2019 Annual Town Meeting.*

ARTICLE 19: To see if the Town will vote to appropriate $238,750 from the CPA Fund FY2021 Budgeted Reserve for the renovation and restoration of Kallander Field, located on Kallander Drive in Southborough (Parcel ID 56-0000-012-0) for recreation purposes as requested by the Recreation Department. This consists of $210,100 in project costs and an additional $28,650 in contingency funding. Contingency funds only available after approval of the CPC for unexpected costs unforeseen at the time of application. Project to be completed in conformance with details as presented to the members of the CPC and to be documented in the application and signed Memorandum of Understanding. Said funds to be expended under the direction of the Community Preservation Committee and the Town Treasurer; or do or act anything in relation thereto.

Proposed by: COMMUNITY PRESERVATION COMMITTEE
Board of Selectmen Recommendation: Support
Advisory Committee Recommendation: At Town Meeting
Summary: *Under the direction of the Recreation Director Tim Davis and the Southborough Recreation Department, said funds will be used to restore and renovate Kallander Field, to address significant drainage issues that plague the field.*

ARTICLE 20: To see if the Town will vote to appropriate $300,000 for the restoration and preservation of the Historic St. Mark's Bell Tower located at 27 Main Street Southborough for Historic purposes. $23,061.76 from the CPA Historic Preservation Reserve Fund and $276,938.24 from CPA General Unreserved Fund. Project to be completed in conformance with details as presented to the members of the CPC and to be documented in the application and signed Memorandum of Understanding. Said funds to be expended under the direction of the Community Preservation Committee and the Town Treasurer; or do or act anything in relation thereto.

Proposed by: COMMUNITY PRESERVATION COMMITTEE
Board of Selectmen Recommendation: At Town Meeting
Advisory Committee Recommendation: At Town Meeting
Summary: *Under the direction of the St. Mark's Building Committee said funds will be used to restore and preserve the St. Marks Bell Tower in conformance with a Preservation Restriction held by the Massachusetts Historical Commission. The goal is to preserve St. Mark's Bell Tower for many future generations of Southborough residents to enjoy. Built in 1891 on land donated by Joseph Burnett, the tower has fallen into major disrepair over the years. Issues include water penetration, unevenly faced stones, cracked mortar joints, and stone slippage. Without restoration of the tower, the historic viewscape of our town will be forever changed. Satisfying the Community Preservation Act goal to preserve and maintain historic landmarks, this project would preserve the tower and keep its historical significance. St. Mark's Church is part of the Southborough Historical Commission project to add downtown Southborough to the State and National Register of Historic Places. The tower restoration project strictly falls under historic preservation and does not contain any religious depiction. This $300,000 request is for partial funding of total project costs of $565,000 with remainder raised by St. Mark's.*

ARTICLE 21*:* To see if the Town will vote to accept Massachusetts General Laws Chapter 59, Section 5C1/2, which provides for an additional real estate exemption for taxpayers who are granted personal exemptions on their domiciles under Massachusetts General Laws Chapter 59, Section 5, including certain blind persons, veterans, surviving spouses and seniors, and to provide that the additional exemption shall be up to 100 percent of the personal exemption, to be effective for exemptions granted for any fiscal year beginning on or after July 1, 2020, or do or act anything in relation thereto.

Proposed by: BOARD OF SELECTMEN
Board of Selectmen Recommendation: Support
Advisory Committee Recommendation: Support
Summary: *Adoption of this local option will increase the property tax abatement benefits to Southborough veterans and non-veterans who currently meet eligibility requirements for personal exemptions on their property. Funds for these abatements are carried in the Assessor's overlay account.*

ARTICLE 22: To see if the Town will vote to amend Section 9-24 "Qualification of elected and appointed officials" of the Town Code, by deleting the text in its entirety, and replacing with the following:

"All elected and appointed officials shall be qualified by the Town Clerk within 30 days of their election except where a different period is specified in the General Laws. If an appointed official is not qualified in this period, his/her appointment shall terminate, and the appointing authority shall be so notified by the Town Clerk."

; or do or act anything in relation thereto.

Proposed by: BOARD OF SELECTMEN
Board of Selectmen Recommendation: Support
Advisory Committee Recommendation: Support
Summary: *Currently, elected and appointed officials have 15 days to be sworn in by the Town Clerk's office; this article will allow those officials additional time to be sworn in following their appointment or election. The current requirement of 15 days was found to be too limiting, as appointment dates often conflicted with the 4th of July holiday and summer vacations. The Board of Selectmen was having to reappoint certain positions multiple times due to the inability of individuals to be sworn in within the required timeframe.*

ARTICLE 23: To see if the Town will vote to adopt MGL c.90, Section 17C to allow the Board of Selectmen to reduce the statutory speed limit from 30MPH to 25MPH on any or all town-owned roadways in thickly settled or business district areas, or do or act anything in relation thereto.

Proposed by: BOARD OF SELECTMEN
Board of Selectmen Recommendation: Support
Advisory Committee Recommendation: Support
Summary: *This article provides the Selectmen with the authority to reduce speed limits on certain town-owned streets in the interest of public safety.*

ARTICLE 24: To see if the Town will vote to adopt MGL c.90, Section 18B to allow the Board of Selectmen to establish regulatory 20MPH safety zones on public streets within the Town of Southborough, or do or act anything in relation thereto.

Proposed by: BOARD OF SELECTMEN
Board of Selectmen Recommendation: Support
Advisory Committee Recommendation: Not Support
Summary: *This article provides the Selectmen with the authority to establish safety zones on streets in the interest of public safety.*

ARTICLE 25: To see if the Town will vote to impose a .75% meals tax on the sales of restaurant meals by accepting Massachusetts General Laws, Chapter 64L, Section 2(a), or do or act anything in relation thereto.

Proposed by: BOARD OF SELECTMEN
Board of Selectmen Recommendation: Support
Advisory Committee Recommendation: Support
Summary: *This article will require all local restaurants to charge an additional .75% in meals tax, which will come back to the Town as unallocated revenue through State Local Aid. Most other communities in our area have adopted*

this local option as well. The local meals tax has been identified as an additional revenue source to help alleviate increases to residential property taxes.

ARTICLE 26: To see if the Town will vote to adopt as Chapter 9, Article IX Southborough Public Accessibility Committee, Sections 9.34 through 9.35 of the Town bylaws, the following:

Article IX Southborough Public Accessibility Committee

§9.34 Purpose

Numerous laws, statutes, policies and regulations require and/or encourage access to facilities, programs and services for all members of the public. These include, but are not limited to:

- The Americans with Disabilities Act of 1990 - 42 U.S.C. ch. 126 § 12101 et seq
- Regulations promulgated by the Massachusetts Architectural Access Board (521 CMR)
- The Voting Accessibility for the Elderly and Handicapped Act of 1984 - P.L. 98-435, 42 U.S.C. §§ 1973ee–1973ee-6
- The Individuals with Disabilities Education Act – 20 U.S.C. §§ 1400 et seq.
- The Rehabilitation Act of 1973 – USC 31-41c, 29 U.S.C. § 701 et seq
- The Architectural Barriers Act - 42 U.S.C. §§ 4151 et seq.
- Massachusetts Employment Law MGL ch 151B
- Massachusetts Public Accommodation Law - MGL ch 272
- Massachusetts Equal Rights Act - MGL Ch. 93 §§ 102
- Massachusetts Constitution Article CXIV (114)
- Massachusetts Service Animals Law – MGL Ch. 272 §§ 98A

Southborough supports a coordinated approach to monitoring and increasing public accessibility and ensuring compliance with local, state and federal requirements. In addition, it is desirable to encourage property owners to consider adopting optional policies that increase accessibility. As more fully described in the remainder of this Article IX, this article establishes a committee that will be responsible for developing and implementing this coordination. It will report on status and progress to the Board of Selectmen and the Town Meeting.

§9.34.A Establishment; Membership; Qualifications

There shall be a Southborough Public Accessibility Committee ("SPAC"), which shall consist of five voting members appointed by the Board of Selectmen, plus the non-voting, ex-officio members identified below. Any non-voting, ex-officio member shall not count toward the calculation of a quorum for the SPAC for voting purposes.

Each voting member shall be a registered voter in the Town and shall not be a Town officer (where a "Town officer" means a Town official who serves in an elected position) or a Town employee (where a "Town employee" is any person holding a non-elected, paid position in the Town other than a volunteer who is deemed a Special Municipal employee solely for the purposes of MGL Chapter 268A).

The Board of Selectmen shall designate a Public Accessibility Coordinator ("Coordinator"), in consultation with the SPAC. The Coordinator shall be responsible for accepting and recording concerns, coordinating reviews, and such other duties as may be assigned.

The Building Commissioner and Coordinator shall be ex-officio members of the SPAC.

§9.34.B Appointments; Terms

Voting members shall be appointed for two-year terms. The initial appointments shall be divided between one and two-year terms, so as to establish overlapping terms.

§9.34.C Organization

The voting SPAC members shall select annually, from among themselves by majority vote, a Chairman and a Secretary.

§9.34.D Funding
The SPAC shall have a budget, as may be approved through the Town's regular budget process, for consultants and other expenses. The SPAC shall submit its projected expenses annually as input to the Town's regular budget process. Any expenditures from the SPAC budget shall require a majority vote of the SPAC, and shall be subject to the Town's policies for such expenditures.

§9.35 Powers and Duties
The SPAC Powers and Duties include, but are not limited to, the following:

- To monitor and enhance the Town's compliance with all applicable laws, statutes, policies, and regulations that require (or encourage) access to facilities, programs and services for all members of the public.
- In coordination with Town officers, departments, and other government entities, to endeavor to ensure that all Town citizens have equal access to:
  - Town government offices and communications
  - Public and commercial buildings
  - Programs
  - Goods and services
  - Transportation
  - Telecommunications, including the internet
  - Recreational facilities and programs
- To review existing and proposed facilities, programs, and projects undertaken by the Town, and to notify the responsible official or entity of its comments. The SPAC may request that other Town officials, committees, departments, and/or entities provide input to these reviews.
- To undertake public outreach and advocacy for accessibility in the Town,
- To periodically, but no less than once per calendar year, report to the Board of Selectmen and the Town Meeting on its activities and findings.
- To provide a mechanism for the public and/or any Town employee to raise concerns about the accessibility of any Town facility, service or program.
- The SPAC (or its designee) shall maintain records of such concerns and their dispositions. To the extent permissible by law, the identities of persons raising such concerns shall be confidential, unless confidentiality is waived by such person.

, or act or do anything in relation thereto.

Proposed by: BOARD OF SELECTMEN
Board of Selectmen Recommendation: Support
Advisory Committee Recommendation: At Town Meeting
Summary: *This article replaces the current ad-hoc Accessibility Compliance Committee with a standing committee. The existing committee was established to address the issues raised by the 1990 Americans with Disabilities Act, and was thought to be needed for a short time. In the time since, regulations in this area have increased and public demand for accessibility has increased. Since the need has persisted for several decades, a standing committee that is not limited to the ADA is the more appropriate construct.*

ARTICLE 27: To see if the Town will accept the provisions of Chapter 41, Sec. 110A of the Massachusetts General Laws "Office hours on Saturday": "Any public office in any city or town may remain closed on any or all Saturdays as may be determined from time to time, in a city by the city council, subject to the provisions of the city charter, or, in a town, by vote of the town at a special or regular town meeting, and the provisions of section nine of chapter four shall apply in the case of such closing of any such office on any Saturday to the same extent as if such Saturday were a legal holiday."

;or do or act anything in relation thereto.

Proposed by: TOWN CLERK
Board of Selectmen Recommendation: Support
Advisory Committee Recommendation: Support
Summary: *Acceptance of this provision of the General Law would extend a voter registration deadline which occurs on a Saturday to the following Monday.*

ARTICLE 28: To see if the Town will vote to amend the Zoning Code of the Town of Southborough, Zoning Article I entitled "Miscellaneous Provisions" and Article V entitled "Nonconforming Uses and Structures" by amending thereto Section 174-9 entitled "Special Permit Requirements" and 174-19 entitled "Extensions" as hereinafter specified.

****Bold text are insertions. Strikethrough text are deletions.*

Article I: Miscellaneous provisions
§ 174-9 Special permit requirements.
[Amended 4-14-1986 ATM by Art. 46]

E. Nonconforming uses, lots and structures. Special permits may be issued for the extension**,** ~~or~~ alteration**, reconstruction or structural change** of legally nonconforming uses, structures and lots, including a change in the non-conforming use to another non-conforming use, provided that the Board of Appeals finds that such extension, alteration**, reconstruction** or **structural** change shall not be substantially more detrimental to the neighborhood, will not increase the extent of non-conformance in size or in impact and that the cost thereof shall not exceed 50% of the assessed value of the non-conforming structure at the time of application, and further provided that the estimate of the cost of any extension**,** ~~or~~ alteration**, reconstruction or structural change** utilized by the Board of Appeals in evaluating the above specified 50% requirement of the assessed value shall not be less than a cost estimate of such extension**,** ~~or~~ alteration**, reconstruction or structural change** based on a nationally recognized building cost estimate manual or system acceptable to the Zoning Board of Appeals. ~~No special permits under this subsection shall be granted for nonconforming signs subject to Chapter 93 or 93D of the General Laws.~~
[Amended 4-15-2008 ATM by Art. 38]

§ 174-19 **Extensions,** ~~or~~ alterations**, reconstruction or structural changes.**
[Amended 4-10-2000 ATM by Art. 55]

A. Nonconforming structures or uses shall not be extended**,** ~~or~~ altered**, reconstructed or structural changes made** except to make them conforming~~,~~ unless the Board of Appeals authorizes such extension**,** ~~or~~ alteration**, reconstruction or structural change** by special permit upon making findings as provided in § 174-9E.

B. ~~Single family and two family residential structures. In the following circumstances,~~ **Notwithstanding the provisions of Section A above, as provided in M.G.L. c.40A, § 6, if any proposed extension, alteration**, reconstruction**,** ~~extension~~ or structural change to a single or two-family residential **structure complies with one of the conditions set forth in subsections (1) through (5) below, such extension, alteration, reconstruction or structural change** ~~structure~~ shall not be considered an increase in the non-conforming nature of the structure and shall be permitted as of right.
[Amended 10-7-2013 STM by Art. 9]

(1) **Extension, a**~~A~~lteration**, reconstruction or structural change** to a structure which complies with all current setbacks, lot coverage and building height requirements but is located on a lot with insufficient area~~,~~ where the alteration will also comply with all of said current requirements.~~;~~

(2) **Extension, a**~~A~~lteration**, reconstruction or structural change** to a structure which complies with all current setbacks, lot coverage and building height requirements but is located on a lot with insufficient frontage~~,~~ where the alteration will also comply with all of said current requirements.~~;~~

(3) **Extension, a**~~A~~lteration**, reconstruction or structural change** to a structure which encroaches upon one or more required setbacks~~,~~ where the alteration will comply with all current setbacks, open lot coverage and building height requirements. The provisions of this ~~s~~**S**ubsection ~~B (3)~~ shall apply regardless of whether the lot complies with current area and frontage requirements.

(4) Extension, alteration, reconstruction or structural change to the rear, side or fascia of a structure which encroaches upon a required yard or setback area where the alteration will not encroach upon such area to a distance greater than the existing structure. The provisions of this subsection shall apply regardless of whether the lot complies with current area and frontage requirements.

(5) Extension, alteration, reconstruction or structural change to a non-conforming structure which will not increase the footprint of the existing structure providing that existing height restrictions shall not be exceeded.

In the event that the Building Commissioner determines that none of the exemptions set forth in subsections (1) through (5) apply, and the Building Commissioner determines that the non-conforming nature of such structure would be increased by the proposed extension, alteration, reconstruction or structural change, then the Board of Appeals may, by special permit, allow such extension, alteration, reconstruction or structural change where the proposed modification will not be substantially detrimental than the existing non-conforming structure to the neighborhood.

; or do or act anything in relation thereto.

Proposed by: ZONING BOARD OF APPEALS
Board of Selectmen Recommendation: Support
Advisory Committee Recommendation: At Town Meeting
Summary: *This article proposes to amend the Special Permit Requirements and Exemptions by the addition of language for the purpose of clarity and the inclusion of exemptions to comply with current case law.*

***ARTICLE 29**:* To see if the Town will vote to amend the Zoning Code of the Town of Southborough Article III entitled "Use Regulations" by replacing thereto Section 174-12.1 thereof entitled "Outdoor illumination" as hereinafter specified.

****Bold text are insertions. Strikethrough text are deletions.*

§ 174-12.1
Outdoor illumination.
[Added 4-11-2005 ATM by Art. 40]

A. Purpose. This section recognizes the benefits of outdoor lighting and provides clear guidelines for its installation, so as to help maintain and complement Southborough's character. The intent of this section is to**:**

(1) encourage lighting that provides safety, utility and security, **productivity, enjoyment and commerce;**

(2) prevent glare on public roadways;

(3) protect the privacy of residents;

(4) promote energy-efficient outdoor lighting;

(5) limit the total allowable illumination of lots located in the Town of Southborough; ~~to reduce atmospheric light pollution.~~

(6) minimize adverse offsite impact such as light trespass, and obtrusive light;

(7) curtail light pollution and reduce skyglow to create a healthy night-time environment for residents of Southborough

The Planning Board is authorized to promulgate rules and regulations to carry forth the purpose and intent of these Bylaw provisions. Appropriately regulated, and properly installed, outdoor lighting will contribute to the safety and welfare of the residents of Southborough.

B. Applicability. Outdoor illumination by flood or spot luminaries rated at 900 lumens or more (which is approximately equal to one sixty-watt incandescent light bulb) or by any other luminaires rated at 1,800 lumens or more (which is approximately equal to one one-hundred-twenty-watt incandescent light bulb) shall be subject to the provisions of this section **including application to single and two-family residential lots**, with the following exceptions:

(1) emergency lighting;

(2) hazard warning;

(3) temporary decorative or holiday lighting ~~or public roadway illumination.~~

It shall also not apply to any luminaire intended solely to illuminate any freestanding sign, flag or the walls of any building, but such luminaire shall be shielded so that its direct light is confined to the surface of such sign, flag or building.

~~(1) The replacement of existing fixtures shall be subject to the provisions of this section; however, the replacement of existing nonconforming lamps or fixtures with the same or lower output nonconforming lamps or fixtures is exempted.~~

The replacement of fixtures or luminaires shall be subject to the provisions of this section and comply with guidance outlined in the Rules and Regulations for Outdoor Illumination maintained by the Planning Board. Non-conforming fixtures or luminaires requiring replacement for any reason (including but not limited to end of life, breakdown, vandalism) shall be replaced in compliance with this Bylaw.

~~(2)~~ The Planning Board, in performing review pursuant to § 174-10, Site plan approval, may determine that special circumstances of the site, context or design make an alternative lighting design at least equally effective in meeting the purposes of this section and, in such cases, may modify the requirements of this section.

C. Enforcement. The owner of any lot or property on which a luminaire subject to this Bylaw is located or proposed to be located shall have the burden of demonstrating that the existing or proposed luminaire complies with the standards established by this Bylaw. The manufacturer's specification sheet may be used to establish the lumen level of a luminaire, correlated color temperature (CCT) and, if required, to verify the use of fully shielded fixture design. Illumination levels may be verified through the use of manufacturer's photometric data sheet and/or photometric site drawing or through on-site calibrated light level meter readings. A site visit at night by a representative of the Town in the form of a visual observation and/or photograph may be required to determine if a nuisance has occurred.

(1) Violations of this Bylaw shall be subject to the provisions of the Town of Southborough Article III entitled "Use Regulations" Section 174-24 thereof entitled "Enforcement; procedures; violations and penalties."

D. Definitions. For the purposes of this section, the following terms shall be defined as indicated below. Although set forth here for convenience, the terms shall have the same effect as if in § 174-2 of this Bylaw.

BACKLIGHT – For an exterior luminaire is the 90-degree quarter-sphere located behind and below the light source. For luminaires with symmetric distribution, backlight will be the same as front light.

BUG RATING – A luminaire classification system that classifies backlight (B), uplight (U), and glare (G) per IES TM-15-11.

CORRELATED COLOR TEMPERATURE (CCT) – A specification of the color appearance of the light emitted by a lamp, relating its color to the color of light from a reference source when heated to a particular temperature, measured in degrees Kelvin (K).

FIXTURE – The assembly that houses a lamp or lamps, and which may include a housing, a mounting bracket or pole socket, a lamp holder, a ballast, a reflector or mirror, and/or a refractor, lens or diffuser lens.

FRONTLIGHT – For an exterior luminaire is the 90-degree quarter-sphere located in front and below the luminaire.

FULL CUTOFF – A luminaire designed with an opaque shield surrounding and extending below the lamp, such that no direct light is emitted above a horizontal plane.

FULLY SHIELDED LUMINAIRE — A luminaire constructed and installed in such a manner that all light emitted by the luminaire, either directly from the lamp or a diffusing element, or indirectly by reflection or refraction from any part of the luminaire, is projected below the horizontal plane through the luminaire's lowest light-emitting part.

GLARE – Light emitted from a luminaire with intensity great enough to produce annoyance, discomfort or a reduction in a viewer's ability to see, and in extreme cases causing momentary blindness.

HARDSCAPE – Permanent hardscape improvements to the site including parking lots, drives, entrances, curbs, ramps, stairs, steps, medians, walkways, and non-vegetated landscaping that is 100 feet or less in width. Materials may include but are not limited to concrete, asphalt, stone, and gravel.

INDIRECT LIGHT – Light scatter caused by direct light being redirected from a surface.

LAMP – The component of a luminaire that produces the actual light.

LED LAMP– (Light Emitting Diode) An electric lamp with a much longer lifespan than incandescent lighting and low energy consumption.

LIGHT TRESPASS – The shining of direct **or indirect** light produced by a luminaire beyond the boundaries of the lot on which it is located.

LUMEN – A measure of light energy generated by a light source. One footcandle is one lumen per square foot. For purposes of this bylaw, the lumen output shall be the initial lumen output of a lamp, as rated by the manufacturer.

LUMINAIRE – A complete lighting ~~system, including a lamp or lamps and a fixture.~~ **unit (fixture), consisting of a lamp, or lamps and ballast(s) (when applicable), together with the parts designed to distribute the light (reflector, lens, diffuser), to position and protect the lamps, and to connect the lamps to the power supply.**

LUMINAIRE LUMENS - For luminaires with relative photometry per Illuminating Engineering Society (IES), it is calculated as the sum of the initial lamp lumens for all lamps within an individual luminaire, multiplied by the luminaire efficiency. If the efficiency is not known for a residential luminaire, assume 70%. For luminaires with absolute photometry per IES LM-79, it is the total luminaire lumens. The lumen rating of a luminaire assumes the lamp or luminaire is new and has not depreciated in light output.

MOUNTING HEIGHT - The height of the photometric center of a luminaire in feet above grade level. Feet above grade level refers to the overall average grade of the area being illuminated.

UPLIGHT - For an exterior luminaire is all of the light escaping above the luminaire.

E. Lighting zones. The Lighting Zone shall determine the limitations for lighting as specified in this section.

LZ-0: No ambient lighting

Areas where the natural environment will be seriously and adversely affected by lighting. Impacts include disturbing the biological cycles of flora and fauna and/or detracting from human enjoyment and appreciation of the natural environment. Human activity is subordinate in importance to nature. The vision of human residents and users is adapted to the darkness, and they expect to see little or no lighting. When not needed, lighting should be extinguished.

Zoning Districts: Conservation and Research, Scientific & Professional

LZ-1: Low ambient lighting

Areas where lighting might adversely affect flora and fauna or disturb the character of the area. The vision of human residents and users is adapted to low light levels. Lighting may be used for safety and convenience but it is not necessarily uniform or continuous. After curfew, most lighting should be extinguished or reduced as activity levels decline.

Zoning Districts: Residence A and Residence B

LZ-2: Moderate ambient lighting

Areas of human activity where the vision of human residents and users is adapted to moderate light levels. Lighting may typically be used for safety and convenience, but it is not necessarily uniform or continuous. After curfew, lighting may be extinguished or reduced as activity levels decline.

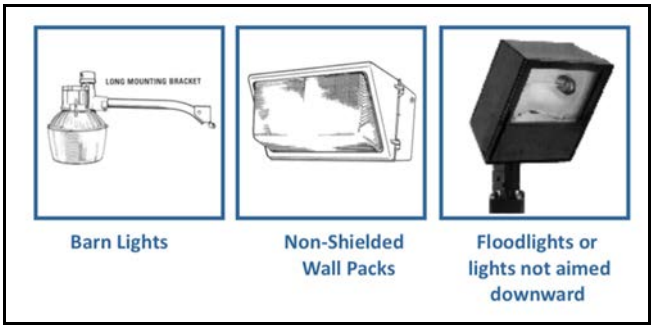
Zoning Districts: Business Village

LZ-3: Moderately high ambient lighting

Areas of human activity where the vision of human residents and users is adapted to moderately high light levels. Lighting is generally desired for safety, security and/or convenience and it is often uniform and/or continuous. After curfew, lighting may be extinguished or reduced in most areas as activity levels decline.

Zoning Districts: Business Highway, Industrial and Industrial Park

Non-shielded wall-packs, barn lights, and floodlights not aimed downward are prohibited in all zones.



F. Total site lumen limit. The total installed initial luminaire lumens of all outdoor lighting shall not exceed the total site lumen limit. The total site lumen limit shall be determined using the hardscape area and table below. For sites with existing lighting, existing lighting shall be included in the calculation of total installed lumens. The total installed initial luminaire lumens are calculated as the sum of the initial luminaire lumens for all luminaires.

Table 1: Allowed Total Initial Lumens Per Site for Outdoor Lighting by Hardscape Method

LZ-0	LZ-1	LZ-2	LZ-3
• Conservation • Research, Scientific & Professional	• Residential A • Residential B	• Business Village	• Business Highway • Industrial • Industrial Park
0.5 lumens per SF of hardscape	1.25 lumens per SF of hardscape	2.5 lumens per SF of hardscape	5.0 lumens per SF of hardscape

G. Correlated Color Temperature (CCT). All proposed LEDs shall have a correlated color temperature (CCT) between 2200K and 3000K.

H. Exterior lighting plan. Applications subject to the provisions of § 174-10, Site plan approval, shall submit a lighting plan which shall include the following information, except to the extent waived by the Planning Board. All other lighting not subject to the provisions of said § 174-10 does not require a lighting plan but shall meet the standards as set forth in this **Bylaw** ~~section~~, unless as may otherwise be provided herein. **The installation of fixtures or luminaires shall be subject to the provisions of this bylaw and comply with guidance outlined in the Rules and Regulations for Outdoor Illumination maintained by the Planning Board. The** lighting plan shall include the following information **and comply with the regulations adopted pursuant to this Bylaw**:

(1) Location, orientation and type of outdoor luminaire, including the height of the luminaire, both existing and proposed;

(2) Type of lamp, such as metal halide, compact fluorescent, high pressure sodium**, LED;**

(3) Luminaire manufacturer's specification data, including lumen output and photometric data showing cutoff angles, as well as a description of all illuminating devices, fixtures, lamps, supports, reflectors, both existing and proposed; this may include, but is not limited to, catalog cuts and illustrations by manufacturers;

(4) Complete report of BUG rating data for all luminaires (if not already included in the manufacturer's specification data) calculated from photometric data (as per IES TM-15-11) showing compliance with the Planning Board Rules and Regulations for Outdoor Illumination;

(5) Photometric plan showing the intensity of illumination expressed in footcandles at ground level within the interior of the property and at the property boundaries **that also includes the Total Site Lumen Limit; Limits to Off Site Impact; Light Shielding for LED lighting; and the Correlated Color Temperature; according to adopted regulations;**

(6) Evidence that the plan complies with light trespass restrictions as set forth herein.

I. Waivers. An applicant may make a waiver request to the Planning Board for increased lighting levels within any given lighting zone and the Planning Board shall have such waiver authority hereunder.

J. Lighting control requirements. Automatic switch controls shall be provided that automatically extinguish all outdoor lighting when sufficient daylight is available using a control device or system such as a photoelectric switch, astronomic time switch or equivalent functions from a programmable lighting controller, building automation system or lighting energy management system, all with battery or similar backup power or device. The Exterior Lighting Plan shall establish curfew time(s) after which total outdoor lighting lumens shall be reduced by at least 30% or extinguished. Lighting reductions are not required for any of the following:

(1) Lighting for residential properties including multiple residential properties not having common areas; with the exception of landscape lighting

(2) When the outdoor lighting consists of only one luminaire.

(3) Code required lighting for steps, stairs, walkways, and building entrances.

(4) Lighting under canopies, in tunnels, parking garages, and similar conditions.

(5) When in the opinion of the Planning Board, lighting levels must be maintained.

(6) Motion activated lighting.

(7) Lighting regulated by special use in which times of operation are specifically identified.

(8) Businesses that operate on a 24-hour basis.

K. Community outdoor sports/recreational lighting requirements. These requirements are an exemption from the total site lumen limit based on hardscape metrics. Community outdoor sports or recreational facilities will be held to the IDA, IES criteria for outdoor sports lighting. On-field illuminance values will be determined by current IDA, IES set forth in the Rules and Regulations for Outdoor Illumination adopted to implement the intent and purpose of this bylaw. Standard regulations include:

(1) Color, luminaire correlated color temperature (CCT) may not exceed 4000 Kelvin;

(2) Other lighting, parking and concession area lighting will be considered a separate luminaire system and must meet the applicable lighting standards for the relevant lighting zones;

(3) Shut-off, curfew time shall be no later than 10:00PM (2200 hrs.); for good cause shown, the Planning Board may waive the compliance requirement of this subsection

L. Street lights. Light emitted by the fixture shall have a correlated color temperature no greater than 3000 Kelvin and/or comply with Massachusetts DPU Tariff standards if applicable. All other street light features are exempt from regulation under this bylaw.

M. Light shielding for parking lot illumination. All parking lot lighting shall have no light emitted above 90 degrees from the installed vertical axis.

N. Flickering and flashing lights. No flickering or flashing lights shall be permitted. Processes, such as arc welding, which create light flashes shall be confined within buildings or shielded to prevent either direct glare or flashing.

O. Fixture mounting heights.

(1) ~~F.~~ Wall-mounted fixtures. In nonresidential districts, a luminaire attached to the exterior of a building or structure for area lighting shall be mounted no higher than 15 feet above grade and shall be shielded to control glare. ~~"Wal-pac" lighting fixtures are prohibited.~~

(2) ~~P.~~ Pole-mounted fixtures. Pole-mounted exterior lighting fixtures **shall not exceed the pole-mounted height limitation of 20 feet in all zones.** ~~types are defined and restricted as follows:~~

Existing non-conforming light heights may remain as mounted until modification is proposed, at which time the height must be brought into compliance.

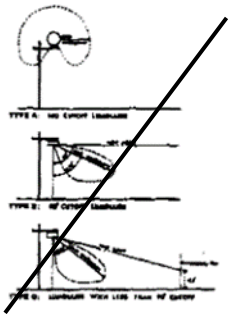
~~(1) Type A: no light cutoff.~~

~~(2) Type B: luminaire shielded such that peak candlepower is at an angle of 75° or less from straight down, and essentially no light is emitted above the horizontal.~~

~~(3) Type C: luminaire shielded such that total cutoff is at less than 90° from straight down, and no light source is in direct view of an observer five feet above the ground at any point off the premises.~~

~~H. Pole-mounted fixtures height limitation. Illustrations of pole-mounted exterior lighting fixture types are shown in Chart I herein. Pole-mounted fixtures shall not exceed the applicable pole-mounted height limitation set forth in Chart II in any district. The Type A pole-mounted exterior lighting fixture is prohibited in all nonresidential districts, unless equipped with shields.~~

~~CHART I. ILLUSTRATIONS~~



~~**HART II. POLE MOUNTING HEIGHT LIMITATIONS**~~

	~~**Maximum Luminaire Mounting Height (feet above grade)***~~ ~~"District" is that in which fixtures are located.~~	
	~~**District**~~	
	~~**Residential**~~	~~**Nonresidential**~~
~~Fixture Type A~~	~~10~~	~~Not allowed (unless shielded)~~
~~Fixture Type B~~	~~15~~	~~20~~
~~Fixture Type C~~	~~20~~	~~20~~

~~* Note: Feet above grade refers to the overall average grade of the area being illuminated.~~

P. Ceiling-mounted fixtures. In nonresidential districts, luminaires mounted on an exterior ceiling such as under a canopy shall be mounted with the refractor or lens flush with or recessed in the ceiling or fixture.

Q. Lighting levels. Any luminaire with a lamp or lamps rated at a total of 1**,**800 lumens or more (which is approximately equal to one one-hundred-twenty-watt incandescent light bulb) and all flood or spot luminaires rated at 900 lumens or more (which is approximately equal to one 60-watt incandescent light bulb) shall not emit any direct light above a horizontal plane through the lowest direct-light-emitting part of the luminaire. If any spot or flood luminaire rated 900 lumens or less is directed or focused such as to cause direct light from the luminaire to be cast toward residential buildings on adjacent or nearby land, or to create glare perceptible to persons operating motor vehicles on public ways, the luminaire shall be redirected or its light output controlled as necessary to eliminate such conditions. The Planning Board reserves the right to limit and regulate the amount of illumination on a project site between the hours of 10:00 p.m. and 6:00 a.m., while understanding the need for safety and security lighting.

R. Light trespass limitations. There shall be no light trespass by a luminaire beyond the property boundaries of the lot on which it is located, except as within a street right-of-way for which there shall be no limit.

; or do or act anything in relation thereto.

Proposed by: PLANNING BOARD
Board of Selectmen Recommendation: At Town Meeting
Advisory Committee Recommendation: At Town Meeting
Summary: *The article proposes to replace the current language in Section 174-12.1 Outdoor illumination with new language to reduce blue lighting and increase public health based on recommendations from the American Medical Association and the International Dark-sky Association.*

***ARTICLE 30**:* To see if the Town will vote to amend the Zoning Code of the Town of Southborough, Article III entitled "Use Regulations" by amending thereto Section 174-10, entitled "Site Plan Approval" as hereinafter specified.

****Bold text are insertions. Strikethrough text are deletions.*

§ 174-10
Site plan approval.
[Amended 4-8-1985 ATM by Art. 39; 4-14-1986 ATM by Art. 48; 4-13-1987 ATM by Art. 43; 4-11-1988 STM by Art. 4; 4-26-1990 ATM by Art. 41]

A. The purpose of the site plan review procedure is to encourage a desirable and compatible character of development within the Town of Southborough and to assure safety, promote logic, imagination and innovation in the design process while complying with all zoning requirements. The requirements of this section shall be applicable to the following:

(1) Any nonresidential development that results in an increase in on-site parking.

(2) All modifications to existing development projects which fall within the applicability of the Town's regulations for parking and loading (§ 174-12) or landscaping (§ 174-13).

(3) Any change in use or reactivation of a facility that has not been in use for a period of two years.
[Added 4-8-1996 ATM by Art. 51]

(4) Multifamily housing for the elderly.
[Added 4-15-1997 ATM by Art. 56]

(5) Adaptive reuse of historic buildings.
[Added 4-25-2017 ATM by Art. 30]

B. Site plan review will be processed by one of the following means:

(1) Minor plan review. Any new development, or expansion in use other than a single-family or two-family residence which adds less than 2,000 square feet of floor area or which would require at least five but fewer than 20 parking spaces regardless of the number of parking spaces existing on the premises, or any change of use of a facility that totals less than 2,000 square feet shall be subject to minor plan review by the **Planning Board** ~~Site Plan Review Committee. The Site Plan Review Committee shall be chaired by the Town Planner and will consist of a Selectmen or~~

~~its designee, Building Inspector, Highway Superintendent, Board of Health Agent, Superintendent of the Water Department, Police Chief and Fire Chief or their designee, who will meet at a regularly scheduled time and place to review plans.~~ The **Planning Board** ~~Committee~~ shall also seek the advice of the Conservation Commission in the review of all minor plan submissions.
[Amended 4-8-1996 ATM by Art. 51]

(a) ~~Minor plan review will require 10 copies of the site plan to be submitted to the office of the Planning Board, together with an application form and filing fee.~~ **A complete application form, filing fee and multiple copies of all submission documents shall be submitted to the office of the Planning Board according to instructions on the application form.** All plans will be prepared at a scale no greater than one inch equals 40 feet on standard twenty-four-by-thirty-six-inch sheets and shall show, as a minimum:

[1] All existing and proposed buildings, including setbacks.

[2] Existing and proposed parking.

[3] Driveway openings.

[4] All property and street lines.

[5] Existing and proposed landscaping.

[6] Existing and proposed signs.

[7] Surfacing, indicating treatment of all surfaces.

[8] Location of all wetlands.

[9] Method of sewage disposal.

[10] Water supply.

[11] Stormwater drainage.

[12] Such other information as the **Planning Board** ~~Site Plan Review Committee~~ may reasonably request.

~~(b) Any dispute arising from the minor plan review process or any plan not receiving unanimous approval from the Site Plan Review Committee shall be referred to the Planning Board for action. The Committee may also refer any site plan that, due to unusual circumstances or a unique situation, it feels should be approved by the Planning Board. All site plans sent to the Planning Board by the Site Plan Review Committee for action will be handled through the minor plan review process.~~

~~[Amended 4-8-1996 ATM by Art. 51]~~

(b) Minor site plan is not a public hearing.

(c) The **Planning Board** ~~Site Plan Review Committee~~ shall approve, **or** disapprove ~~or refer to the Planning Board~~ all submittals for minor **site** plan review within **the required** 30 days of a completed application to the office of the Planning Board**, but the required time may be extended by written agreement between the applicant and the Board, a copy of said agreement to be filed with the Town Clerk. The actions allowed by the minor site plan approval are authorized for a one-year period from the date of grant thereof. The applicant shall be granted a single one-year extension by applying to the Planning Board, in writing, prior to the date of expiration. If the actions permitted are not exercised or the approval not extended, they shall lapse, and a new application will be required.**

(d) Where applicable, all other criteria and conditions of this section will govern minor plan review.

(2) Major plan review. Any new development, or expansion in use other than a single-family or two-family residence which adds 2,000 square feet or more of floor area or which would require 20 or more parking spaces, regardless of the number of parking spaces existing on the premises, or any change of use of a facility that totals 2,000 square feet or more shall be subject to major plan review by the Planning Board. The major site plan submission shall consist of the following elements:
[Amended 4-8-1996 ATM by Art. 51]

(a) Ownership, zoning, use and the general location of structure and topography within 300 feet of the property lines of the site or adjacent land contiguously owned with the site.

(b) All **plans will be prepared at a scale no greater than one inch equals 40 feet on standard twenty-four-by-thirty-six-inch sheets and shall show, as a minimum, all** site features, existing or proposed, including but not limited to the following:

[1] Driveways, including widths.

[2] Parking facilities, including dimensions thereof.

[3] Loading facilities.

[4] Service areas.

[5] Street line, including widths.

[6] Roadways, including widths.

[7] Pedestrian walks, including widths and types of surface.

[8] Landscaping designation, specific plantings.

[9] Screening.

[10] Signs, including proposed sizes, mounting heights, types and drafted design.

[11] Lighting, including plan location and detail information, size, type and wattage.

[12] Surfacing, indicating treatment of all surfaces.

[13] Existing trees on the site which are a caliper of six inches or larger.

[14] Wetlands.

[15] Drainage, including detailed design data, pipe sizing, etc.

[16] Stone walls.

[17] Topography at two-foot contour intervals.

[18] Sewage disposal, including detailed design information.

[19] Water supply.

[20] Curbing.

[21] Such other information as the Planning Board may reasonably request.

(c) The construction of the work as detailed on the site plan shall not deviate from the work shown on the approved site plan. Accordingly, the site plan shall contain a sufficient level of detail to ensure the constructability of the project. Supporting details and documentation shall be presented as part of the site plan submission.

(3) Incomplete applications for both the minor and major review shall not be accepted by the Planning Board. Following submission of a site plan to the Planning Board, the Board or its designee shall review the **application/**plan for completeness within three business days of the submission. Completeness shall be based on the requirements of **the** ~~this~~ **respective** subsection**s for minor or major review.** If the submission is determined incomplete by the Planning Board or its agent, notice will be **provided** ~~mailed~~ to the applicant ~~by certified mail~~ within three business days of the submission specifying the deficiencies.

C. The plan**s for minor or major site plan approval** shall be prepared by a professional engineer, land surveyor, architect or landscape architect registered to practice in the Commonwealth of Massachusetts**. A complete application form, filing fee and multiple copies of all submission documents shall be submitted to the office of the Planning Board according to instructions on the application form.** ~~and shall be submitted with 11 copies to the office of the Planning Board, together with an application form and a filing fee, if any.~~

D. Approval required.

(1) Site plan approval shall be granted **by a majority vote** upon determination by the Planning Board that the following are complied with. Any new building construction or other site alteration shall provide adequate access to each structure for fire and service equipment**; shall provide** ~~and~~ adequate provision for utilities and stormwater drainage consistent with the functional requirements of the Southborough Planning Board's Rules and Regulations for the Subdivision of Land**;** ~~and~~ shall be so designed that for the given location, ~~and~~ type and extent of land use, the design of building form, building location, egress points, grading and other elements of the development shall be so as to:

(a) Minimize the volume of cut and fill, the number of removed trees six inches in caliper and larger, the length of removed stone walls, the area of wetland vegetation displaced, the extent of stormwater flow increase from the site, soil erosion and the threat of air or water pollution.

(b) Maximize pedestrian and vehicular safety and convenience within the site and egressing from it.

(c) Minimize obstruction of scenic views from publicly accessible locations.

(d) Minimize visual intrusion by minimizing the visibility of parking, storage or other outdoor service areas viewed from public ways or premises residentially used or zoned; minimizing glare from headlights through plantings or other screening; minimizing lighting intrusion through use of such devices as cutoff luminaires confining direct rays to the site; fixture mounting height not higher than 20 feet except adjacent to Route 9; and avoiding unreasonable departure from the character of building**s** in the vicinity.

(2) The Planning Board shall adopt and from time to time amend reasonable regulations for the administration of these guidelines.

E. The Planning Board shall hold a public hearing on the application for **major** site plan approval, with a written notice of the time and place of said hearing being given the applicant and the Board of Selectmen. The applicant is responsible for sending this notice to the certified abutters by certified mail return receipt requested, at least 10 days before the scheduled hearing. The Planning Board shall not act on the application until it has received and given due consideration to the recommendations of the Board of Selectmen or until 10 days have elapsed after the public hearing without receipt of the Selectmen's comments.

F. The Planning Board shall act on a~~n~~ **complete** application for **major** site plan approval and shall notify, in writing, the applicant, the Board of Selectmen and the Building Inspector of its action within 60 days of the receipt of **a** ~~the~~ **complete** application**, but the required time may be extended by written agreement between the applicant and the Board, a copy of said agreement to be filed with the Town Clerk.** ~~Failure of the Planning Board to so act and to notify the applicant within said 60 days shall constitute approval of the site plan.~~ The actions allowed by the **major** site plan approval are authorized for a one-year period from the date of grant thereof. The applicant shall be granted a single one-year extension by applying to the Planning Board, in writing, prior to the date of expiration. If the actions permitted are not exercised or the approval not extended, they shall lapse, and a new application notice and hearing will be required.

G. Any person aggrieved by the action of the Planning Board on ~~a~~ **either minor or major** site plan approval application may appeal said action to a Court of competent jurisdiction in accordance with M.G.L. c.40A, Section 17**, as amended.**
[Amended 5-22-2018 STM by Art. 3]

H. Minor departures from the site plan as approved**,** may be authorized by the Building **Commissioner** ~~Inspector~~ after approval of the **Planning Board** ~~Site Plan Review Committee~~ if required by engineering or other circumstances not foreseen at the time of plan approval. Any change increasing the size of any building or structure, changing the location of any building, parking or access road by more than 10 feet or reducing landscaping or screening may be made only through review by the Planning Board following the same procedures as for an original submittal. Any departure must be requested, in writing, with the basis for the change given. Any change authorized shall be recorded on the file copy of the site plan with the Building **Commissioner** ~~Inspector~~'s signature and the date.

I. The removal, fill or change of grade of earth materials, including soil, loam, sand or gravel, undertaken in order to construct or locate buildings, structures and such features accessory thereto as ways, driveways, areaways, walks or parking areas, and therefore exempt from regulations under Chapter 85 of this Code, is a part of construction and development process regulated by the Zoning Chapter. Except as necessary for the construction of detached one- or two-family dwellings and of features accessory thereto, the removal, fill or change of grade of earth materials for the purposes defined above shall be subject to approval under this section. Where the commencement of removal, fill or change of grade of earth materials precedes construction by three months or more, the submission and approval of the site plan may be undertaken in two stages, with the information for the first stage limited to property boundaries, existing and proposed topography at two-foot or lesser contour intervals, the character of the soil to be removed, added or relocated, the location and depth of any service and drainage conduits or pipes and the approximate location of any existing or proposed buildings, structures or physical features accessory thereto. Each stage shall be treated as a separate site plan for the purposes of this section, and the approval of Stage 1 of a site plan shall not be construed to assure the subsequent approval of Stage 2.

J. Compliance. The issuance of an occupancy permit will not be given prior to the satisfactory completion of all elements and conditions of the approved site plan. A temporary occupancy permit may be issued after the satisfactory completion of all items essential to public health and safety and sufficient bonding acceptable to the Planning Board is provided to the Town to cover all outstanding items.

; or do or act anything in relation thereto

Proposed by: PLANNING BOARD
Board of Selectmen Recommendation: Support
Advisory Committee Recommendation: At Town Meeting

Summary: *This article proposes to amend the Site Plan Approval bylaw by bringing minor site plan approval under the purview of the Planning Board, as opposed to the Site Plan Review Committee and further clarify steps for minor and major site plan approval.*

ARTICLE 31: To see if the Town of Southborough will vote to approve the Southborough Noise Bylaw proposal attached to this document, as amended, or do or act anything in relation thereto.

SOUTHBOROUGH NOISE BYLAW

1.1 **Declaration of Policy**
Whereas excessive sound can be a serious hazard to the public health and welfare and safety and the quality of life; and whereas a substantial body of science and technology exists by which excessive sound may be substantially abated; and whereas the citizens of Southborough have a right to and should be ensured an environment free from excessive sound that may jeopardize their health or welfare or safety or degrade the quality of life; now, therefore, it is the policy of the Town of Southborough (the "Town") to prevent excessive sound which may jeopardize the health and welfare or safety of its citizens and/or degrade the quality of life.

It shall be unlawful for any person to make, continue to make, permit or cause to be made or continued, any loud, excessive, unnecessary or unusually loud noise or any noise which either annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of reasonable persons of normal sensitivities. Furthermore, it shall be unlawful for any person who has custody and control of the premises to allow or permit another person to make, continue or permit to be made or continued any loud, excessive, unnecessary or unusually loud noise or any noise which either annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of reasonable persons of normal sensitivities within the limits of the Town of Southborough.

1.2 **Definitions**
Except as may be specified herein, acoustical terminology used throughout this Bylaw is that approved as American National Standard Acoustical Terminology [ANSI S1.1-1994] by the American National Standards Institute (ANSI). The following words, phrases and terms as used in this Bylaw shall have the meanings as indicated below:

A. BACKGROUND SOUND LEVEL shall mean the sound level associated with a given environment, being a composite of sounds from all sources excluding the alleged offensive noise, at the location and approximate time at which a comparison with the alleged offensive noise is to be made.

B. CONSTRUCTION shall mean those activities requiring a building permit, and shall also include any site preparation, cemetery burial and caretaking operations, seismic surveys grading, assembly, erection, substantial repair, alteration, or similar action, including demolition, for or of public or private rights-of-way, structures, utilities or similar property.

C. The abbreviation dBA shall mean the A-weighted sound pressure level expressed in decibels and referenced to 20 Micropascals. The abbreviation dBC shall mean the C-weighted sound pressure level expressed in decibels and referenced to 20 Micropascals.

D. EMERGENCY VEHICLE: shall mean any vehicle operated in an effort to protect, provide or restore public safety, including, but not limited to, ambulances, police vehicles and fire vehicles.

E. EMERGENCY WORK: shall mean any work performed in an effort to protect, provide or restore public safety, or work by private or public utilities when restoring utility service or any work performed for the purpose of preventing or alleviating the physical trauma or physical damage threatened or caused by an emergence – an occurrence or set of circumstances involving actual or imminent physical trauma or property damage.

F. ENFORCING PERSON: shall mean any police officer, building official or public health official of the Town or any other Town employee designated by the Town Manager for this purpose.

G. IMPACT DEVICE: shall mean a construction device in which or by which a hammer, meaning a moving mass of hard solid material, is mechanically by means of a working fluid or compressed air caused to repetitively impact upon and transmit kinetic energy to a tool. The tool may be included as a part of the device, as in the case of a moil on a paving breaker or the drill steel of a jackhammer, or it may be a mass to which the impact device is temporarily connected as in the case of a pile and pile driver. Examples of impact devices are pile drivers, paving breakers, power impact hammers, impact wrenches, riveters and stud drivers.

H. INTRUDING NOISE: shall mean the total sound level created, caused, maintained by, or originating from an alleged offensive source at a specified location while the alleged offensive source is in operation.

I. PERSON: shall mean a person, firm, association, co-partnership, joint venture, corporation or any entity recognized by applicable law, public or private in nature.

J. SOUND LEVEL: shall mean the instantaneous A-weighted sound pressure level, in decibels, (dBA) as measured with a sound level meter set to the “A” weighting scale, slow response. On the decibel scale a sound level increase of 10 means the sound is 10 times more intense or powerful.

Decibel levels of some common activities are listed below:

Sound Level - dB	Source
50 - 65	normal conversation
60 - 65	laughter
70	hair dryer, vacuum
V Increasing risk of hearing loss V	
80	garbage disposal
85 - 90	lawnmower
100	garbage truck
120	walk behind leaf blower
130	jet takeoff/landing
145	fireworks

K. SOUND LEVEL METER: shall mean an instrument meeting American National Standard Institute's (ANSI) Standard S1.4-1983 for Type 1 or Type 2 sound level meters or an instrument and the associated recording and analyzing equipment, which will provide equivalent data.

1.3 **Designated Noise Zones**
The properties hereinafter described are hereby assigned to the following noise zones:

NOISE ZONE I: All properties utilized as residential uses in accordance with the Town of Southborough Zoning Bylaws and the grounds of any school, hospital or similar health care institution, house of worship or library while the same is in use, and any Cemetery or Open Space.

NOISE ZONE II: All other property used in accordance with the Town's Zoning Bylaw.

1.4 **Exterior Noise Standards**
It shall be unlawful for any person at any location within the area of the Town to create any loud noise, or to allow the creation of any noise, on property owned, leased, occupied or otherwise controlled by such person, which causes the sound level when measured on complainant's property to exceed the greater of:

A. The maximum allowable exterior sound level outlined in Table I; or
B. Five dB over the background sound level.

Table 1. Maximum Allowable Exterior Sound Level		
Noise Level	Daytime level 7:00 AM to 10:00 PM	Nighttime level 10:00 PM to 7:00 AM
I	60 dBA	50 dBA
II	70 dBA	65 dBA

If the intruding noise source is continuous and cannot reasonably be discontinued or stopped for a time period whereby the background sound level can be determined, the measured sound level obtained while the source is in operation shall be compared directly to the maximum allowable exterior sound level outlined in Table I.

1.5 **Construction Noise Standards**

A. Noise associated with construction is permitted between 7:00 AM and 6:00 PM on weekdays and 9:00 AM and 5:00 PM Saturdays provided the sound level from:

1. Non-impact devices do not exceed 70 dBA as measured over a time interval of 1 minute with the sound meter set to slow located on any other property, but at least 50 feet from the construction activity;

2. Impact devices does not exceed 90 dBA as measured with a sound level meter set to slow response located on any other property, but at least 30 feet from the construction activity.

B. Between the hours of 6:00 PM and 7:00 AM on weekdays and Saturday, noise associated with construction, shall be limited by the standards of Section 1.4.

C. Construction activities shall not be allowed on Sundays or legal holidays.

1.6 **Maintenance Noise Standards**

A. Noise associated with maintenance is permitted between 7:00 AM and 6:00 PM on weekdays, 8:00 AM and 6:00 PM on Saturdays and between the hours of 9:00 AM and 6:00 PM on Sunday, provided the sound level does not exceed 70 dBA as measured with a sound level meter set to slow response on any other property, but at least 50 feet from the maintenance;

B. Between the hours of 6:00 PM and 7:00 AM on weekdays, 6:00 PM and 8:00 AM on Saturday and between the hours of 6:00 PM and 9:00 AM on Sunday or a legal holiday, noise associated with maintenance, shall be limited by the standards of Section 1.4.

1.7 **Commercial Trash Collection and Deliveries or Pick-up**

A. The operation of commercial trash compactors or collection of trash, rubbish, refuse or debris, which generates noise in excess of the criteria given in Section 1.4 at any point of public or common pass-by between the hours of 7:00 PM and 7:00 AM is prohibited.

B. Deliveries or pick-ups for commercial or business purposes between 10:00 PM and 6:00 AM are prohibited unless the noise level of such deliveries or pick-ups in nearby residential areas does not exceed the noise criteria listed in Section 1.4.

1.8 **Motor Vehicles or Motorcycles**

Motor vehicles or motorcycles operated on public ways in the Town of Southborough or in any place where the public has the right of access as invitees or licensees may not exceed a maximum sound level of 85 dBA. It is also in violation of the Bylaw to operate a motor vehicle or motorcycle without a sound-limiting device connected to the exhaust system. This prohibits so-called "straight pipe" exhaust systems. This section shall not include screeching sounds emitted from emergency braking. Measurement for the purposes of this Section shall be at a distance of 36 inches from the noise source.

1.9 **Special Provisions**

Noise associated with the following activities shall be exempted from the provisions of this Bylaw:

A. Emergency work or emergency vehicles.

B. The operation of any vehicular alarm provided it terminates within 15 minutes of the initially recorded complaint.

C. Occasional outdoor gatherings, public dances, shows, and sporting and entertainment events provided said events are conducted pursuant to a permit or license issued by the appropriate jurisdiction relative to the staging of said events.

D. The intermittent or occasional use, during the daytime, of homeowners' light residential outdoor equipment

E. Snow removal performed by snow blowers, snow throwers or snow plows when appropriately outfitted with a muffler.

F. Any activity to the extent regulation thereof has been preempted by Town, State or Federal Law or by agreement between Town, State or the Federal Government.

1.10 **Prima Facie Violations**
Any measured noise exceeding the sound level standards as specified in Sections 1.4 through 1.10 may be deemed by the enforcing person to be prima facie evidence of a violation of the provisions of this Bylaw.

1.11 **Penalties for Violations**
A. Violations under Article 1, in the discretion of the enforcing person, may be enforced by non-criminal disposition as provided in MGL Chapter 40, Section 21D.

B. The penalty for a violation under this Bylaw shall be $100 for a first offense, $250 for a second offense, $500 for a third offense, and for each succeeding offense each day or part thereof shall constitute a separate offense.

Proposed by: PETER LAPINE, et al.
Board of Selectmen Recommendation: Not Support
Advisory Committee Recommendation: At Town Meeting
Summary: *As the population of Southborough grows, it has transitioned from a rural community to one that is more suburban. People move to Southborough to enjoy its natural beauty and peaceful environment. With increased housing density, practices of earlier times increasingly encroach upon the tranquility of Town residents, resulting in conditions characterized as being out of balance. There is an ever-growing requirement to place limits on these practices – a rebalancing - so that everyone, business owners and homeowners alike, may prosper. This article, a Noise Bylaw, seeks to harmonize the needs of Town residents with those of local business owners.*

ARTICLE 32*:* To see if the Town of Southborough will vote to pass a bylaw to reduce plastic waste

Section 1 Purpose and Intent

The production and use of single-use plastics such as polystyrene food packing and thin-film plastic checkout bags have significant impacts on the environment, including, but not limited to, contributing to the potential death of aquatic and land animals through ingestion and entanglement; contributing to pollution of the natural environment; creating a burden to solid waste collection and recycling facilities; clogging drainage systems; and requiring the use of millions of barrels of crude oil nationally for their manufacture. Additionally, polystyrene contains known carcinogens, and readily leaches into certain foodstuffs. Measurable levels of polystyrene are now found almost 100% of human fat samples.

The purpose of this bylaw is to preserve the Town's water, wildlife and natural resources—as well as to enhance the health of its citizens—by banning within the Town of Southborough two of the largest contributors of non-recyclable plastics to the environment—single-use polystyrene retail food packaging and single-use plastic checkout bags—while promoting the adoption of more environmentally friendly alternatives.

Section 2 Definitions

"Polystyrene food packaging" – means any holder of food or beverage made from polystyrene, either in solid or foam (Styrofoam) form, such as cups, plates, or take-out containers, as well all other single-use plastic products made to facilitate the consumption of foods, such as straws, lids and utensils made from polystyrene or other non-compostable plastic materials.

"Checkout bag" – means a carryout bag provided by a store to a customer at the point of sale. Checkout bags shall not include bags, whether plastic or not, in which loose produce or products are placed by the consumer to deliver such items to the point of sale or checkout area of the store.

"Retail Store" – means any business facility that sells goods directly to the consumer whether for or not-for-profit, including, but not limited to, retail stores, restaurants, pharmacies, convenience and grocery stores, liquor stores, as well as seasonal and temporary businesses.

"Reusable checkout bag" – means a bag with handles that is specifically designed and manufactured for multiple reuse and is either polyester, polypropylene, cotton or other durable material, or durable plastic that is at least 4.0 mils in thickness.

"Thin-film single-use plastic bags" – are those bags typically with handles, constructed of high-density polyethylene (HDPE), low density polyethylene (LDPE), linear low density polyethylene (LLDPE), polyvinyl chloride (PVC), polyethylene terephthalate (PET), or polypropylene (other than woven and non -woven polypropylene fabric), if said film is less than 4.0 mils in thickness

"Recyclable paper bag" – means a paper bag that is 100 percent recyclable and contains at least 40% post–consumer recycled content, and displays the words "recyclable" and "made from 40% post-consumer recycled content" in a visible manner on the outside of the bag

Section 3 Use Regulations
(A) Polystyrene food packaging shall not be distributed, used, or sold by any retail store within the town of Southborough.

(B) Thin-film single-use plastic bags shall not be distributed, used, or sold for checkout or other purposes at any retail store within the Town of Southborough.

(C) If a retail store provides or sells checkout bags to customers, the bags must be one of the following (1) recyclable paper bags, or (2) reusable checkout bags. The retail store may charge for said bags.

(D) Thin-film plastic bags used to contain dry cleaning, newspapers, produce, meat, bulk foods, wet items and other similar merchandise, typically without handles, are still permissible.

(E) Violation of the By-Law to Reduce Plastic Waste: First offense – written warning; 2nd offense - $100 per offense; 3rd and subsequent offenses - $250 per offense.

Section 4 Effective Date

This bylaw shall take effect six (6) months following Town Meeting approval of the bylaw. Upon application of the owner or the owner's representative, the Board of Selectmen or their designee may exempt a retail store from the requirements of this section for a period of up to two (2) months upon a finding by the Board of Selectmen or their designee that (1) the requirements of this section would cause undue hardship; or (2) a retail store requires additional time in order to draw down an existing inventory of straws or checkout bags.

Section 5 Enforcement

Enforcement of this bylaw shall be the responsibility of the Board of Selectmen or their designee. The Board of Selectmen or their designee shall determine the monitoring process to be followed, which may be limited to responding to citizen reports, and incorporating the monitoring process into other town duties as appropriate. Any retail store distributing plastics in violation of this bylaw shall be subject to fines as described in Section 3 (E) above. Any such fines shall be paid to the Town of Southborough. No licenses shall be renewed for any establishment with outstanding violations under this section.

Section 6 Severability

If any provision of this bylaw is declared invalid or unenforceable the other provisions shall not be affected thereby.

; or to do or act anything in relation thereto.

Proposed by: MICHAEL WEISHAN, ET AL.
Board of Selectmen Recommendation: At Town Meeting
Advisory Committee Recommendation: At Town Meeting
Summary: *This proposed bylaw would make a marked contribution to the heath of both the citizens of Southborough and the overall environment by banning single-use plastic bags, Polystyrene cups, straws, utensils etc. at all retail establishments in Southborough.*

And you are to give notice hereby by posting true and attested copies of the Warrant on the Town website, the Southborough Town House, 17 Common Street, Southborough Senior Center, 9 Cordaville Road, Southborough Library, 25 Main Street, and Southborough Transfer Station, 147 Cordaville Road; seven (7) days at least before the time appointed for such meeting.

Given under our hand this twenty-fifth (25th) day of February, 2020.

Brian E. Shea, Chairman

Martin F. Healey, Vice-Chairman

Daniel L. Kolenda

Lisa M. Braccio

Sam Stivers

BOARD OF SELECTMEN OF THE TOWN OF SOUTHBOROUGH

Attest:

Kenneth M. Paulhus, Constable

Southborough, MA
17 Common Street

Phone: 508-485-0710

Citizen Activity Form

Good Government Starts with You

Date Submitted:	February 22, 2020
Name:	Andrew T Pfaff
Home Address:	50 Oak Hill Rd Southborough MA 01745
Mailing Address:	
Phone Number(s):	
Email Address:	
Current Occupation/Employer:	Executive Director of Transformation/ Santander Bank
Narrative:	I am interested in representing the citizens of the town of Southborough and the Advisory Committee (as voted) on the Capital Planning Committee. Please see attached for my resume for additional information on my pertinent experience.
Board(s) / Committee(s):	CAPITAL PLANNING COMMITTEE

Southborough, MA
17 Common Street

Phone: 508-485-0710

Citizen Activity Form

Good Government Starts with You

Date Submitted:	February 26, 2020
Name:	Doriann Jasinski
Home Address:	33 Presidential Drive SOUTHBOROUGH, MA 01772
Mailing Address:	33 Presidential Drive SOUTHBOROUGH, MA 01772
Phone Number(s):	
Email Address:	
Current Occupation/Employer:	Volunteer
Narrative:	
Board(s) / Committee(s):	AFFORDABLE HOUSING TRUST FUND COMMITTEE

Southborough, MA
17 Common Street

Phone: 508-485-0710

Citizen Activity Form

Good Government Starts with You

Date Submitted: February 17, 2020

Name: Harold Kiess

Home Address: 6 Mt. Vickery Road
SOUTHBOROUGH, MA 01772

Mailing Address: 6 Mt. Vickery Road
SOUTHBOROUGH, MA 01772

Phone Number(s):

Email Address:

Current Occupation/Employer: Retired

Narrative: I am a retired professor from Framingham State University, a long-time resident of Southborough, and an active member of the Southborough Senior Center.

Board(s) / Committee(s): ___TAXATION AID COMMITTEE

Southborough, MA
17 Common Street

Phone: 508-485-0710

Citizen Activity Form

Good Government Starts with You

Date Submitted: March 4, 2020

Name: Jeffrey Hark

Home Address: 10 Stockwell Lane
SOUTHBOROUGH, MA 01772

Mailing Address: 10 Stockwell Lane
SOUTHBOROUGH, MA 01772

Phone Number(s):

Email Address:

Current Occupation/Employer: Consultant, CFGI LLC

Narrative: I am a CPA with over 14 years of professional experience. I spent the first 13 years of my career at PwC in the Assurance practice, and audited financial services companies. Subsequent to PwC, I joined CFGI LLC, which is one of the nation's largest non-audit accounting advisory firms. My role at CFGI has included helping clients work through technical accounting challenges, as well as providing finance and operational support. With respect to my schedule and availability, I am generally in the greater Boston area during the week.

I have lived in Southborough since 2013. My wife and I have three children-Sydney (6), Jackson (4) and Addyson (1).

Board(s) / Committee(s): CAPITAL PLANNING COMMITTEE

Southborough, MA
17 Common Street

Phone: 508-485-0710

Citizen Activity Form

Good Government Starts with You

Date Submitted: March 2, 2020

Name: Joseph E Palmer

Home Address: 158 Parkerville Rd.
Southborough, MA 01772

Mailing Address: 158 Parkerville Rd.
Southborough, MA 01772

Phone Number(s):

Email Address:

Current Occupation/Employer: Self

Narrative: I am a Cum Laude Babson MBA Graduate (with a BS in Entrepreneurial Studies from Babson), with a diverse professional background including financial evaluation, non-profit management, sales and marketing. I have been at home with my children for nearly 10 years, but both are in school full time at Finn and Neary currently. In my 20s and 30s served on the board of the Star Island UCC and the Star Island corporation boards, which over saw the management of 260+ member conferences, the Oceanic hotel and property on Star Island in the Isles of Shoals, and management of the overall business operation, as well as serving as a conference director for 3 years. I spent over a decade living as a private investor, doing proprietary financial and market research while evaluating business financials and prospectuses. Other experience include doing projects in market evaluation, proprietary projects, general management, sales and marketing for Clamp-All Inc., Newcomb & Co., Interpret Inc., Air Products and Chemicals Inc., Osram Sylvania, Wizard Mountain Media, and The Warren Group real estate association periodicals. Presently, my main time constraints are personal and family obligations.

Board(s) / Committee(s):

Southborough, MA
17 Common Street

Phone: 508-485-0710

Citizen Activity Form

Good Government Starts with You

Date Submitted: February 20, 2020

Name: Kathryn Cook

Home Address: 11 Graystone Way
SOUTHBOROUGH

Mailing Address: 11 Graystone Way
SOUTHBOROUGH

Phone Number(s):

Email Address:

Current Occupation/Employer: Accountant

Narrative: I am currently the chair of the Advisory Committee. I hold a B.S. in Accountancy and a Masters of Accountancy with a concentration in Taxation from the University of Tennessee. I have owned my own accounting firm for more than twenty years. Prior to that I spent 13 years at Ernst & Young. I have served as a volunteer in Southborough for about 20 years between the former Capital Budget Committee and the current Advisory Committee. I believe my background in finance would serve this committee well and am very interested in this position.

Board(s) / Committee(s):

Southborough, MA
17 Common Street

Phone: 508-485-0710

Citizen Activity Form

Good Government Starts with You

Date Submitted: March 4, 2020

Name: Michael Nordstrom

Home Address: 14 Meeting House Ln
Southborough

Mailing Address: 14 Meeting House Ln

SOUTHBOROUGH, MA 01772

Phone Number(s):

Email Address:

Current Occupation/Employer: Karl Storz

Narrative:

Board(s) / Committee(s): ___CAPITAL PLANNING COMMITTEE

DRAFT POLICY
"THICKLY SETTLED/BUSINESS" AREAS AND "SAFETY ZONE" SPEED LIMITS

INTRODUCTION: In response to requests by residents and others for reduced speed limits on certain streets in the Town of Southborough (the "Town"), together with the Southborough Police Department's duty to enhance public safety throughout the Town, the Board of Selectmen adopts the following policy as to the evaluation process and criteria for implementation of a "Thickly Settled/Business" area speed limit of 25 MPH or a "Safety Zone" speed limit of 20 MPH on parts or all of specific streets in the Town—each as made possible by the approval at the 2020 Annual Town Meeting of the acceptance of M.G.L. c.90 s.17 and M.G.L. c.90 s.18B, respectively.

PURPOSE: The Board of Selectmen and the Town's Police Department are committed to continuously improving and enhancing public safety throughout the Town. Reduced speeds on streets in "Thickly Settled/Business" areas (as permitted pursuant to M.G.L. c.90 s.17) and for areas deemed to meet the criteria of a "Safety Zone" (as permitted pursuant to M.G.L. c.90, s.18B) are seen to benefit certain streets within the Town and to enhance pedestrian and vehicular safety. Requests by individual citizens, Town entities or others for reduced speed zones (from any of these sources, a "Request") will be evaluated and reviewed in accordance with this policy.

SCOPE: This policy outlines the procedure for the Town's Department of Public Works (the "DPW") to conduct evaluations and make recommendations to the Board of Selectmen based on this policy. The final authority to approve or deny a Request for a modified speed limit in a "Thickly Settled/Business" area or a "Safety Zone" will rest solely with the Board of Selectmen.

EVALUATION: The Board of Selectmen has developed this policy to evaluate and determine the need for the implementation of a reduced speed limit in a "Thickly Settled/Business" area or in a "Safety Zone" in the Town. The DPW, in conjunction with the Police Department, and other municipal departments as may be designated by the Town Administrator, will evaluate and assess Requests by identifying potential public safety benefits and risks where the modification of a speed limit in a "Thickly Settled/Business" area or a "Safety Zone" is being proposed. Such Requests will be evaluated using established criteria, including, as applicable, the standards and requirements of the Manual on Uniform Traffic Control Devices ("MUTCD") and the MassDOT Procedures for Speed Zoning ("MPSZ"). While the criteria to be used encompass many factors, the most important factor is the enhancement of public safety.

PROCESS: The following points describe the process for receiving, evaluating and resolving a Request for a speed limit modification in a "Thickly Settled/Business" area or a "Safety Zone":

1. Any Request for a speed limit modification in a "Thickly Settled/Business" area or "Safety Zone" will be directed to the Board of Selectmen.

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2. The Board of Selectmen will consider any Request in a public meeting, no later than sixty (60) calendar days after receipt such Request, and will determine, by the end of this sixty (60) day period, if and/or how the Request will be pursued.
3. If the Board of Selectmen determines that the Request will be formally evaluated, the Request will be forwarded to the DPW for evaluation.
4. Such Requests will be reviewed and evaluated by the DPW, as follows:
    a. For a Request related to a "Thickly Settled/Business" area, the DPW will evaluate factors including, but not limited to, the following:
        i. Identifying the proximity of bus stops on the street or streets in question.
        ii. Reviewing crash data in the area of the Request over a five (5) year period.
        iii. Identifying the proximity of crosswalks in the Requested area.
        iv. Confirming that the area subject to the Request qualifies (per M.G.L. c. 90 Section 1) as a "Thickly Settled" area (that is, the territory contiguous to any way where the dwelling houses are situated at such distances as will average less than two hundred feet between them for a distance of one quarter of a mile or more) or a "Business Area" (that is, any way which is built up with structures devoted to business).
    b. For a Request related to a "Safety Zone", the DPW will evaluate factors including, but not limited to, the following:
        i. Reviewing crash data in the area of the Request over a five (5) year period.
        ii. Identifying the proximity of bus stops on the street or streets in question.
        iii. Identifying the proximity of crosswalks in the Requested area.
        iv. Confirming that any Request for a speed limit modification in a "Safety Zone" meets the following minimum criteria:
            1. The street is adjacent to a land use that is likely to attract vulnerable users of the road.
            2. The Safety Zone contains one or more areas that have potential conflicts between motor vehicles and vulnerable users of the road that warrant a reduction in speeds such as crosswalks, driveways, or side streets.
            3. The minimum length of the Safety Zone is at least one quarter (1/4) of a mile and it does extend more than 500 feet beyond a side street unless an applicable land use continues along the adjacent block.
5. The DPW evaluation process for a Request will consider all of the factors above, as applicable, and will include solicitation of and consideration of input from abutters and residents in the affected area and other Town residents.
6. Within ninety (90) calendar days of receipt of the Request to the DPW for an evaluation and recommendation, the DPW will make a final recommendation (including details of any relevant data and the reasoning supporting the recommendation) to the Board of Selectmen as to the disposition of the Request.

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7. Within sixty (60) calendar days after receiving the DPW recommendation related to a Request, the Board of Selectmen will hold a public meeting to discuss the disposition of the Request. This public meeting will be advertised (on the Town website and through other local communication methods) and will provide an opportunity for individuals with interests on the affected street(s) and other residents of the Town to hear this discussion and to offer comments about the Request.
8. Within thirty (30) calendar days after the public meeting to discuss the disposition of the Request (or, if this public meeting discussion is continued by the Board of Selectmen to one or more subsequent public meeting(s), within thirty (30) days after the Board of Selectmen determines that the public discussion has been completed), the Board of Selectmen will vote on a final decision relative to the Request.
9. If the Board of Selectmen approves a speed limit change for a "Thickly Settled/Business" area, the DPW will timely notify MassDOT of this change (as required by M.G.L. c.90 s.17) and will timely implement such a speed limit modification.
10. If the Board of Selectmen approves a speed limit change in a "Safety Zone", this action creates a new "regulatory speed limit" (where a "regulatory speed limit" is one that has a special speed regulation and speed limit signs posted per M.G.L. c.90 s.18), which in turn requires additional actions per the MUTCD and the MPSZ (including an engineering study, new signage, notification (as applicable) of various State agencies). The DPW will be responsible for timely conducting all such implementation activities for any such speed limit change approved by the Board of Selectmen for a "Safety Zone" and making such speed limit change effective.

Effective Date: [Date]

BOARD OF SELECTMEN

_____
Brian Shea, Chairman

_____
Marty Healey, Vice Chairman

_____
Lisa Braccio

_____
Dan Kolenda

_____
Sam Stivers

DRAFT

EMPLOYMENT AGREEMENT BETWEEN
TOWN OF SOUTHBOROUGH
AND
POLICE CHIEF

This agreement, pursuant to Chapter 41, Section 108O of the Massachusetts General Laws, made and entered into this tenth day of March, 2020, by and between the Town of Southborough, Commonwealth of Massachusetts, a municipal corporation in Worcester County, hereafter called the "Town," acting by and through its Board of Selectmen, with no personal liability to themselves, hereafter referred to as "the Board" and Kenneth M. Paulhus of Blackstone, Massachusetts hereafter called "Police Chief".

WHEREAS, the Town desires to employ the professional services of Kenneth M. Paulhus as Police Chief of the Town of Southborough as provided by the Bylaws of the Town contained in Article II, Section 27-2 as amended;

WHEREAS, Kenneth M. Paulhus agrees to accept employment as Police Chief of said Town and devote the necessary time, skills, education, professional services, and efforts in carrying out all of his obligations, responsibilities and duties to the Town and for this the Police Chief represents that he has, and will maintain the skills, desires and ability to perform such obligations, responsibilities and duties to the extent he is able to do so.

NOW, THEREFORE, in consideration of the mutual covenants and agreements herein contained, the Board and the Police Chief agree as follows:

Section I. <u>Functions and Duties of the Police Chief.</u>

The Town hereby agrees to employ Kenneth M. Paulhus as Police Chief of the Town of Southborough, pursuant to and in accordance with Massachusetts General Laws, Chapter 41, Section 97A, as amended, and the Police Chief accepts said offer. The Police Chief shall act as the head of the Southborough Police Department and shall perform the duties specified in the attached job description for Police Chief [Exhibit A which is integrated herein by reference] and Town By-Laws in compliance with all other applicable laws and such other duties that shall from time to time be assigned to him. The Police Chief shall be responsible to the Board of Selectmen, through the direction of the Town Administrator,

The Police Chief shall obtain and maintain all necessary certifications and qualifications to enable him to perform the essential functions of the job of Chief of Police. Such qualifications include but are not limited to certification from the Massachusetts Municipal Police Training Committee to enable him to exercise police powers, and a license to carry a firearm.

Section II. <u>Term.</u>

A. This agreement shall become effective February 12, 2020, and shall remain in full force and effect until June 30, 2023 unless sooner terminated as provided for hereunder or by

law. The Agreement shall be for a term of three [3] years, four (4) months, and eighteen (18) days.

B. Parties agree to endeavor to meet and confer approximately seven months prior to the expiration date of this agreement for the purpose of discussing whether the agreement will be extended, subject to the provisions of Section XII.

C. The Police Chief shall establish and maintain a residence in a town whose boundaries are located within fifteen (15) miles of the boundaries of Southborough as demonstrated in the attached map and list of towns.

Section III. <u>Termination and Severance Pay.</u>

A. The Board may terminate the Police Chief for just cause during the term of this agreement by majority vote.

B. In the event the Police Chief is terminated by the Town prior to the expiration of the term of this agreement, the Town agrees that it shall pay the Police Chief a lump sum cash payment equal to five (5) months aggregate salary, which amount shall be paid to the Police Chief, on or before the effective date of termination of his employment; provided, however, that in the event the Police Chief is terminated for commission of a felony, conduct unbecoming a managerial employee or incompetence, the Town shall have no obligation to pay the base severance pay provided in this paragraph. The Police Chief shall also be paid for any accrued but unused vacation time.

The Chief may be suspended or discharged for just cause, upon proper notice and only after a hearing at which time the Chief shall have the right to be present, to be represented by counsel, and to cross-examine witnesses and to provide witnesses to speak on his behalf. The Board or its designee shall, upon notice of an alleged infraction or occurrence giving rise to possible disciplinary action of the Chief, initiate an investigation as to the facts surrounding said allegation. The Board shall endeavor to complete said investigation within a reasonable period of time. Upon completion of the investigation, the Board shall determine whether further action is warranted. The Chief shall be notified forthwith of the results of the Board's determination. If the Board finds that a hearing is required, the Chief shall be duly notified in writing of the date, time and location of the hearing, and the reasons for calling the hearing and make findings, conclusions and recommendations. To the extent allowed by law, the Chief shall have the option of choosing whether any such hearing shall be closed to the public or be held as an open hearing. The Board of Selectmen shall render decisions as soon as possible after the close of the hearing. A decision to discipline, suspend or discharge the Chief shall require a majority vote by the Board.

C. In the event the Police Chief voluntarily terminates his position with the Town before the expiration of the term of this Agreement, the Police Chief shall give two [2] month's written notice in advance, unless the parties agree otherwise. A copy of the resignation

shall be filed with the Town Clerk. The Police Chief shall not be allowed use of paid vacation leave during this time without prior approval of the Town Administrator.

Section IV. Salary.

A. The Town agrees to pay the Police Chief for services rendered under this agreement, an annual base salary of $155,320 subject to applicable withholdings and deductions, effective February 11, 2020, payable in installments at the same time as other employees of the Town are paid. The foregoing total salary [$155,320] is specifically intended to include all educational incentives, including any and all amounts due pursuant to M.G.L. c. 41, §108L, any subsequently enacted statutory educational incentive, or any internal Town educational incentive enacted through policy, bylaw or agreement with employees. To the extent that this section may be construed to modify §108L, such modification is in consideration of the total compensation and other benefits accorded to the Police Chief under this agreement.

1 In the second year of the Agreement, the Police Chief shall receive an increase of 3%, effective February 11, 2021, for a total annual salary of $159,980, subject to applicable withholdings and deductions.

2 In the third year of the Agreement, the Police Chief shall receive an increase of 3%, effective February 11, 2022, for a total annual salary of $164,780, subject to applicable withholdings and deductions.

3 The Police Chief shall receive an increase of 1.5%, effective February 12, 2023, for a total annual salary of $167,252, subject to applicable withholdings and deductions.

The Police Chief acknowledges that he does not have any prior service time in Massachusetts prior to July 1, 2009, and therefore is not eligible for funding under Massachusetts General Law, Chapter 41, Section 108L ("Quinn Bill").

B. The Police Chief shall receive a stipend for maintaining Massachusetts Police Accreditation status for the Police Department, based on the following schedule:

Year 1:	$7,300
Year 2:	$7,500
Year 3:	$7,800
2/11/23 – 6/30/23	$2,700

The stipend shall be payable in installments at the same time as other employees of the Town are paid.

C. The Town agrees to furnish at its expense professional liability insurance for the Police Chief with liability limits of One Million Dollars ($1,000,000.00).

D. The Police Chief shall receive the same Longevity Pay benefit as all other non-union employees, per the SAP Town Bylaw.

Section V. Police Chief Evaluation.

A. The Town Administrator shall review and evaluate the Police Chief every year from the date of appointment. Said review and evaluation shall be based on the goals and objectives developed jointly and mutually agreed to by the Town Administrator and the Police Chief. Further, the Town Administrator shall provide adequate opportunity for the Police Chief to discuss his evaluation with the Board of Selectmen.

B. Annually the Town Administrator and the Police Chief shall define the goals and objectives which they determine necessary for the proper operation of the Town and the attainment of the Board of Selectmen's policy objectives, and shall further establish a general priority among those various goals and objectives, reduced to writing.

C. The Police Chief shall conduct, at least annually, during the term of this agreement a complete assessment of his own performance in a written document approved in advance by the Town Administrator for this purpose, soliciting subjective feedback from individuals as determined by the Town Administrator with input from the Police Chief. The results of this assessment will be made available to the Board of Selectmen.

Section VI. Hours of Work.

A. The Police Chief's workweek shall ordinarily consist of five (5) business days, (Monday through Friday), plus whatever evening and/or weekend hours that may be necessary in order to properly respond to the demands of the position. It is understood that the Police Chief shall also generally participate in the Board of Selectmen's meetings, Town Meetings and other meetings at which his attendance would be beneficial to the orderly conduct of the Town's business. Because of the nature of the position it is also understood that the Police Chief will not be entitled to additional compensation for any hours spent beyond normal office hours.–It is recognized that the Police Chief must devote a great deal of time outside normal office hours to conduct the business of the Town. The Police Chief, therefore, shall be allowed to take compensatory time off and alter the Police Chief's schedule as the Police Chief deems appropriate during normal office hours, and at such times that will least adversely impact Department operations.

B. The Police Chief is an exempt employee for the purpose of the Fair Labor Standards Act.

C. The Police Chief shall notify and coordinate with the Town Administrator if he shall be absent from duty or on leave for more than a full day and who shall be responsible for the administration of the Police Department during such absence or leave.

D. Other Employment: The Police Chief position is a full-time job. Other employment must be approved in writing by the Town Administrator. If the Employee accepts employment without prior written approval, this employment agreement may be terminated immediately by the Town.

E. Exempt Activities: The Police Chief may engage in additional professional activities related to the position of Police Chief, such as guest lecturing and participation in professional activities, provided that such participation does not interfere with his job duties and responsibilities and with prior notice to the Town Administrator.

Section VII. Health and Dental Insurance

The Town shall provide the Police Chief health and dental insurance policies, which are consistent with the policies which other non-union Town employees are eligible.

Section VIII, Vacation, Holidays, Sick Leave, Bereavement Leave, and Personal Leave

A. Vacation

The Police Chief shall be entitled to four (4) weeks paid vacation per fiscal year. A week shall be defined as five (5) working days. Unused vacation days may not be carried over from year to year. However, the Police Chief shall be compensated for up to five (5) unused days of vacation per year, subject to the approval of the Town Administrator.

B. Holidays

The Police Chief shall receive one day's pay at his regular rate for the following:

New Year's Day	Labor Day
Martin Luther King Day	Columbus Day
Presidents' Day	Veteran's Day
Patriot's Day	Thanksgiving Day
Memorial Day	Day after Thanksgiving Day
Independence Day	Christmas Day
	Day before or after Christmas Day (as set by the Town from year to year)

In the event the Police Chief is required, due to a police emergency or other major event (e.g. Heritage Day on Columbus Day), to work more than minimal hours on a holiday, he shall be entitled to an additional day's pay under M.G.L. c. 147, §17F.

C. Sick Leave

The Police Chief shall receive 15 sick days per year, which may be accrued up to a maximum of 120 days per Section 11 (c)2 of the Salary Administration Plan. Absences on account of sickness in excess of that authorized shall be charged to vacation or other available paid leave. Sick leave shall be payable only in cases of genuine illness or non-work connected accidents.

As a sworn police officer, the Police Chief shall be entitled to injured-on-duty benefits as provided in Chapter 41, Section 111F of the Massachusetts General Laws.

D. Bereavement Leave

In the event of the death of a spouse, father, mother, child, father-in-law, mother-in-law, brother, sister, grandparent, or of any other person then residing with the Police Chief, he shall be entitled to receive three days' leave for the purpose of the funeral and disposition of the deceased. If out-of-state travel is required, the Town Administrator may authorize up to two additional days of travel time.

E. Personal Leave

The Police Chief shall be entitled to three personal days per year, which shall be approved by the Town Administrator. Personal days shall not accumulate from year to year.

Section IX. Professional Development, Dues and Subscriptions.

The Town agrees to budget and to pay, subject to appropriation and Town Administrator approval in advance for the professional dues, subscriptions and conference expenses of the Police Chief necessary for his continuation and full participation in one national, regional, state and local association, necessary and desirable for his continued professional participation, growth and advancement, and for the good of the Town.

Section X. Expenses.

A. The Police Chief shall be reimbursed for any normal and reasonable expenses incurred in the performance of his duties, or as an official representative of the Town, including attendance by him at civic or social events.

B. The Police Chief's duties require that he be on duty and available 24 hours a day. The Police Chief will be provided a vehicle by the Town of Southborough in connection with the performance of his duties. Recognizing that the Police Chief resides very close to the Rhode Island border, he shall be allowed to use the town vehicle outside of the state borders.

The Town shall pay for all attendant operating and maintenance expenses and insurance. It may be used by the Police Chief for personal reasons, since the Police Chief is "on-call" in the event of emergency. The vehicle will not be used for out of state vacations without the permission of the Town Administrator. The Police Chief will be responsible for any retirement contributions resulting from the availability and use of such vehicle. The value of said authorized personal use has been taken into account in setting the Police Chief's salary.

C. The Town shall also provide and pay for a cell phone for use by the Police Chief.

D. The Police Chief's clothing allowance will match the amount contained within the police officer's collective bargaining agreement.

Section XI. Indemnification.

The Town shall defend, save harmless and indemnify the Police Chief against any tort, professional liability, claim or demand, or other legal action, whether groundless or otherwise, arising out of an alleged act or omission occurring in the performance of his duties as Police Chief, even if said claim has been made following his termination from employment, provided that the Police Chief acted within the lawful scope of his duties. The Town shall pay the amount of any settlement or judgment rendered thereon, subject to M.G.L. Chapter 258 Section 13. The Town may compromise and settle any such claim or suit and will pay the amount of any settlement or judgment rendered thereon without recourse to the Police Chief.

This section shall survive the termination of this Agreement.

Section XII. Non-Renewal of Agreement.

If the Board decides not to renew this Agreement, the Board shall give the Police Chief written notice a minimum of six (6) months before the expiration of this Agreement. The Police Chief has an affirmative obligation to notify the Board in writing of the renewal provision, at least six (6) months before the last day of this contract. If the Board fails to give such written notice of non-renewal, this Agreement shall be extended for an additional one year period.

Should the Police Chief decide not to renew this agreement, the Police Chief will provide written notice to the Board a minimum of six [6] months in advance of the expiration of the contract.

Section XIII. No Reduction in Benefits.

The Town shall not at any time during the term of the Agreement reduce the salary, compensation or other benefits of the Police Chief, except to the degree such a reduction is consistent with the reduction for all other management employees of the Town.

Section XIV. Death During Term of Employment

If the Police Chief dies during the term of his employment, and is enrolled in the Town's health insurance and benefit program, the Town shall pay to the Police Chief's estate all the compensation which would otherwise be payable to the Police Chief up to the date of the Police Chief's death, including accrued unused vacation and sick leave. The Town shall continue to contribute its share of the health insurance premiums to the Police Chief's surviving spouse and family, if they are otherwise eligible under Chapter 32B and such other benefits as are available to other Town non-union employees.

Section XV. General Provisions.

A. The text herein shall constitute the entire Agreement between the parties.

B. This agreement shall be binding upon and inure to the benefit of the heirs at law and executors of the Police Chief.

C. This agreement shall prevail over any conflicting provisions of the Town by-laws or rules and regulations.

D. If any provision or any portion thereof, contained in this Agreement is held, invalid or unenforceable, the remainder of this Agreement, or portion thereof, shall be deemed severable, shall not be affected, and shall remain in full force. This agreement shall be interpreted and enforced in accordance with the laws of the Commonwealth of Massachusetts.

E. Any prior discussions or verbal agreements between the parties made prior, to this agreement shall not be binding upon the agreements unless reduced to writing, dated and signed by both parties.

F. This Agreement shall become effective when executed by both parties.

IN WITNESS WHEREOF, the Town of Southborough, Massachusetts, has caused this Agreement to be signed and executed in its behalf by its Board of Selectmen and duly attested by its Town Clerk, and the Police Chief has signed and executed this Agreement, both in duplicate.

TOWN OF SOUTHBOROUGH
Acting by and through its Board of Selectmen

POLICE CHIEF

_____
Brian E. Shea, Chairman, Board of Selectmen

_____
Kenneth M. Paulhus

_____
Martin F. Healey, Vice-Chairman, Selectman

_____
Daniel L. Kolenda, Selectman

_____
Lisa M. Braccio, Selectman

_____
Sam Stivers, Selectman

DATE:_____

DATE:_____

From: Mark Purple
To: Board of Selectmen
Cc: Vanessa Hale; Katie Barry
Subject: FW:
Date: Tuesday, March 10, 2020 1:37:04 PM

FYI – the issue of coronavirus, as it may impact Town Meeting, will be a discussion item under the Pre-Town Meeting. Below is an email trail from the weekend to that effect.

Thanks.

Mark

Mark J. Purple
Town Administrator
Town of Southborough
P: 508-485-0710
F: 508-480-1061

From: Brian Shea <bshea@southboroughma.com>
Sent: Sunday, March 8, 2020 5:40 PM
To: Mark Purple <mpurple@southboroughma.com>; Aldo A. Cipriano <aldoc.esq@comcast.net>
Subject: Fw:

Aldo,

I am forwarding the link below for your information. I was talking with Mr. Cimino today, and as part of pre-Town meeting on Tuesday, he would like to address logistics if it should happen that conditions worsen to the point where due to coronavirus, postponement of Town Meeting is required. It appears that the link below would address this situation.

If there are any other statutes that you are aware of that would apply to this matter, please share those at the pre-Town meeting.

To be clear, we are not taking any action at this time - we need to be prepared to act though, if needed.

Brian

Brian Shea, Selectman
Town of Southborough

From: Brian Shea
Sent: Sunday, March 8, 2020 5:33 PM
To: Paul Cimino <pcimino@southboroughma.com>
Subject:

as we discussed.

https://malegislature.gov/Laws/SessionLaws/Acts/2014/Chapter487

Brian Shea, Selectman
Town of Southborough

KENNETH M. PAULHUS
CHIEF OF POLICE

TOWN OF SOUTHBOROUGH
POLICE DEPARTMENT

32 Cordaville Road
Southborough, Massachusetts 01772

Emergency: 9-1-1
All Other: (508)485-2121
Business: (508)485-2147
Fax: (508)485-4634
kp.paulhus@southboroughma.com

To: Southborough Board of Selectmen

From: Police Chief Kenneth M. Paulhus

Subject: Part-Time Telecommunications Officer/Dispatcher

Date: March 3, 2020

Dear Board of Selectmen:

Please consider my recommendation to appoint Ms. Emily Brogie as a Part-Time Telecommunications Officer with the Southborough Police. The Department is looking to expand the number of P/T Staff in order to fill open shifts.

Ms. Brogie is a resident of Shrewsbury, and will be graduating from Worcester State College in May with a B.S. Degree in Criminal Justice. She has a history of employment in customer service.

Her appointment would be of great benefit to the Southborough Police Department. The starting date will be determined shortly after successful completion of a number of screening checks, and the Boards approval.

The recommended pay rate would be Grade 3 of the SAP, $21.00 per hour. Please feel free to contact me with any questions you might have.

Kenneth M. Paulhus
Chief of Police

Protecting Our Community...Together!

Emily Brogie

6 Edgewood Rd, Shrewsbury, MA, 01545, 774-287-8501, ebrogie@worcester.edu

EXPERIENCE:

Total Wine& More, Front end team member; Shrewsbury, MA **05/2019-Present**
Manager: Dan Farese, 774-277-2823

Target, Front end team member; Westborough, MA **06/2018-10/2018**
Manager: Nicole Ackerley, 508-573-1004

Lowes, Cashier; Westborough, MA **07/2017-10/2017**
Manager: Harrison Stahl, 508-769-0354

E-Bridge Montessori, Teachers helper; Westborough, MA **04/2015-08/2016**
Manager: Julie Docherty, 508-366-9288

EDUCATION:

Worcester State University, 486 Chandler St, Worcester, MA **05/2020 (anticipated)**

- Criminal Justice
- Dean's List

Assumption College, 500 Sailsbury St, Worcester, MA **08/2016- 05/2017**

- Dean's List

Shrewsbury High School, 64 Holden St, Shrewsbury, MA **08/2012-05/2016**

- JV soccer
- Honor Roll

KENNETH M. PAULHUS
CHIEF OF POLICE

TOWN OF SOUTHBOROUGH
POLICE DEPARTMENT

32 Cordaville Road
Southborough, Massachusetts 01772

Emergency: 9-1-1
All Other: (508)485-2121
Business: (508)485-2147
Fax: (508)485-4634
kpaulhus@southboroughma.com

To: Southborough Board of Selectmen

From: Police Chief Kenneth M. Paulhus

Subject: Part-Time Telecommunications Officer/Dispatcher

Date: March 3, 2020

Dear Board of Selectmen:

Please consider my recommendation to appoint Mr. John Terranova as a Part-Time Telecommunications Officer with the Southborough Police. The Department is looking to expand the number of P/T Staff in order to fill open shifts.

Mr. Terranova is a resident of Worcester, and holds a B.S. Degree in Criminal Justice from Anna Maria College. He has a history of employment in customer service, and currently holds a certification from the Association of Public Safety Communications Officials (APCO).

His appointment would be of great benefit to the Southborough Police Department. The starting date will be determined shortly after successful completion of a number of screening checks, and the Boards approval.

The recommended pay rate would be Grade 3 of the SAP, $21.00 per hour. Please feel free to contact me with any questions you might have.

Kenneth M. Paulhus
Chief of Police

Protecting Our Community...Together!

John Terranova
terranovjo9@gmail.com
774-823-5871

Permanent Address:
14 Lanesboro Rd
Worcester, Ma 01606

Objective: To employ my education, training, and work experience in a valuable manner to pursue a career in law enforcement while maintaining an open mind to the many possibilities within the field of criminal justice and areas that relate.

Education

Anna Maria College May 2019
Bachelor of Science in Criminal Justice
Honors: *magna cum laude* (3.88 / 4.00)
Dean's List for Spring Semester 2019

Quinsigamond Community College May 2017
Associate of Science in Criminal Justice
Overall GPA: 3.24 / 4.00
Dean's List for Spring Semester 2017

Certifications

Association of Public-Safety Communications Officials – International, Inc. APCO Institute
Public Safety Telecommunicator 1, 7th Edition Course
Completed: 03/11/2019

Experience

Metropolitan Police Department of the District of Columbia
Executive Office of the Chief of Police-Office of Risk Management
Intern
September 2018-December 2018

- Gained a new and comprehensive understanding for risk management in subjects including but not limited to subrogation, tort, and lien claims
- Became familiar with Executive and General Orders, or administrative written directives, directed by the Executive Office of the Chief of Police to institute Department policy and procedure
- Touched upon audits and their importance to the department's operations and policing SOPs, i.e. body-worn camera and stop-and-frisk audits
- Handled claims that pertained to vehicle crashes, search and arrest warrants, excessive force, bodily injuries, and property damage
- Gained a better understanding of clerical and administrative work
- Provided DC ORM and MPD ORM with a cohesive report of subrogation, tort, and lien claims for fiscal years 2017 and 2018 to be used in the implementation of a new claims database framework, Origami Risk

John Terranova
terranovjo9@gmail.com
774-823-5871

Walgreens Corporation April 2015-present
Customer Service Associate

- Worked as a cohesive team to complete daily and weekly tasks
- Able to properly take in shipment, assess inventory for on hand availability, and order products to meet store needs
- Provided extraordinary customer service and addressed customer needs with genuine care
- While performing Customer Service Associate duties, I served as a "Designated Hitter" for the pharmacy for approximately one year
- Primarily carried out data entry tasks
- Contacted insurance companies to resolve third party insurance problems with prescriptions
- Under the supervision of the pharmacist, I prepared and assembled prescriptions for patients using the correct SOP

Volunteer Experience

St. Vincent Hospital Sept. 2013-June 2014
Sterilization Department
Surgical Equipment Sterilizer

- Followed organizational SOP to properly sterilize and prepare surgical equipment for use during medical procedures
- Inspected equipment for damage and ensured supplies were not expired
- Worked closely with department employees to work quickly and efficiently to meet the hospital's needs

Boy Scouts of America March 2009-present
Troop 9 Worcester, Ma
Assistant Scoutmaster

- Assisted my scoutmaster and troop with various responsibilities that pertain to the nature of scouting
- Using the EDGE method of teaching, I instructed youth scouts on various scouting topics
- Volunteered for numerous community service projects that benefited the city and surrounding communities
- In recognition for my commitment to community service I received the highest rank in Scouting, that is the Eagle Scout of America Honor Award

Awards Received and Academic Achievement

- Eagle Scout of America Honor Award October 4, 2015
- Key to the City of Worcester Honor Award October 4, 2015
- Presidential Community Service Acknowledgement Letter December 3, 2015
- Poll Worker Certificate of Recognition December 3, 2014

Lori Esposito

From: Jason Malinowski <malinowski.jason@gmail.com>
Sent: Thursday, February 13, 2020 1:44 PM
To: SelectmenOffice
Cc: Mark Purple
Subject: Capital Planning Committee

[EXTERNAL]

Good Afternoon,

Given that the online citizen activity form does not have a spot yet for the newly formed Capital Planning Committee, please accept this email as my willingness to volunteer.

As you know, I advocated over the past few months for your Board to consider reinvigorating this Committee as I think there is important work ahead that will require collaboration, appropriate oversight, and creative thinking to solve for the capital needs that face the the town over the short and long term.

Please do not hesitate to reach out with any questions.

Thanks,

Jason Malinowski

Carol Ostresh

From: Marijke Munsiff-Vegting
Sent: Monday, February 10, 2020 9:47 AM
To: Mark Purple
Subject: Zoning Article

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Administrator Purple:

The Economic Development Committee (EDC) had previously been sponsored by the Board of Selectmen for a zoning article originally slated for the 2020 Spring Town Meeting. Although that warrant article will not be moving forward this Spring, the EDC sees the community benefits of strategic zoning changes to encourage development. The EDC will endeavor to bring those zoning changes forward in the Fall.

While the date for the Fall Town Meeting has not been set, the EDC is aware of the timeframe and is in the process of scheduling all the necessary steps to ensure a successful article. The benefit of starting now is the ability to solicit the full collaboration of other boards, commissions, and residents should they want to participate. We also understand that trying to gather feedback during the summer is difficult, so the support of the Board to begin the necessary work early is important.

We have been advised that the EDC needs to 1) identify an article sponsor, and 2) the sponsor needs to vote to become the sponsor. Therefore, at the Feb 7th EDC meeting, a motion was made to initiate a request to the Board of Selectmen to sponsor the Downtown Zoning Mixed Use overlay article for the Fall Town Meeting. The motion passed 6-0-0.

We ask that you please make the Board of Selectmen aware of the EDC's request, and stand ready to answer any questions that you may have.

Thank you,

Marijke Munsiff
Economic Development Coordinator

SOUTHBOROUGH EDC Economic Development Committee

Southborough Town House
17 Common Street, Southborough MA 01772-1662
Tel: (508) 485-0710, ext 3011
mmunsiff@southboroughma.com

Charles D. Baker, Governor
Karyn E. Polito, Lieutenant Governor
Stephanie Pollack, Secretary & CEO
Thomas J. Tinlin, Administrator

MassDOT
Massachusetts Department of Transportation
Highway Division

October 17, 2016

Dear Municipal Official:

I am pleased to provide the attached information/guidance relative to the recent passage of Sections 193 and 194 of Chapter 218 of the Acts of 2016 regarding changes to the Speed Limit Regulations under Chapter 90, Sections 17 and 18 that was signed by Governor Baker on August 9, 2016. The new statutes become effective on November 7, 2016.

In preparing this guidance it is MassDOT's goal to present a consistent approach on the local implementation of these statutes with respect to the most recent traffic engineering recommendations of MassDOT, the 2009 Federal Manual on Uniform Traffic Control Devices (MUTCD), and The Massachusetts Amendments to the MUTCD (2012). It is our opinion that it is imperative to create a uniform implementation by municipalities that decide to adopt these statutes which will ultimately increase their effectiveness on a statewide basis. These recommendations have been made and are hereby presented as the Official Standards of MassDOT, as authorized by Chapter 85, Section 2 of the Massachusetts General Laws. MassDOT will, upon the request of local authorities, advise municipalities on all aspects of these regulations.

Attached please find a series of Frequently Asked Questions regarding the new legislation and speed zoning in general. The MassDOT Speed Limit website will keep the FAQs up to date based upon feedback and also has a comprehensive explanation of all things speed limit related in Massachusetts. Please visit it at:
https://www.massdot.state.ma.us/highway/Departments/TrafficandSafetyEngineering/SpeedLimits.aspx

Sincerely,
[signature on original]
Neil E. Boudreau
State Traffic Engineer

Encl.: Speed Limit FAQs

Frequently Asked Questions on Speed Limits

Q1. What are the laws and regulations that govern speed limits in Massachusetts?

A1. Section 17 and Section 18 of Chapter 90 of the Massachusetts General Laws (MGL c. 90 §§ 17 and 18) dictates the requirements for establishing posted speed limits and the statutory speed limits on all other streets and highways. In addition, MassDOT and all municipalities are required by MGL c. 85 § 2 to follow the standards stated *Manual on Uniform Traffic Control Devices* (MUTCD) for the posting of speed limit signage.

Q2. What is a regulatory speed limit?

A2. With certain exceptions noted below, a regulatory speed limit is one that has a Special Speed Regulation and speed limit signs posted per MGL c. 90 § 18. A special speed regulation is established by conducting an engineering study, having the authority responsible for legislating municipal traffic code approve the proposed speed zones (city- and town-owned ways, only), submitting the study and proposed speed zones to MassDOT, having a special speed regulation duly approved by the MassDOT Traffic and Safety Engineering Section and the Registry of Motor Vehicles, and, lastly, erecting standard speed limit signage.

The Section 2B.13 of the MUTCD also states that, "Speed zones (other than statutory speed limits) shall only be established on the basis of an engineering study that has been performed in accordance with traffic engineering practices. The engineering study shall include an analysis of the current speed distribution of free-flowing vehicles." To comply with this statement, MassDOT has established Procedures for Speed Zoning, where all of the details for the required engineering study may be found.

Q3. How does a municipality create a Special Speed Regulation on a city- or town-owned way?

A3. Full details on the procedure for creating Special Speed Regulations may be found in the MassDOT Procedures for Speed Zoning. The following is a summary of the process:

1. Request sent by city/town to MassDOT District Office.
2. MassDOT will meet with city/town for detailed explanation of procedures (if requested).

3. City/town will submit proposed speed zones along with engineering justification and backup data.
4. Submittal reviewed by MassDOT District Office and Traffic & Safety Engineering Section.
5. If approved by MassDOT, special speed regulation prepared by MassDOT Traffic & Safety Engineering Section.
6. Regulation approved by city/town body that governs the municipal traffic code.
7. MassDOT Traffic & Safety Engineering Section and Registry of Motor Vehicles signs off on approved regulation.
8. Speed limit signs are erected by city/town. Speed limit is now enforceable.

Q4. What is a statutory speed limit?

A4. Statutory speed limits exist in the absence of special speed regulations and official posted speed limits. MGL c. 90 § 17 requires that drivers operate motor vehicles at a rate of speed that is no greater than reasonable and proper with regard to the use of the road and safety of the public. Reasonable and proper speeds are defined as:

- 20 mph in a school zone;
- 30 mph in thickly settled or business district for at least 1/8 of a mile;
- 40 mph on an undivided way outside of a thickly settled or business district for at least 1/4 of a mile; and
- 50 mph on a divided way outside of a thickly settled or business district for at least 1/4 of a mile.

Section 2B.13 of the MUTCD does not require an engineering study to establish a statutory speed limit since they are set based upon geographic criteria in the absence of a speed regulation. However, with the exception to the types noted in Question 8, statutory speed limits do not include posted signs.

Q5. What is a thickly settled or business district?

A5. MGL c. 90 § 1 of the MGL defines a thickly settled or business district as, "the territory contiguous to any way which is built up with structures devoted to business, or the territory contiguous to any way where dwelling houses are situated at such distances as will average less than two hundred feet between them for a distance of a quarter of a mile or over."

Q6. How does the new speed limit legislation passed in 2016 affect my town?

A6. Sections 193 and 194 of Chapter 218 of the Acts of 2016 creates two new sections to Chapter 90 of the MGL:

- Section 193 allows the municipality to opt-in to MGL c. 90 § 17C, thereby reducing the statutory speed limit from 30 mph to 25 mph on any or all city- or town-owned roadways within a thickly settled or business district. The legislation also requires cities and towns to notify MassDOT of these changes.
- Section 194 creates MGL c. 90 § 18B, allowing municipalities to establish regulatory 20 mph safety zones. Since this creates a regulatory speed limit, the MUTCD requires an engineering study prior to the establishment of the the safety zone and it should conform to the guidance found in the MassDOT Procedures for Speed Zoning.

Q7. If a city or town opts-in to Section 193 of Chapter 218 of the Acts of 2016, will that supersede any existing posted speed limit?

A7. No. This legislation only affects streets that are currently governed by a statutory speed limit. If an existing special speed regulation is in place, it will continue to govern.

Q8. Can cities and towns post their own speed limits?

A8. Standard speed limit signs may only be posted upon the establishment of a regulatory speed limit per MGL c. 90 § 18 and the MassDOT Procedures for Speed Zoning. However, there are other speed-related signs that cities and towns may elect to post upon completion of proper engineering studies:

- Municipalities that opt-in to Section 193 of Chapter 218 of the Acts of 2016 on a city- or town-wide basis may post Thickly Settled Speed Limit 25 Unless Otherwise Posted (MassDOT code MA-R2-9A or MA-R2-9B) signs at jurisdictional boundaries. MassDOT recommends that, if a city or town is considering opting-in to this legislation, that it is done so for the entire municipality to avoid potential confusion for drivers.
- Municipalities that opt-in to Section 193 of Chapter 218 of the Acts of 2016 on a street-by-street basis may post Thickly Settled District 25 MPH (MassDOT code MA-W13-4) signs at the upstream ends of street.
- School Zone speed limits may be posted if established under the standards of the MA Amendments to the MUTCD.
- Safety Zone speed limits may be posted and should follow MassDOT guidelines, as described in Q9.

Q9. What is the process for establishing Safety Zone speed limits?

Safety Zone speed limits are the only regulatory speed limits that municipalities can adopt without prior approval from MassDOT. Safety Zones cannot, however, be placed on State Highway without MassDOT approval.

Speed limits within a Safety Zone must be set at 20 mph and are intended to be used in areas where vulnerable road users are likely to be present. Examples of such areas are: parks and playgrounds, senior citizen housing and centers, hospitals or other medical facilities, high schools and higher education centers, and daycare facilities. Note that Safety Zones should not be used in place of School Zones for streets adjacent to grades 1-8 schools.

To establish a Safety Zone, MassDOT has developed the following minimum criteria:

- The street should be adjacent to a land use that is likely to attract vulnerable road users.
- The Safety Zone should contain one or more areas that have potential conflicts between motor vehicles and vulnerable road users that warrant a reduction in speeds such as crosswalks, driveways, or side streets.
- The minimum length of the Safety Zone should be at least 1/4 of a mile and it should not extend more than 500' beyond a side street unless an applicable land use continues along the adjacent block.

Regulatory speed limit signs are required to conform to the MUTCD, per MGL c. 85 § 2. Therefore, an engineering study must be performed to validate the posting of signage. The engineering study shall include an analysis of the current speed distribution of free-flowing vehicles.

In an area where a legal Special Speed Regulation has been enacted, the Safety Zone should be terminated with a Speed Limit (MUTCD code R2-1) sign that corresponds to the regulatory limit shown in the regulation. If the Safety Zone is in an area that has no Special Speed Regulation, it should be terminated with an End Speed Zone (MassDOT code MA-R2-7) sign.

Cities and towns are also responsible for modifying their Municipal Traffic Code to reflect the locations of all Safety Zones prior to the posting any signage.

Q10. Can speed limits be added or modified on city or town ways that have been constructed or reconstructed through a Federal Aid Project?

A10. All Federal Aid Projects in Massachusetts should have an executed Traffic Control Agreement signed between the municipality and MassDOT. The Traffic Control Agreement requires the city or town to maintain all traffic

control devices, including signage, in accordance to the approved plans for that project. Any modifications, including the addition of new signage, must be approved in advance by MassDOT. To request a modification to a Traffic Control Agreement, please contact:

Massachusetts Department of Transportation
Highway Division - Traffic & Safety Engineering
Attention: Regulations Engineer
10 Park Plaza, Room 7210
Boston, MA 02116

Q11. Are design drawings available for fabricating speed limit signs?

A11. MassDOT has created the following sign face drawings:

- MA-R2-7 (End Speed Zone);
- MA-R2-8 (Safety Zone Speed Limit 20);
- MA-R2-9A or MA-R2-9B (Thickly Setting Speed Limit 25 Unless Otherwise Posted); and
- MA-W13-4 (Thickly Settled District 25 MPH).

Other MassDOT standard sign designs may be found on the Traffic & Safety Engineering's Signs page. All other sign designs may be found in FHWA's Standard Highway Signs and Markings book.

SECTION 193. Chapter 90 of the General Laws is hereby amended by inserting after section 17B the following section:-

Section 17C. (a) Notwithstanding section 17 or any other general or special law to the contrary, the city council, the transportation commissioner of the city of Boston, the board of selectmen, park commissioners, a traffic commission or traffic director of a city or town that accepts this section in the manner provided in section 4 of chapter 4 may, in the interests of public safety and without further authority, establish a speed limit of 25 miles per hour on any roadway inside a thickly settled or business district in the city or town on any way that is not a state highway.

(b) Upon establishing a speed limit under this section, the city or town shall notify the department. The operation of a motor vehicle at a speed in excess of a speed limit established under this section shall be a violation of section 17.

SECTION 194. Said chapter 90 is hereby further amended by inserting after section 18A the following section:-

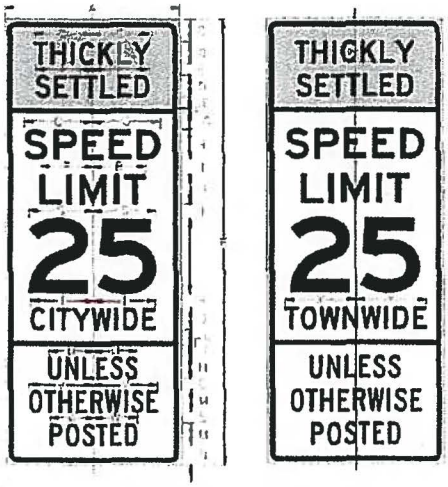
Section 18B. (a) Notwithstanding section 18 or any other general or special law to the contrary, the city council, the transportation commissioner of the city of Boston, the board of selectmen, park commissioners, a traffic commission or traffic director of a city or town that accepts this section in the manner provided in section 4 of chapter 4 may, in the interests of public safety and without further authority, establish designated safety zones on, at or near any way in the city or town which is not a state highway, and with the approval of the department if the same is a state highway. Such safety zones shall be posted as having a speed limit of 20 miles per hour.

(b) The operation of a motor vehicle in such zone at a speed exceeding the speed limit established under this section shall be a violation of section 17.

New "Thickly Settled" Speed Zone.

Allowed Traffic Commission to accept the new Speed Zone, with notification to MassDOT:

- Case by Case
- City Wide



MA-R2-9A, MA-R2-9B

New 20 MPH Safety Zone

- Used where vulnerable road users are likely to be present and potentially in conflict with motor vehicles that warrant a reduction in speed such as crosswalks, driveways and side streets.
- Minimum 1/4 mile length. Not to extend 500 feet past a side street
- Requires an engineering study. Does not require MassDOT approval on local streets.

TOWN OF SOUTHBOROUGH

BOARD OF SELECTMEN Meeting Minutes

Meeting Date: Tuesday, February 25, 2020, 7:00 P.M.
Location: McAuliffe Hearing Room, 17 Common Street, Southborough, MA
Present: Brian Shea, Marty Healey, Lisa Braccio, Sam Stivers and Town Administrator Mark Purple
Absent: Daniel Kolenda left the meeting at 7:39 P.M.

I. Chairman Shea called the meeting to order at 7:00 P.M.

II. **Public Comment**
None

III. **Scheduled Appointments**
Joint meeting with the Board of Library Trustees to fill a Trustee vacancy
Chairman Shea stated that this topic was discussed at the last meeting and needed to be revisited tonight to commence an official joint vote to fill the Trustee vacancy. Mr. Donovan stated that the recommendation for Janet Many to fill this position has not changed since last meeting. Ms. Landry stated the Board of Library Trustees voted unanimously to recommend Janet Many as the interim Trustee. Chairman Shea asked Ms. Maney if she had pulled election papers. Ms. Maney replied that she had not and she is working with Mr. Hegarty to do so. Mr. Purple informed the Boards that both need to make a roll call vote as the Board and Board of Library Trustees are meeting jointly. Chairman Shea made a motion to fill the vacancy on the Board of Library Trustees with Ms. Maney as recommended. Mr. Healey seconded. Roll Call: Shea, aye; Healey, aye; Braccio, aye; Kolenda, aye; Stivers, aye. Landry, aye; Yazdani, aye; Vachris, aye; Davis, aye. The motion passed unanimously (9-0-0).

Town Meeting warrant article presentations
Chairman Shea stated there are ten articles listed that the Board has not yet taken a position on. He reminded the public that the intent is for the Board to receive more information about the articles and either take a position of support, of no support or to wait until Town Meeting. He asked presentations be limited to five minutes.

i. Article 5 – Salary Administration Plan
Betsy Rosenbloom, Chair of the Personnel Board, informed the Board that the materials included in the package have the summary of changes the Personnel Board is recommending. She thanked the Personnel Board for volunteering their time to work on the Plan. Chairman Shea thanked Ms. Rosenbloom and the Personnel Board for their work and the summary they created. The rest of the Board reiterated his sentiments and there were no questions. Ms. Rosenbloom thanked Mr. Purple and Ms. Hale for their support of the Personnel Board. Chairman Shea made a motion to support Article 5 – Salary Administration Plan. Mr. Healey seconded. The motion passed all in favor (5-0-0).

ii. Article 8 – FY2021 Water Enterprise Fund budget
Mr. Purple told the Board the full Water Enterprise Fund budget is included in their packet which is the same budget used to create the water rate structure changes approved by the Board at the last meeting. There were no questions or comments from the Board. Chairman Shea made a

motion to support Article 8 – FY2021 Water Enterprise Fund budget. Mr. Stivers seconded. The motion passed all in favor (5-0-0).

iii. Article 14 – MSBA project for Finn School boiler

Mr. Martineau, Superintendent of Schools, stated that in January of 2019 the School Committee submitted a statement of intent to replace the Finn School boiler through the Mass School Building Authority. He said the project to replace in-kind two oil fired burners with 85% efficiency was approved for MSBA. Mr. Martineau stated that propane was not a viable option because there is no area to store the tanks and EverSource does not provide natural gas in the area of the school. There was discussion on whether upcoming EverSource projects would provide an opportunity for Finn School to be supplied with natural gas. Ms. Galligan stated that the projects will be located on Southville Road and River Street and natural gas will not be available for Finn School. The total cost of the project is $990,180. Mr. Martineau explained that the MSBA reimburses 36.89% of the total cost of the project which would come to $365,246. The cost to the Town is $624,903. Mr. Purple informed the Board that MSBA gives a lump sum in the beginning of the project and the Town will only be borrowing the amount attributed and not the full cost. Chairman Shea made a motion to support Article 14 – MSBA project for Finn School boiler. Mr. Kolenda seconded. The motion passed (4-0-1). Mr. Healey recused as this is a borrowing article.

iv. Article 19 – CPA – Kallander Field project

Andrew Mills, Vice Chair of the CPC, informed the Board that the CPC articles have been unanimously voted in approval by the CPC as provided in the packet except for the change in wording in Article 20. He stated that a feasibility study was approved at Town Meeting last year and completed. Mr. Mills said the CPC voted unanimously to recommend to rehabilitate Kallander Field at the cost of $238,750 in CPA funds to the 2020 Town Meeting. Tim Davis, Recreation Director, stated they worked with a landscape architect and the final plans provided will address the issues plaguing Kallander Field. He stated that he has been working with Ms. Galligan to create a maintenance plan that will ensure the issues will not return. Chairman Shea asked if there was a schedule in place for the project. Mr. Davis stated the specifications for the bidding process is complete with a July 1 start date for the winning bidder. He said the goal was for the Field to be ready in spring 2021.

Mr. Stivers asked if the architect has full confidence that the project will fix the issues at the Field. He asked what obligation the architect had to the Field if the issues were not fixed. Mr. Davis stated he will look at the contract but reiterated that the Town will need to follow the maintenance plan to ensure the Field conditions do not deteriorate. Ms. Braccio commended the Recreation Commission for following a path that addressed the many concerns with the Field. She asked Mr. Davis if the studies considered the water flowing from the hill and he replied that they had. Mr. Healey asked if any of the abutters were aware of the progress made on the project. Mr. Davis replied that he has not heard from any abutters since coming into office and the work will be done to Town property only. Mr. Healey asked for Mr. Purple to reach out to the abutters to make them aware of the status of the project. Mr. Purple stated once bids are received, the Board will schedule a meeting with abutters to make sure they are aware of the project schedule. Mr. Stivers asked Mr. Smith if he was in support of these plans regarding stormwater management. Mr. Smith replied that he had seen the plans this evening and requested the inclusion of a more detailed drawing of the swale in the plans. Mr. Smith stated that as long as the swale is of an acceptable size to handle the drainage, he is comfortable with

the project plans. Chairman Shea made a motion to support Article 19 – Kallander Field project. Ms. Braccio seconded. The motion passed all in favor (4-0-0).

v. Article 20 – CPA – St. Mark's Church bell tower project

Andrew Mills, Vice-Chair of the Community Preservation Committee recused himself from this matter. Ben Smith, CPC member, stated there was an error in the language of this article and the request is for $300,000 not the $200,000 as written. He said the CPC voted on the change this evening and it passed (3-1-1). He added that the additional $100,000 would come from the General Reserve Fund. Mr. Smith introduced Mr. Blanchette, a member of St. Mark's Church.

Mr. Blanchette gave a historical background of St. Mark's Church and its involvement in the community. He stated the bell tower is falling into disrepair and has a five-year window to execute on needed renovations. He said the there has been an application filed for the bell tower to be listed on the National Register of Historical Places but has not yet been accepted. He added that request for an additional $100,000 is due to the fact that the application has not yet been approved. St. Mark's Church has received $50,000 in emergency funding from the Mass Historical Commission and the Parish committed to $350,000. Mr. Blanchette stated the overall cost for the repairs to the bell tower is $750,000. Chairman Shea asked where the additional $50,000 needed for the full repairs would come from. Mr. Blanchette stated they will continue to apply through the Mass Historical Commission for the final funding amount. He added that there are no religious depictions on the bell tower and it is free standing. Mr. Smith added that Town Counsel had opined that this project is fundable using CPA funds.

Mr. Healey stated that Mr. Butler had sent a letter regarding concerns on the inability to separate Church and State in this project and would like any documentation from the Mass Historical Society determining otherwise. Mr. Blanchette agreed to provide that information. Ms. Braccio stated that because of the concerns raised in Mr. Butler's letter and the increase in funding request, she was not ready to take a position. Chairman Shea explained that CPC funding is a combination of tax on Southborough property owners and a match that has been continually declining from the State. He explained his rationale for supporting CPC projects and he is not yet convinced this is a good use of tax payer's money. Mr. Stivers said he would like to hear a response to Mr. Butler's concerns from Town Counsel. Mr. Butler outlined a Supreme Court case from 2018 where citizens from the Town of Acton sued the Town for funding a similar project supported by the Mass Historical Commission. He added that the project was eventually pulled and the Town incurred approximately $250,000 in legal fees. He felt the St. Mark's Bell Tower project could put the Town at risk for this type of lawsuit. Chairman Shea suggested the Board decide whether to support Article 20 – St. Mark's bell tower project at Town Meeting. The Board agreed.

vi. Article 28 – Zoning bylaw – Special permits, alterations

Deborah DeMuria, member of the Zoning Board of Appeals, explained that the objective of the bylaw amendment is to bring clarity to the language and allow changes as of right to properties with pre-existing non-conforming lots or structures as long as the non-conformity is not increased in any way. She stated these sections of the Town Code have been very controversial and a recent special permit application brought the issue to the attention of the Zoning Board. She stated Town Counsel opined on the issue and referenced new case law outlining that a building permit and not a special permit were to be issued in these scenarios. Ms. Braccio asked if Town Counsel had reviewed the language. Ms. DeMuria replied he had. Mr. Healey asked how

these types of projects had been handled up until now. Ms. DeMuria replied that the applicant would need to apply for a special permit before the Zoning Board of Appeals. Ms. DeMuria stated the updated language will allow for these scenarios to apply for a building permit and not require zoning relief. Mr. Healey asked if the Building Commissioner supported this article. Ms. Barry replied in the affirmative. Chairman Shea made a motion to support Article 28 – Special permits, alterations. Mr. Healey seconded. The motion passed all in favor (4-0-0).

vii. Article 29 – Zoning bylaw – Outdoor illumination

Marnie Hoolahan, member of the Planning Board introduced Destin Heilman of 7 Harris Drive who has been consulting on this proposed bylaw. Ms. Hoolahan gave background on the reasoning for the proposed bylaw change which included environmental protection and increased safety for citizens and the environment inspired by the Dark Skies Initiative. Mr. Heilman expanded on this topic and explained that the update will be bring the bylaw up to date with modern ways to allow developers to use lights and will be more flexible. He explained there will be a color cutoff and a limit of 3,000 Kelvins as recommended the Dark Sky Association and ADA. Ms. Hoolahan explained the formatting changes and BUG rating. Mr. Healey stated he felt this was a good idea and explained his concerns regarding the enforceability as written in the proposed bylaw. He said he felt residents would embrace this bylaw more without the heavy-handedness regarding enforcement and stated he was not sure the burden of proof could be shifted to the homeowner. He added that the language that describes a site visit at night from a Town representative does not sound practical. Mr. Heilman said the enforcement section was taken verbatim from the Town of Pepperell's lighting bylaw. Mr. Healey asked if the Town of Pepperell conducted any site visits and felt that if the bylaw was successful, it was due to citizen by-in and not enforcement. He suggested they step back from an enforcement approach.

Ms. Hoolahan said it is a challenge to keep compliance and the Building Commissioner would be the single line of enforcement. Mr. Healey stated that the language in Subsection 1 of the proposed bylaw is sufficient. Chairman Shea asked the percentage of residential properties that would have violations. Mr. Heilman stated the bylaw proposed set standards in moving forward and lights would have to come into compliance at the end of their lifetime. Ms. Braccio asked how enforcement would proceed with commercial properties in violation. Ms. Hoolahan stated it would be the responsibility of the Building Commissioner to enforce the bylaw. Mr. Healey asked the potential cost for a property owner out of compliance. Mr. Heilman stated it would be zero. He gave an example of a parking lot in violation and explained they would need to come to full compliance when 50% of the fixtures needed replacement. Ms. Hoolahan added that the same would apply to homeowners in violation. Mr. Stivers stated that this bylaw is long overdue and asked for data and feedback from the Town of Pepperell regarding enforcement and instances where that was challenged or escalated to court. Ms. Braccio asked how residents will be informed of the bylaw updates and Ms. Hoolahan outlined their information sessions before Town Meeting and said she will work with Mr. Heilman and the Planning Board to form ideas for publicity after Town Meeting. Ms. Braccio asked if Christmas lights would be excluded and Ms. Hoolahan replied in the affirmative. Chairman Shea stated that he would like to attend other information sessions to learn more and would like to hold off on a position. The Board agreed. Chairman Shea stated the position will be printed as "at Town Meeting" in the warrant.

viii. Article 30 – Zoning bylaw – Site Plan review

Meme Luttrell from the Planning Board stated this article brings the bylaw in line with Town Code Chapter 9 § 23 which requires that all voting members of town committees are residents. She

said the Site Plan Committee consists of department heads; some who do not reside in Southborough. The bylaw would move the jurisdiction of Minor Site Plan review from the Site Plan Committee to the Planning Board. Ms. Luttrell explained the Minor Site Plan review process. Mr. Healey asked if the Site Plan Committee had a position regarding this article. Ms. Luttrell replied that the Planning Board had not heard any comments from them and added the Town Planner is in favor of this article. Chairman Shea made a motion to support Article 30 – Site Plan review. Mr. Stivers seconded. The motion passed all in favor (4-0-0).

ix. Article 31 – Citizen petition – Noise bylaw

The petitioner, Mr. Lapine did not have a presentation and opened the discussion for questions from the Board. Chairman Shea asked if he could use a gas-powered lawn mower at his house under this proposed bylaw. Mr. Lapine responded that he could as it would it would fall under the exemptions in the bylaw. Ms. Braccio asked how "light residential outdoor equipment" was defined. Mr. Lapine responded that it would be typical home equipment. Ms. Braccio asked if because the definition is not specified in the bylaw, that the equipment allowed would be left to the discretion of those that enforce the bylaw and Mr. Lapine answered in the affirmative. Mr. Healey asked if the Police Department would be enforcing this bylaw and if he had spoken with Chief Paulhus. Mr. Lapine responded yes to both questions and stated that the only concern he heard from the Chief was the challenge of using sound meters. Mr. Healey asked how the enforcement would be carried out and voiced his concern that additional officers were added to keep the Town safe; not to enforce civil matters. Mr. Lapine described the process from the Police receiving a complaint to responding and evaluating whether a violation occurred. He added that the violation would be determined by the Police at their discretion based on what they hear or if it were outside normal hours outlined in the bylaw. Ms. Braccio voiced her concern that specific items are not listed as exempt and the amount of complaints that could be brought because of the lack of clarity. Ms. Braccio added that she had concerns about enforcement and felt this bylaw was too restrictive. She gave feedback on the tables provided in the document and outlined the requirements from OSHA that are less restrictive.

Mr. Kolenda stated he would like to work on a noise bylaw with the Board and Police Chief in the coming year to allow for more public input and to create unified support for Town Meeting in 2021. Mr. Stivers said a noise bylaw is long overdue and had worked with Chief Paulhus in the past to create a draft. He added bylaws similar to this have worked in other communities and gives leverage to the enforcement arm to diffuse a noise complaint before resulting in fines. Mr. Healey stated that he agrees with Mr. Kolenda and does not feel the bylaw as written is enforceable. He stated a bylaw based on hours would be more beneficial. Mr. Kolenda made a motion for the Board to not Support Article 31 - Noise bylaw. Mr. Healey seconded. The motion passed (4-1-0). Mr. Stivers opposed.

x. Article 32 – Citizen petition – Plastics ban

The proponent was not in attendance and no presentation was made. Chairman Shea proposed to include the Board's decision as "at Town Meeting" in the annual warrant for Article 32 – Plastics Ban. The Board agreed.

xi. Any other warrant article included on the draft March 28, 2020 warrant

Ms. Braccio asked for a discussion of the EDC budget request of $10,000 included in Article 7. She stated that the Advisory Committee raised concerns about the proposed EDC budget at their recent meeting and she agreed that the grant the Committee received could cover a lot of the

items listed in their budget request. Ms. Braccio stated her concerns of potentially using tax payer funds to support a board or committee. She voiced concern about including a line item on the budget that could carry over a large yearly cost. Ms. Cook stated that Advisory will be voting on the budget tomorrow evening and this is one of their two concerns. She added that she agrees with Ms. Braccio's statements. Ms. Braccio asked if the Board were open to revisiting this line item.

Mr. Stivers stated he raised this concern when the request from the EDC was first received. He felt the funds would be more appropriate for a part-time grant writer. Mr. Healey stated he had concerns that lowering the EDC's budget could send a message that the Board does not support the Downtown Initiative. He said the Board has not supported the EDC as they should and moving forward, the support of the Board needs to improve. Ms. Braccio agreed that the EDC needs more of the Board's support but was concerned that this could set precedent for a board, committee, or citizen to come forward and request a large budget. She gave examples of others who successfully executed Town inditiatives without asking for more funding from the Town. Mr. Stivers said he is in support of the Downtown Initiative and felt that more value would come from more involvement in the project from the Board. Mr. Healey asked if Advisory had reservations due to the project itself or the concerns raised in this discussion. Ms. Cook stated Advisory supports the EDC initiative but does not think the Advisory Committee supports the EDC budget. She added that the EDC had some confusion as to how the $10,000 amount came about when they presented to Advisory. Chairman Shea stated he was concerned lowering the budget would send a message of non-support and suggested a meeting with the EDC to discuss their budget and other items. He added that the Board could hold their position until Town Meeting to gather more information. The Board agreed to invite the EDC to their next meeting.

IV. Reports

Town Administrator's Report

None

Chairman's Report

Chairman Shea reminded Town employees and volunteers to send in their acknowledgement of receipt of the Conflict of Interest Summary to the Town Clerk.

Chairman Shea informed the public that there will be a public hearing with MassDOT Thursday February 27th from 6:30-8:30 P.M. at Finn School. He stated the hearing will be regarding the traffic impact of an upcoming project to repair bridges on the Mass Pike in the summer of 2021. Chairman Shea said he will be inviting representatives from MassDOT to discuss the anticipated traffic impact on the Town with the Board. The roadways due to be impacted are Woodland, Cordaville and Parkerville Roads. He added that correspondence from the Town regarding the identification of timeframes that would cause conflicts are due in July. He asked Mr. Purple to work with Ms. Galligan and others to identify and apprise MassDOT of these potential conflicts. Mr. Purple agreed to do so.

Members' Report

Mr. Healey requested that Mr. Purple reach out to Ms. Galligan and update the public and Town website as to when construction for the Main Street Project will begin and impact roads. Mr. Purple agreed to do so.

Mr. Stivers stated he attending the MassDOT briefing session in Westborough regarding the repairing of bridges in Southborough and surrounding towns. He explained why the project has been accelerated due to traffic impact. He said MassDOT was not receptive to his suggestion to enhance the look of the bridges as they repair them. He encouraged the Board to make a similar request.

Mr. Stivers wanted to comment on the proposed Plastic Ban bylaw and referenced a study done on the ban imposed in California that has been in effect since 2007. He said it was found that single bag use did decrease but the alternatives used did not get the reduction in plastic as expected. Mr. Stivers added that paper bag use increased which also has an adverse environmental impact. He said it is advantageous to think about how to encourage people to reuse their bags more frequently and added that some areas had implemented fees per bag.

Consent Agenda

a. Approval of Regular Session minutes: February 4, 2020; February 11, 2020
Mr. Stivers asked to hold item "A." Mr. Stivers stated the motion Mr. Kolenda made in the February 4, 2020 meeting minutes regarding the support of the Police and Youth and Family Services positions was unclear. He had sent language to clarify this motion to Mr. Purple. Mr. Kolenda agreed with the proposed language change from Mr. Stivers for the February 4, 2020 minutes. Mr. Stivers made a motion to approve the February 4, 20202 meeting minutes with his requested edit and the February 11, 2020 meeting minutes as proposed. Mr. Kolenda seconded. The motion passed all in favor (5-0-0).
b. Mr. Kolenda made a motion to approve the appointment of Maintenance Technician position for Facilities Department. Mr. Healey seconded. The motion passed all in favor (5-0-0).
c. Mr. Kolenda made a motion to approve the refinancing request for LIP unit at 10B Fitzgerald Lane. Mr. Healey seconded. The motion passed all in favor (5-0-0).
d. Mr. Kolenda made a motion to approve of meeting minutes of January 7, 2020 for Public Safety Building Naming Subcommittee. Mr. Healey seconded. The motion passed all in favor (5-0-0).
e. Mr. Kolenda made a motion to approve the new on-site manager for CommCan Inc. Mr. Healey seconded. The motion passed all in favor (5-0-0).

V. Other Matters Properly Before the Board

<u>EDC request for BOS to sponsor Downtown Zoning Mixed Use overlay article for the Fall Town Meeting</u>

Chairman Shea stated he was supportive of the concept and would like to meet with the EDC regularly to assist with the project. He added he would like more information on this article and a proposed schedule in order for it to be included in the Fall Town Meeting. He suggested inviting the EDC to attend the next Board meeting. Ms. Braccio agreed and stated she supports the concept and is ready to take a position of support this evening. Mr. Healey stated he did not think a vote was needed and would like to hear from the EDC regarding their budget request. Chairman Shea asked Mr. Purple to invite the EDC to the March 10th meeting and to inform them the Board is supportive of being the sponsor on this article. Mr. Purple agreed to do so.

VI. On a motion made by Mr. Stivers, seconded by Mr. Healey and voted all in favor, the meeting was adjourned at 9:16 P.M.

Upcoming Meetings

March 10, 2020 *March 24, 2020*

Respectfully submitted,

Kathleen Barry, Recording Secretary

List of Documents referred to at the February 25, 2020 BOS Meeting:

- Draft March 28, 2020 town warrant
- Proposed Revisions for the FY21 Personnel Bylaw Entitled "The Salary Administration Plan" For Spring Town Meeting 2020
- Town of Southborough Budget Request FY 21 (Water)
- Letter from Laurie Livoli to Mark Purple dated 2.20.20
- Draft Regular Session Meeting Minutes 2.4.20
- Draft Regular Session Meeting Minutes 2.11.20
- Memorandum from John Parent to BOS dated 2.19.20
- Letter from Catherine Racer of DHCD to Brendalee Hird dated 6.16.17
- Letter from Mark Purple to Brendalee Hird dated 6.15.17
- Draft Public Safety Naming Sub-Committee Meeting Minutes 1.7.20
- Letter from Peter Goodney dated January 7, 2020 to the Board of Selectmen
- Letter from Marijke Munsiff-Vegting to Mark Purple dated 2.10.20
- Letter from John Butler to Andrew Mills, Marty Healey, Sam Stivers and Kathy Cook dated 2.23.20
- Letter from Mark Purple to BOS dated 2.24.20 re_CommCan, Inc. New On-Site Manager
- Letter from Marijke Munsiff-Vegting to Brian Ballantine and Mark Purple dated1.29.20
- Pictures of St. Mark's Bell Tower presented by CPC
- Handout from St. Mark's Church representative

DRAFT

FISCAL YEAR 2021 182 Economic Development Comm	FY 2017 ACTUAL	FY 2018 ACTUAL	FY 2019 ACTUAL	FY 2020 BUDGET	FY 2021 REQUEST	PERCENT (+) or (-)
51110 Salaries - Part Time	20,615	8,540	24,712	27,885	26,563	-4.7%
51000-51990 Salaries and Wages	**20,615**	**8,540**	**24,712**	**27,885**	**26,563**	**-4.7%**
53440 Printing Services	6,665	0	3,306	3,500	5,000	42.9%
53800 Other Contracted Services	6,045	18,684	5,035	6,000	16,000	166.7%
54210 Other Office Supplies	279	105	347	450	1,000	122.2%
57100 In-State Travel	123	0	24	100	100	0.0%
57300 Dues & Memberships	965	965	551	800	800	0.0%
52000-58990 Other Charges and Expenses	**14,078**	**19,754**	**9,263**	**10,850**	**22,900**	**111.1%**
TOTAL ECONOMIC DEV COMM.	**34,693**	**28,294**	**33,975**	**38,735**	**49,463**	**27.7%**

The EDC expects to be spending more on Printing Services, Contracted Services as well as Other Office Supplies due to increased work on the Downtown Initiative (Public Forums, zoning and wastewater studies and creating marketing displays for public marketing events.

Revised budget voted by EDC 12/6

Town Clerk Rcv'd
3/25/2020
10:33 AM
CAMB

TOWN OF SOUTHBOROUGH

BOARD OF SELECTMEN Meeting Minutes

Meeting Date: Sunday March 15, 2020, 8:00 P.M.
Location: Remote participation via conference call
Present: Brian Shea, Marty Healey, Lisa Braccio, Sam Stivers, Dan Kolenda, Town Administrator Mark Purple

I. Chairman Shea called the emergency meeting to order at 8:00 P.M. He thanked the Board for getting together to meet on such short notice to deal with the impacts of COVID-19 on the community. The meeting was held with all parties via conference call that Mr. Shea set up. Mr. Shea discussed the main points that Governor Baker listed in his late afternoon press conference relative to the number of people that can gather and other pertinent restrictions in Massachusetts due to the pandemic.

II. **Reports**

The Board discussed the following matters related to the protection of town employees and officials, as well as continuity of operations:

- Creating a basic payroll in case the Treasurer's Office became infected. It will be base salary only, items like overtime, stipends, and others will have to be done in a subsequent payroll as needed
- Discussion of what personnel is essential and remote work methods;
- Closure of all public buildings [though staff may be working internally as needed];
- Lobby access only for the Public Safety Complex;
- Implementing a system for remote meetings that allows the public to have access.

Mr. Kolenda joined the meeting at 8:20 p.m.

- Mr. Purple will hold a staff meeting [outside] at 8:30 a.m. on Monday to explain the protocol going forward and will then meet with managers to define essential personnel, and identify what work could be done remotely. It will vary from department to department;
- It was agreed that an employee who returns from a vacation outside the US should self-quarantine;
- The green mail box outside the Town House will be monitored constantly for mail, payments, etc.;
- Mr. Purple also noted that all desk phones can be forwarded to a cell phone so staff can still manage incoming inquiries and requests.

III. **Other Matters Properly Before the Board**

The Board agreed to meet remotely as often as needed during the pandemic situation.

IV. **On a motion made by Mr. Kolenda, seconded by Mr. Healey and voted all in favor (5-0-0), the meeting was adjourned at 9:05 P.M.**

Respectfully submitted by Vanessa Hale, Assistant Town Administrator

Town Clerk RCV'D
3/25/2020
10:33 AM
AMB

TOWN OF SOUTHBOROUGH

BOARD OF SELECTMEN Meeting Minutes

Meeting Date: Thursday March 19, 2020, 6:30 P.M.
Location: Virtual meeting via Zoom
Present: Brian Shea, Marty Healey, Lisa Braccio, Sam Stivers, Dan Kolenda, Town Administrator Mark Purple

I. Chairman Shea called the meeting to order at 6:30 P.M. He thanked the Board for getting together virtually. He read the following statement:

Pursuant to Governor Baker's March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, §18, and the Governor's March 15, 2020 Order imposing strict limitation on the number of people that may gather in one place, this meeting of the Southborough Board of Selectmen will be conducted via remote participation to the greatest extent possible. Specific information and the general guidelines for remote participation by members of the public and/or parties with a right and/or requirement to attend this meeting can be found on the Town of Southborough's website, at https://www.southboroughtown.com/. For this meeting, members of the public who wish to listen the meeting may do so in the following manner: https://www.southboroughtown.com/remotemeetings. No in-person attendance of members of the public will be permitted, but every effort will be made to ensure that the public can adequately access the proceedings in real time, via technological means. In the event that we are unable to do so, despite best efforts, we will post on Southborough's website an audio or video recording, transcript, or other comprehensive record of proceedings as soon as possible after the meeting.

II. **Consent Agenda**
The Board voted by roll call [5-0-0] to approve the meeting minutes of March 10, 2020 and March 15, 2020. Braccio aye, Kolenda, aye; Healey, aye; Stivers, Shea, aye.

III. **Reports**
Mr. Purple updated the Board on the following matters related to the protection of town employees and officials, as well as continuity of operations:

- Discussion of what personnel is essential and remote work methods;
- Closure of all public buildings [though staff may be working internally as needed];
- Lobby access only in the Public Safety Complex and further, noted the employee gym has been closed for the interim;
- Re-cap of a staff meeting [outside] on Monday morning to explain closures, protocols, and answer questions. He thanked Chairman Shea and Public Health Nurse Leslie Chamberlin for attending also;
- A reminder that the green mail box outside the Town House will be monitored *constantly for mail, payments, etc.;*

- Mr. Purple also noted that all desk phones can be forwarded to a cell phone so staff can still manage incoming inquiries and requests remotely.

Board members inquired what precautions are being taken in the fire department sleeping quarters. Other precautions include modifications in ambulance staffing, entry into homes and businesses where possible.

State of Emergency: Mr. Purple noted that he and Attorney Cipriano have reviewed and recommend a Local State of Emergency be adopted, adding that it reinforces the seriousness of the pandemic, provides more flexibility in decision response and formalizes how civil defense protocol is being delivered. Mrs. Braccio and Mr. Stiver felt it was helpful to codify these matters in one document and lets the public know how the community is responding with a clear message to the pandemic. Mr. Healey felt strongly that there be a distinction to note that a local statement like this does not authorize any additional authority to any board or town official that is greater than what they already possess through the Town Code or Massachusetts General Laws. Board members agreed Town Counsel should review and ratify that.

Staffing levels: Mr. Purple summarized a draft for the Board of a policy statement that he and Ms. Hale prepared which stipulates levels of staffing in town offices at this time, work from home categories, access to town facilities, payroll notifications and guidance for employees who have recently traveled or have time away from work planned in the future, as it relates to quarantine periods. Although the State does not currently require employees who have travelled domestically [and show no symptoms] to quarantine before returning to work, this policy would do that. It is recommended as an effort to minimize the potential exposure of other town employees to the virus. Mr. Kolenda disagreed and felt this went too far and suggested that we have no idea where staff is on their personal time and queried the limits of policing people's whereabouts [relative to being in crowds of larger than 25 people]. Mr. Stivers agreed with the travel by plane distinction and advocated for preserving vacation accruals if an employee chose to cancel a trip. Although this is a policy issue, not a legal one [according to the Town's labor counsel] taking advanced precautions to protect others provides a measure of comfort to employees who still need to work to carry on the business of government. Mr. Stivers suggested an amendment in the statement to clarify that transfer station operations are normal.

Mrs. Braccio moved to participating via phone instead of her computer.

There was a motion to approve the policy on staffing of town departments during COVID, with amendments. Although Mr. Kolenda did not agree with it in its entirety, the Board voted by roll call to approve this policy and it passed unanimously [5-0-0]. Braccio aye, Kolenda, aye; Healey, aye; Stivers, aye; Shea, aye.

Mr. Shea asked for an update from the following departments at the next meeting: Police, Fire, DPW, Facilities and Health. He also commended Public Health Nurse Leslie Chamberlin for her assistance during this crisis. For future board meetings, he requested that an agenda be posted

48 hours in advance whenever possible, using the Zoom platform, to include only COVID related items unless it is a time sensitive matter. Regarding other boards, he recommended that they be encouraged only to meet if they had a critical agenda item. Mr. Kolenda did not want the community to have the perception that the Town has shut down and Mrs. Braccio suggested that many meetings be held off until the 25/per person limit was lifted by Governor Baker.

Playgrounds: Mr. Shea noted that the school department is no longer permitting playground use on school properties. Ms. Chamberlin has recommended that playgrounds with plastic surfaces be avoided at this time. Mr. Kolenda felt strongly that parents should have access to playgrounds and fields on town properties during this crisis. It was also noted that the Recreation Department will not be issuing any permits for field use until further notice. The Board agreed to defer to the Board of Health on this issue. Ms. Hale noted that the Town's new Public Health Nurse started today and her name is Emily Amico; she is currently being trained by Leslie Chamberlin. Mr. Stivers suggested there be a scorecard on the town website of any local cases of COVID.

At 7:56 p.m. Mr. Kolenda and Mrs. Braccio departed the Zoom meeting while the rest of the board discussed the upcoming town election.

Annual Town Election: Mr. Shea read a statement from Senate President Karen Spilka relative to the status of Spring elections planned across Massachusetts. The Senate will be meeting this coming Monday on proposed legislation so the Board chose to wait until the next meeting to discuss this matter. Mr. Shea noted his opposition for the Selectmen getting involved on when an election should take place and wanted very much to avoid having a role in this decision and would like to leave it to the Registrar of Voters or other State officials.

IV. Other Matters Properly Before the Board

The Board agreed to meet virtually on Tuesday March 24, 2020 and as often as needed during the pandemic situation.

V. On a motion made by Mr. Healey, and voted by roll call (3-0-0), Healey, aye; Stivers, aye; Shea, aye, the meeting was adjourned at 8:05 P.M.

Respectfully submitted by Vanessa Hale, Assistant Town Administrator

RECEIVED
OWN CLERK'S OFFICE
020 MAR 17 P 4:39
SOUTHBOROUGH, MA JFK

Town of Southborough, MA
Meeting of the Board of Selectmen
March 19, 2020, 6:30 P.M.

Pursuant to Governor Baker's March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, §18, and the Governor's March 15, 2020 Order imposing strict limitation on the number of people that may gather in one place, this meeting of the Southborough Board of Selectmen will be conducted via remote participation to the greatest extent possible. Specific information and the general guidelines for remote participation by members of the public and/or parties with a right and/or requirement to attend this meeting can be found on the Town of Southborough's website, at https://www.southboroughtown.com/. For this meeting, members of the public who wish to listen the meeting may do so in the following manner: ***[YouTube link]***. No in-person attendance of members of the public will be permitted, but every effort will be made to ensure that the public can adequately access the proceedings in real time, via technological means. In the event that we are unable to do so, despite best efforts, we will post on Southborough's website an audio or video recording, transcript, or other comprehensive record of proceedings as soon as possible after the meeting.

I. Call Meeting to Order

II. Consent Agenda
- a. Policy on Virtual Meetings
- b. Approve Open Session Minutes: March 10, 2020; March 15, 2020

III. Update on impact of COVID-19 (*Board may vote*)

IV. Other Matters Properly Before the Board (*Board may vote*)

V. Adjournment

Brian E. Shea, Chairman

Virtual Meeting Policy for Boards & Committees

Approved: DRAFT

I. PURPOSE

In light of the ongoing COVID-19 coronavirus outbreak, Governor Baker issued an emergency Order on March 12, 2020, allowing public bodies greater flexibility in utilizing technology in the conduct of meetings under the Open Meeting Law. The Town of Southborough greatly values the participation of its citizens in the public meeting process, but given the current circumstances and recommendations at both the state and federal levels to limit or avoid public gatherings, including Governor Baker's ban on gatherings of more than 25 people, together with the present closure of the Southborough Town House and other public buildings to the public, the Town of Southborough has decided to implement the "remote participation" procedures allowed under Governor Baker's emergency Order for all boards, committees, and commissions.

II. SCOPE OF POLICY

1. All or any of the members of the public body may choose to participate in a public meeting via remote access. Meetings may be virtual, in their entirety;
2. The public will not be allowed into a Board/Committee meeting, even where there are any members of the public body and/or Southborough staff or official(s) physically present at the meeting location during the meeting. "Public comment" portions of meetings will be temporarily suspended;
3. However, the public will be provided with alternative access through which they can watch or listen to meetings "in real time," and meeting notices will specify the manner in which members of the public may access audio or video of the meeting as it is occurring;
4. If, despite our best efforts, our technological capabilities do not adequately support public access to virtual or remote meetings, the Town of Southborough will ensure that an audio or video recording, transcript, or other comprehensive record of the proceedings at the meeting is posted on the Town of Southborough's website as soon as possible after the meeting;
5. Notices for public hearings will contain additional information about how the public may participate via electronic/technological means;
6. For executive session meetings, public access to the meeting will be limited to the open session portion(s) of the meeting only. Public access to any audio, video, internet or web-based broadcast of the meeting will be discontinued when the public body enters executive session;
7. Where individuals have a right, or are required, to attend a public meeting or hearing, including executive session meetings, they will be provided with information about how to participate in the meeting/hearing remotely;
8. Meeting notices will still be posted at least 48 hours in advance (not counting Saturdays, Sundays, or legal holidays), unless it is an emergency meeting as defined under the Open Meeting Law (in which event, the meeting notice will be

posted with as much advanced notice as is possible in the circumstances). Minutes will still be taken;

9. Each meeting may experience unique circumstances that may require last minute changes in protocol, including cancellation or rescheduling. Please check individual meeting agendas on the calendar on the Town of Southborough's website, located https://www.southboroughtown.com/, for the latest information regarding meetings.

DRAFT

TOWN OF SOUTHBOROUGH

BOARD OF SELECTMEN Meeting Minutes

Meeting Date: Tuesday, March 10, 2020, 6:00 P.M.
Location: McAuliffe Hearing Room, 17 Common Street, Southborough, MA
Present: Brian Shea, Marty Healey, Lisa Braccio, Daniel Kolenda, Sam Stivers and Town Administrator Mark Purple

I. Chairman Shea called the meeting to order at 6:04 P.M.

II. **Pre-Town Meeting conducted by Moderator Paul Cimino**

Mr. Cimino addressed the impact the Coronavirus may have related to Town Meeting and M.G.L. Chapter 39 § 10A. He asked Public Health Nurse Leslie Chamberlin to speak to the issue. Ms. Chamberlin explained that she met with local Boards of Health in twenty-three surrounding communities and the decision was made to follow the CDC guidelines when taking public health precautions. She explained the three stages the epidemic has been broken into "before, during and after." She stated Southborough has yet to have a patient with a presumptive positive case of the Coronavirus and therefore she recommended the Town follow the procedures the CDC has laid out for the "before" stage. She said due to these recommendations the Senior Center and schools have cancelled their social events. Ms. Chamberlin added that the Board of Health would need an official vote, but her recommendation was to postpone Town Meeting.

Mr. Cimino stated the recommendations he has seen involve handwashing and keeping a safe distance and asked Ms. Chamberlin if Town Meeting is not held March 28th then he presumes it will not be held the week after either. Ms. Chamberlin responded that if there are good prevention strategies there is hope for a low rate of infection and there is no evidence to show that next month or early May would be worse. Mr. Kolenda asked for her recommendation for another date for Town Meeting and Ms. Chamberlin responded she could not answer that question. She stated the best way to predict is to look at China but reiterated there are still a lot of unknowns. Mr. Healey stated that those over 60 years of age are at high risk and asked Ms. Chamberlin if the Board of Health would recommend they do not go to Town Meeting in March. Ms. Chamberlin said she could not make that recommendation but all events over 100 attendees have been canceled for seniors. She explained the need for safe distances and ventilation which are not easily available at Town Meeting. Mr. Healey asked what would happen if the Town does not act at Town Meeting before the beginning of the fiscal year. Town Counsel Cipriano replied that it could adversely affect the ability to appropriate money. He stated he will be participating in a Mass Municipal Lawyers Association audio conference regarding these legal issues and will report back to the Board well before Town Meeting. Mr. Healey asked that the message be relayed that the Cities and Town of Massachusetts be given maximum flexibility whether that includes administrative action by the DOR or an Act of Legislature. Ms. Braccio asked if there were legal ramifications for holding Town Meeting when it could exclude those at high risk. Attorney Cipriano replied that public safety would outweigh an individual right. Options included holding Town Meeting outdoors or in the garage bays at the Public Safety Building. Mr. Cimino

stated that no decision would be made tonight and opened the discussion to public comment. There was no public comment.

Mr. Cimino moved on to the Town Meeting Warrant and informed the Board and public he will review the articles and ask for the names of those making the motions for each. The list is included below:

Article 1	**Article 2**	**Article 3**	**Article 4**	**Article 5**	**Article 6**	**Article 7**
Shea	Healey	Braccio	Kolenda	Rosenbloom	Stivers	Shea
Article 8	**Article 9**	**Article 10**	**Article 11**	**Article 12**	**Article 13**	**Article 14**
Shea	Healey	Braccio	Kolenda	Stivers	Shea	Martin
Article 15	**Article 16**	**Article 17**	**Article 18**	**Article 19**	**Article 20**	**Article 21**
Healey	Mills	Mills	Mills	Davis	Mills	Braccio
Article 22	**Article 23**	**Article 24**	**Article 25**	**Article 26**	**Article 27**	**Article 28**
Kolenda	Stivers	Stivers	Shea	Healey	Hegarty	Nicholson
Article 29	**Article 30**	**Article 31**	**Article 32**			
Hoolahan	Luttrell	Lapine	Weishan			

Articles Requiring 2/3 Vote: 10, 14, 28, 29
Articles Requiring Majority Vote: 22, 23, 24

Mr. Cimino suggested Mr. Mills to clarify that St. Mark's Church share a name but is not affiliated with the St. Mark's School when presenting Article 20. Mr. Mills agreed to do so. Mr. Mills stated a St. Mark's Church representative from another town would like to present. Mr. Cimino said the hall would have to vote in favor of this.

Mr. Cimino asked if the required public hearings were conducted for Articles 28, 29 and 30. Mr. Morris, Chair of the Planning Board, stated they have been holding public hearings on these articles since the beginning of February and continue them until before Town Meeting. He stated when the hearings are closed minutes before Town Meeting, the Planning Board will then vote to support or not support each of these articles. Mr. Cimino asked if there were presentations for these articles and Mr. Morris stated there were and there will be amendments to the Outdoor Illumination Article.

Mr. Lapine stated he will be making the motion and presentation for the Noise Bylaw in Article 31. He added there are six minor amendments that will be submitted. Mr. Stivers suggested he include a redlined version for the public to compare with the original article at Town Meeting. Mr. Lapine agreed.

Mr. Cimino praised Mr. LaFlamme for his effort in capturing presentations and amendments and presenting them for assembly at Town Meeting. He asked that all presentations be forwarded to Mr. LaFLamme no later than next Friday, March 20th.

There was discussion regarding department heads who do not live in Town and their ability to speak or present. Mr. Cimino said the blanket approval from the hall is for those out of Town to be in the room, not participate in presentations. Ms. Braccio asked the Board if they would approve Chief Paulhus speaking at Town Meeting in regards to the Article 31, Noise Bylaw. The Board agreed.

III. Public Comment

None

IV. Scheduled Appointments

Capital Planning Committee interviews/appointments

Chairman Shea stated there were six individuals who volunteered for the Capital Planning Committee and invited the two in attendance to speak.

a. Kathryn Cook, 11 Graystone Way

Not present.

b. Jeffrey Hark, 10 Stockwell Lane

Mr. Hark gave a background of his experience which included fifteen years in the financial services industry, thirteen years with PwC in the assurance practice, operational work with Fortune 500 companies and many years reviewing contracts, budgets and consulting. He stated he would like to give back to the Town.

c. Jason Malinowski, William Colleary Lane

Not present.

d. Michael Nordstrom, 14 Meeting House Lane

Not present.

e. Joseph Palmer, 18 Parkerville Road

Mr. Palmer stated he has background in hotel management and operation and capital planning for those facilities and then moved on to positions in business marketing. He stated he felt the Town has tax increases partially due to a lack of understanding of facility needs. He referenced the needs at the Library and explained there needs to be more budgeting and planning to allow for more discretion throughout the year.

f. Andrew Pfaff, 50 Oak Hill Road

Not present.

Mr. Stivers asked about availability over the summer months and both Mr. Hark and Mr. Palmer stated there would be no issues. Mr. Kolenda asked how they heard about the open committee positions and both said members from Town asked them to apply. Mr. Healey asked if they had experience with bonding issues. Mr. Palmer said he did not directly and Mr. Hark said he had experience on the client end and has understanding how the process works.

Chairman Shea explained there are six applicants and five positions. Ms. Braccio voiced her concerns about including two Advisory members on the committee and felt a Board member

should be included. Mr. Kolenda made a motion to expand the committee to seven members. Ms. Braccio seconded for discussion. Chairman Shea stated he was concerned with having a Board member sit on a committee that would report and make recommendations to the Board. Mr. Healey agreed and suggested keeping the committee at five members with only one Advisory member. There was discussion about the skills and value brought to the committee from both Ms. Cook and Mr. Pfaff and the Board agreed with the sentiment. Mr. Stivers stated he was not familiar with Mr. Nordstrom and would like to hear from him before appointment. He added that a committee of seven creates a strong outside input. The motion to expand the committee to seven passed (3-2-0). Chairman Shea and Mr. Healey opposed. Mr. Kolenda made a motion to appoint the six applicants and Ms. Braccio to the Capital Planning Committee. Mr. Healey seconded. Chairman Shea suggested the appointment of six with the exception of Mr. Nordstrom and invite him to the next meeting for an interview and possible appointment. Mr. Kolenda amended his motion to appoint the five applicants and Ms. Braccio with the exception of Mr. Nordstron and ask him to attend the next meeting. Mr. Healey seconded. The motion passed all in favor (5-0-0).

<u>EDC – Discussion of FY21 budget: request for Selectmen sponsorship of bylaw</u>
Chairman Shea gave a summary of prior Board EDC budget discussions and the letter of request of for sponsorship of the Downtown Initiative bylaw. He directed the Board to start the EDC budget discussion.

Ms. Braccio summarized her concerns that the request for an additional $10,000 could be covered by the grant the EDC received and that using Town funds to support a proposed bylaw could set an unwanted precedent. She added that Advisory took a position to not support this budget request. Ms. Braccio gave examples of other boards and committees that achieved successful zoning changes and project execution without asking for Town funds. John Wood, EDC member, stated that the funds requested in the budget are not for promotion of the bylaw change. He explained the revenue issues in Town and the fact that businesses are moving to surrounding towns. He added the Downtown Initiative is one aspect of the EDC's focus but they are also working to bring business back to Route 9. Marijke Munsiff-Vegting, EDC Coordinator, explained that there was a misunderstanding at the Advisory meeting regarding their budget request. She stated that the $10,000 request is to start researching and applying for grants to fund additional aspects of the Downtown Initiative and other EDC goals. Mr. Healey asked the cost for the initial grant writing. Ms. Munsiff-Vegting stated $1,000. Mr. Stivers added that he would rather see the $10,000 appropriated to a part-time grant writing position to support multiple boards and committees. Mr. Kolenda suggested the EDC speak to the fact that the majority of taxes are paid by residents and the value of the EDC's efforts to fill vacancies on Route 9 and reduce the residential tax burden. Ms. Braccio reiterated her concerns. Ms. Munsiff-Vegting replied that the initial budget request was a misunderstanding and felt the reasons for the request had not changed since then.

Ms. Munsiff-Vegting summarized the Downtown Initiative timeline for a September or October Town Meeting. She added the RFPs had gone out for consulting for the writing of the proposed zoning bylaw change and believes they are due back March 27th. Chairman Shea requested the EDC work towards a presumed September start date for the purposes of momentum and requested a join meeting with the Board, the EDC and the chosen consultant. Chairman Shea made a motion to sponsor the EDC proposed zoning bylaw. Mr. Kolenda seconded. The motion passed all in favor (5-0-0).

V. Reports

Town Administrator's Report

Mr. Purple stated that the Warrant has been printed and will be available in Town buildings and on the website. He added the Budget Book and Town Report is currently being printed.

Mr. Purple recognized Conservation Agent Melissa Danza for completing her Master's Degree in Science and Sustainable Development from Unity College in Unity, ME. He congratulated her on the accomplishment.

Mr. Purple stated in order for the replacement of the Finn boilers to occur over the summer, the Board will need to vote to authorize and enter into a project funding agreement with the MSBA and authorize signatures to execute the document on behalf of the Town. He asked the Board if they would like to vote on this sponsored article tonight. The Board agreed. Mr. Healey made a motion to grant the authorization to enter into a project funding agreement with the MSBA for the Finn School boiler replacement. Ms. Braccio seconded. The motion passed all in favor (5-0-0).

Mr. Purple said the Board has booked Trottier Room 190 for 11:30 A.M. on March 28th should Town Meeting still occur on that date. This is in order for the Board to discuss any outstanding items.

Mr. Purple stated that the Golf Course opened this past weekend. He stated there are finishing touches needed to be done and Assabet needs to finish work on the stairs and the deck.

Mr. Purple informed the Board that there is a new parking sign reserved for Veteran's only in the front of the Town House to thank them for their service. He said Brian Stearns, Veterans' Agent, brought this forward after seeing it in another community. Mr. Kolenda stated Main Street Bank has this designation as well. Ms. Braccio suggested a Veterans designated parking spot be made at the Senior Center. Mr. Purple said he would work with Mr. Parent and Ms. Livoli at the Senior Center.

Chairman's Report

i. Discussions of draft policies on process for considering requests under proposed thickly settled/safety zone bylaws

Chairman Shea suggested the Board begin drafting a proposed policy for the traffic safety measures should these articles pass at Town Meeting. He explained that during prior discussions, the Board anticipated questions regarding enforcement and Board responsibilities. Chairman Shea stated he asked Mr. Stivers to prepare drafts and asked the Board to review and filter comments and questions to Mr. Purple by end of business on March 18th. He stated there will be no action taken tonight but the creation of the draft could enhance the ability for the articles to pass at Town Meeting. The Board agreed.

Members' Reports

Mr. Kolenda praised the Southborough Police and Fire Departments for their professionalism and care taken as he recently witnessed their work firsthand.

Mr. Kolenda praised the Southborough Veterans for their volunteerism through the VFW, American Legion and preparing for events like Memorial Day and Veterans Day. He added that these upcoming events will have new additions due to the work of the Veterans and Eagle Scout volunteers.

Mr. Stivers said that at their meeting last evening, the Planning Board, asked him to mention to the Board the idea of using leftover funds from the snow and ice fund to contract for an assessment and enforcement of sign illumination issues. Mr. Stivers stated he spoke with Advisory who responded that there is rarely money left over from the snow and ice fund.

Mr. Stivers stated Ms. Danza coordinated a Municipal Vulnerability Preparedness with many department heads and emergency personnel in order to prepare for future natural disasters and longer-term environmental issues. He thanked her for coordinating the event and said some of the activities identified could be supported through grants.

Mr. Stivers stated he was happy to see the Golf Course open on Sunday and encouraged the public to visit and play.

Mr. Stivers said he received another speeding complaint from Deerfoot Road and numerous others from Flagg Road, Parkerville Road, and Pine Hill Road. He said with the construction on Main Street causing pressure on other roads, he suggested installing speed bumps and tables on these roads. He suggested working with the DPW.

Ms. Braccio commended Mr. Kolenda for a prior discussion regarding naming a part of the Woodward Field after former Selectmen, Brian Shifrin. She said his dedication to the Town, baseball and coaching was the inspiration for the dedication and would like to see this topic on the next agenda. Chairman Shea stated he attended a recent Recreation Commission meeting and spoke on this under public comment to ensure that both parties worked together. Mr. Shifrin's wife, Kristine and others in attendance suggested a field located at Finn School may be more appropriate. Mr. Kolenda agreed and requested the Shifrin Family attend the next meeting and include this topic on the agenda for the Board to possibly vote at the next meeting. Mr. Purple agreed to facilitate.

VI. Consent Agenda

a. Chairman Shea made a motion to approval of Regular Session in minutes: February 25, 2020. Mr. Kolenda seconded. The motion passed all in favor (5-0-0).
b. Chairman Shea made a motion to approve of Executive Session minutes: February 25, 2020. Mr. Kolenda seconded. The motion passed all in favor (5-0-0).
c. Chairman Shea made a motion to approve of new employee agreement with Police Chief Paulhus. Mr. Kolenda seconded. The motion passed all in favor (5-0-0).
ci. Chairman Shea made a motion to appoint PT Communication Officers for Police Department. Mr. Kolenda seconded. The motion passed all in favor (5-0-0).
e. Chairman Shea made a motion to appoint Doriann Jasinski to Affordable Housing Trust Fund Committee, term 6/30/21. Mr. Kolenda seconded. The motion passed all in favor (5-0-0).
f. Chairman Shea made a motion to appoint Hal Keiss to Taxation Aid Committee, term 6/30/20. Mr. Kolenda seconded. The motion passed all in favor (5-0-0).
g. Chairman Shea made a motion to reappoint Brian Stearns as Veterans' Agent term 4/30/21. Mr. Kolenda seconded. The motion passed all in favor (5-0-0).

Mr. Kolenda thanked Mr. Stearns for all the work he has done as Veterans' Agent. He stated Mr. Stearns has been a tremendous advocate and always available to Veterans.

VII. Other Matters Properly Before the Board

Continued discussion/review of draft Small Cell (5G) policy

Mr. Purple stated the Board had reviewed the policies prepared by Special Counsel and gave feedback to him. Ms. Hale, Mr. Healey and Mr. Purple participated in a review of Board member comments with Attorney Laughman and results of that meeting were included in the packet.

Mr. Healey stated that during the meeting there was a walkthrough of all comments submitted by the Board and all of them were accepted. Some had minor changes due to legal requirements explained by the attorney. Mr. Stivers stated he supports the overall policy but felt it was disjointed in regards to the definitions and the applications of the policy statement. Mr. Healey responded that the Board had the opportunity to review those issues prior and Mr. Stivers apologized for missing that opportunity but felt it still needed work. Mr. Stivers asked if there was any feedback from Ms. Davis and Mr. Purple said he had not received anything yet. Chairman Shea made a motion to adopt the Small Cell (5G) policy and other documents as distributed in the packet. Mr. Healey seconded. The motion passed (4-1-0). Mr. Stivers opposed not in concept but in execution.

Process/schedule for Public Safety naming of spaces

Chairman Shea stated the Board had received the memo from the Public Safety Building Naming Sub-committee with suggestions for naming of spaces and he would like to invite them to the next meeting to review the process for names they considered and then suggested to the Board. Mr. Kolenda stated he was present for the Naming Sub-committee meeting and reviewed the process. He said it was thorough and every piece of information received from the public was read into record and reviewed. The names were categorized in buckets for each space and then assessed, discussed and rated for consideration by the Board. He said he would like to see this topic on the agenda for the next meeting. Mr. Purple stated he would reach out to subcommittee Chair, Peter Goodney for the March 24th meeting.

VIII. On a motion made by Chairman Shea, seconded by Ms. Braccio and voted all in favor, the meeting was adjourned at 8:26 P.M.

Upcoming Meetings *March 24, 2020* *Annual Town Meeting, March 28, 2020*

Respectfully submitted,

Kathleen Barry, Recording Secretary

List of Documents referred to at the March 10, 2020 BOS Meeting:

- Annual Warrant for Annual Town Meeting on March 28, 2020
- Amended March 28, 2020 Annual Town Meeting Motions
- Citizen Activity Form, Kathryn Cook
- Citizen Activity Form, Jeffrey Hark

- Letter from Jason Malinowski to BOS re: Capital Planning Committee dated 2/13/20
- Citizen Activity Form, Michael Nordstrom
- Citizen Activity Form, Joseph Palmer
- Citizen Activity Form, Andrew Pfaff
- Revised budget voted by EDC 12/6
- Letter from Marijke Munsiff-Vegting to Mark Purple re: Zoning Article dated 2/10/20
- Draft Policy "Thickly Settled/Business" Areas and "Safety Zone" Speed Limits
- Letter from Neil Boudrea to Municipal Official dated 10/17/16
- Regular Session in minutes: February 25, 2020
- Employee Agreement between Town of Southborough and Police Chief
- Letter from Chief Paulhus to BOS re: Part-Time Telecommunications Officer/Dispatcher dated 3/3/20_Emily Brogie
- Letter from Chief Paulhus to BOS re: Part-Time Telecommunications Officer/Dispatcher dated 3/3/20_John Terranova
- Citizen Activity Form, Doriann Jasinski
- Citizen Activity Form, Harold Keiss
- Forwarded Letter from Brian Shea and Paul Cimino to Mark Purple and Aldo Cipriano dated 3.8.20

DRAFT

TOWN OF SOUTHBOROUGH

BOARD OF SELECTMEN Meeting Minutes

Meeting Date: Sunday March 15, 2020, 8:00 P.M.
Location: Remote participation via conference call
Present: Brian Shea, Marty Healey, Lisa Braccio, Sam Stivers, Dan Kolenda, Town Administrator Mark Purple

I. Chairman Shea called the emergency meeting to order at 8:00 P.M. He thanked the Board for getting together to meet on such short notice to deal with the impacts of COVID-19 on the community. The meeting was held with all parties via conference call that Mr. Shea set up. Mr. Shea discussed the main points that Governor Baker listed in his late afternoon press conference relative to the number of people that can gather and other pertinent restrictions in Massachusetts due to the pandemic.

II. Reports

The Board discussed the following matters related to the protection of town employees and officials, as well as continuity of operations:

- Creating a basic payroll in case the Treasurer's Office became infected. It will be base salary only, items like overtime, stipends, and others will have to be done in a subsequent payroll as needed
- Discussion of what personnel is essential and remote work methods;
- Closure of all public buildings [though staff may be working internally as needed];
- Lobby access only for the Public Safety Complex;
- Implementing a system for remote meetings that allows the public to have access.

Mr. Kolenda joined the meeting at 8:20 p.m.

- Mr. Purple will hold a staff meeting [outside] at 8:30 a.m. on Monday to explain the protocol going forward and will then meet with managers to define essential personnel, and identify what work could be done remotely. It will vary from department to department;
- It was agreed that an employee who returns from a vacation outside the US should self-quarantine;
- The green mail box outside the Town House will be monitored constantly for mail, payments, etc.;
- Mr. Purple also noted that all desk phones can be forwarded to a cell phone so staff can still manage incoming inquiries and requests.

III. Other Matters Properly Before the Board

The Board agreed to meet remotely as often as needed during the pandemic situation.

IV. On a motion made by Mr. Kolenda, seconded by Mr. Healey and voted all in favor (5-0-0), the meeting was adjourned at 9:05 P.M.

Respectfully submitted by Vanessa Hale, Assistant Town Administrator

DRAFT

RCV'D Town Clerk
4/1/2020 9:20AM
AMB

Board of Selectmen
Meeting Minutes

Meeting Date: Tuesday, March 24, 2020, 6:30 P.M.
Location: Virtual Meeting via Zoom
Present: Brian Shea, Lisa Braccio, Marty Healey, Daniel Kolenda, Sam Stivers and Town Administrator Mark Purple
Also present: Steve Achilles, Fire Chief; Leslie Chamberlin, Public Health Nurse; Karen Galligan, DPW Superintendent; Ken Paulhus, Police Chief; Paul Pisinski, Health Agent

Mr. Shea read the following statement:

> Pursuant to Governor Baker's March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, §18, and the Governor's March 15, 2020 Order imposing strict limitation on the number of people that may gather in one place, this meeting of the Southborough Board of Selectmen will be conducted via remote participation to the greatest extent possible. Specific information and the general guidelines for remote participation by members of the public and/or parties with a right and/or requirement to attend this meeting can be found on the Town of Southborough's website, at https://www.southboroughtown.com/. For this meeting, members of the public who wish to listen the meeting may do so in the following manner: https://www.southboroughtown.com/remotemeetings. No in-person attendance of members of the public will be permitted, but every effort will be made to ensure that the public can adequately access the proceedings in real time, via technological means. In the event that we are unable to do so, despite best efforts, we will post on Southborough's website an audio or video recording, transcript, or other comprehensive record of proceedings as soon as possible after the meeting.

Reports from Town departments

Board of Health: Public Health Nurse Leslie Chamberlin told the Board she now has a second positive COVID case as of today; a family member at the same residence of the first case so it is contained in the same residence. She further said approximately 10 residents have been in "contact monitoring" [check temp, are they symptomatic, facilitate testing site]. She has been maintaining phone calls and providing guidance to the public as well as NECC. She gave an overview of the process which includes:

- DPH sends test result for town residents to BOH database;
- Nurse Chamberlin interviews the person over the phone, a contact case becomes linked with the primary person in the MAVEN database;
- No positive cases are logged until she is informed by DPH;
- She defines a contact as a person potentially being infected if they had at least a 15-minute conversation at normal range of talking.

Health Agent Paul Pisinski updated the Board on other activities the Board of Health is still engaged in aside from COVID.

Fire Department: Chief Achilles provided the following updates:

- All 4 shifts are being maintained;
- No paid leave will be approved through April 20;
- The department is also utilizing on call members to support full time staffing;
- Some procedures implemented relate to patient care, CDC guidelines, etc.;
- Funding is available through SEMA to replenish inventory when that is possible;
- The Chief is looking at plans for reduced staffing if that is required due to exposure;
- He noted there are about 7 people on shift at one time; the Administrative Assistant has been able work remotely as much as possible. Vendors and family members have been prohibited from entering the building;
- They do go through a lot of disinfectant supplies since Fire is not able to social distance in the building and on the vehicles during a call;
- Have been analyzing those retirees who might be able to come back and staff shifts if they are needed. Chief Achilles noted he is still licensed as a paramedic and can serve that role if staff were diminished;
- Some staff could be transferred back to shift duty if needed [such as the fire prevention officer].

Police Chief Paulhus:

- Police is fully operational, leave has been suspended in this department;
- Two members have been quarantined [due to exposure to a positive COVID case] but will be back on shift soon;
- Crime is not experiencing social distancing, staff is very responsive to other needs of the department. The partnership between the police and the public is very strong. All matters will be addressed, don't be afraid to call with a concern, even if it has nothing to do with COVID;
- Trying to handle some issues over the phone instead of in person. Additional screening has taken place so as to have less face to face contact ;
- The Clinician is out of service because she came in contact with someone, but other resources are available if a situation came to be. He reports that he has not seen an uptick in mental health issues, the citizenry has been extremely cooperative;
- He did request more signage on the fields so as to discourage gatherings.

DPW Superintendent Galligan:

Ms. Galligan told the Board she has seen little effect on her department thus far. She has secured fields as much as she can, has closed the Swap Shop and noted the Transfer Station is operating on normal hours.

She commented that the DPW does not have access to many disinfectant supplies, and she believes the Police and Fire departments should have priority with those supplies. The Board emphasized that DPW is also a priority.

Answering a question from the Board, she said Main St construction is still due to start up in April as planned and is leaning on Verizon to get wires moved. The Rotary Club spring clean-up is approaching soon and hopes that will proceed with proper social distancing. Mr. Stivers asked if they can accelerate the process since there is so little traffic. She said those employees are laid off for the winter and crews are not in place right now unfortunately.

Declaration of Emergency: Mr. Healey said the statutory authority is unclear in a situation like this but is solid in giving the Town the right to take the action. The Board voted by roll call to approve as presented, 5-0-0; Braccio, aye; Kolenda, aye; Healey, aye; Stivers, aye; Shea, aye.

Meeting Minutes: The Board voted by roll call to approve the March 19, 2020 minutes; Braccio, aye; Kolenda, aye; Healey, aye; Stivers, aye; Shea, aye.

Town Administrator Update: Mr. Purple gave a staff meeting update and noted the following:

- Veterans Agent verified the claims process is electronic commented that had has been seamless. He is looking ahead and getting local veteran's benefits paid for April and it was conveniently processed ahead of time.
- The Building Commissioner has limited inspections and is flexing out the staff so they are not all together in a small office simultaneously that still needs to operate.
- COA already knows who their at-risk seniors are and have been doing outreach on a recurring basis; Meals on Wheels is still running normally.

Trails: The Board added that Breakneck Hill, Beals Preserve and the town forest open for walking. Ms. Braccio asked if the senior citizens could walk the school track for a period each day. They have been using the cemetery and it is not a great walking surface for them. Mr. Kolenda does not want to limit a certain age population. He feels you are allowing residents to walk on a track but not play soccer. Mr. Shea said the activities that bring them into closer contact like playing a game is still discouraged. Mr. Healey felt you cannot address everything and the athletic activity is a slippery slope. A track is different and is not a team environment sport. Walking and jogging does not violate the terms of the Governor's order and is consistent with the BOH guidance. The School Superintendent is open to the discussion as long as there is a no dogs policy. The Board voted by roll call to ask the school department to open the Trottier track for walkers and joggers for the senior citizens, consistent with Governor Baker's order. Mr. Kolenda said he will not vote in favor of this motion that does an injustice to other groups. Mr. Healey's motion passed by a 4-1-0 vote. Braccio aye, Healey, aye; Stivers, aye; Shea, aye; Kolenda, nay.

Mr. Purple added the next COVID update will focus on this as well as the second case. He believes New England Golf will be closing per the Governor's non-essential order.

Mr. Shea told the Board he had a request from the Trails committee to hold a meeting, perhaps on another platform besides Zoom. Mr. Stivers felt as long as they can record and post he is amenable. There are many moving pieces related to managing live streams, schedule of meetings and Zoom hosts. IT Manager Tom Laflamme prefers limiting to this platform. When discussing at what point boards could take up other business matters, Mr. Healey stated it should be for COVID or critical matters as much as possible. The Board agreed with this sentiment and voted to adopt that protocol by roll call vote. The

message is boards and committees are to be trusted to use their judgment with this. Braccio, aye; Healey, aye; Stivers, aye; Shea, aye; Kolenda, aye.

At 8:03 p.m. Mr. Kolenda and Ms. Braccio signed off.

Town Election: It was stated the legislative relief to move the Town election has been left up to the Selectmen or the Board of Registrar of Voters, or the date can be left as scheduled. Town Clerk Jim Hegarty said options are open up until June 30th. May 12 is not possible to do in a safe and accurate fashion with the amount of poll workers he needs. The Registrars administer elections recounts, audits and other administrative functions, and is a group made up from both parties. Since we share a district with Northborough it should be the same date, in the Clerk's opinion. Staff will verify if that is a requirement or just past practice. [Northborough will discuss their new election date on April 13th.] The new date must be announced 20 days before the election and the Selectmen can determine date, time and location. The Board voted by roll call [3-0-0] to postpone to a date to be determined, prior to June 30th. Shea, aye; Healey, aye; Stivers, aye. Mr. Hegarty told the Board today was the deadline for nomination papers to be returned, and that process is not affected by these changes. It is expected that a majority of ballots case will be by absentee ballot.

The meeting adjourned at 8:21 p.m.

Submitted by Vanessa Hale, Assistant Town Administrator

Town Clerk RCV'D
4/8/2020
11:30 AM
AMB

TOWN OF SOUTHBOROUGH

BOARD OF SELECTMEN Meeting Minutes

Meeting Date: Tuesday, March 31, 2020, 6:30 P.M.
Location: Virtual meeting through Zoom
Present: Brian Shea, Lisa Braccio, Marty Healey, Daniel Kolenda, Sam Stivers and Town Administrator Mark Purple. Mr. Kolenda left the meeting at 7:04 P.M.

I. Chairman Shea called the meeting to order at 6:30 P.M. Chairman Shea read the following statement:

Pursuant to Governor Baker's March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, §18, and the Governor's March 15, 2020 Order imposing strict limitation on the number of people that may gather in one place, this meeting of the Southborough Board of Selectmen will be conducted via remote participation to the greatest extent possible. Specific information and the general guidelines for remote participation by members of the public and/or parties with a right and/or requirement to attend this meeting can be found on the Town of Southborough's website, at https://www.southboroughtown.com/. For this meeting, members of the public who wish to watch or participate in the meeting may do so in the following manner by finding the meeting at: https://www.southboroughtown.com/remotemeetings. No in-person attendance of members of the public will be permitted, but every effort will be made to ensure that the public can adequately access the proceedings in real time, via technological means. In the event that we are unable to do so, despite best efforts, we will post on Southborough's website an audio or video recording, transcript, or other comprehensive record of proceedings as soon as possible after the meeting.

II. **Consent Agenda**

a. Chairman Shea made a motion to approve Open Session Minutes: March 24, 2020. Mr. Kolenda seconded. The motion passed all in favor by roll call vote (5-0-0). Roll Call: Shea, aye; Healey, aye; Braccio, aye; Kolenda, aye; Stivers, aye.

b. Vote to enter into and be bound by the MSBA Project Funding Agreement, and authorize the signatory to execute the document on behalf of the Town, for Accelerated Repair Program for Finn Elementary School.
Chairman Shea stated Town Counsel provided additional legal language to be included a motion from a vote taken at a previous meeting. Chairman Shea made a motion to authorize the Town Administrator on behalf of the Town to execute the project funding agreement for the Mary E. Finn Elementary School with the Massachusetts School Building Authority for a total facility grant and further to authorize the Town Administrator to make final binding decisions with respect to proposed project on behalf of the Town. Mr. Kolenda seconded. The motion passed by roll call vote (4-0-1). Mr. Healey recused himself as it is a bonding issue. Roll Call: Shea, aye; Braccio, aye; Kolenda, aye; Stivers, aye.

III. **Update on impact of COVID-19**

Chairman Shea stated that the Moderator decided to delay Town Meeting. As required by M.G.L. as currently written, after a declaration to recess and continue a Town Meeting pursuant to this section, a local public safety official designated by the Board of Selectmen of the town for which the declaration was made shall submit a report to the Attorney General that sets forth the

reasons why the declaration was made. Chairman Shea made a motion to appoint Chief Achilles, the Emergency Management Director, as the local official for this purpose to create the report to the Attorney General. Mr. Kolenda seconded. The motion passed all in favor by roll call vote (5-0-0). Roll Call: Shea, aye; Healey, aye; Braccio, aye; Kolenda, aye; Stivers, aye.

Chairman Shea asked the Board if there were any additional COVID-19 related items. Ms. Braccio asked the Board if they would support a reverse 9-1-1 call to reiterate the need for social and physical distancing. Mr. Kolenda and Mr. Healey stated they supported the idea. Mr. Purple agreed to make the request of the Police and Fire Chiefs and the DPW Superintendent.

Mr. Purple said Ms. Hale, Ms. Esposito and Mr. LaFlamme have been coordinating to revamp the Town COVID-19 update page. He added they are looking to the pages from other towns to mirror their look and functionality to include daily updates regarding testing numbers and outcomes. Mr. Purple stated that Public Health Nurse, Leslie Chamberlain is a part-time employee and has been using most of her time to follow up with those that tested positive for COVID-19 and their contacts. Mr. Purple agreed to look into the availability of the daily updated number of tests conducted and positives in Southborough.

Mr. Stivers stated he watched the School Committee meeting and they had voted to sign documents electronically through DocuSign during this State of Emergency and suggested the Board do the same. He added that the School Committee was looking to repurpose staff that are not doing their normal jobs. He suggested resources like these could be used at the Transfer Station to open up for more hours to spread out the flow of patrons. Ms. Galligan stated this could be a challenge because a DPW employee would need to assist anyone shifted from another department. She stated she would prefer to keep the staff as it is currently set.

Mr. Healey stated a representative from the Southborough Community Fund reached out to Chairman Shea, Mr. Purple and him to marshal resources in coordination with the Town to effectively provide financial assistance during the COVID-19 crisis. Ms. Braccio suggested Mr. Healey reach out to the Council on Aging and Youth and Family Services as they have funds that come through the Foundation. Mr. Healey replied that he would and the goal is to bring as many parties together to work in coordination with each other to provide this assistance.

Mr. Healey stated that he has been checking the Trottier Track daily and was pleased to see it used heavily but with proper social distancing. He asked Mr. Purple to obtain clarity from the Trustees as to why Chestnut Hill Farm is closed to the public. Mr. Purple agreed. Mr. Healey added he felt this open space should be available to public and if social distancing can be maintained at Trottier Track, it should be attainable at Chestnut Hill Farm.

Chairman Shea stated the Southborough Food Pantry asked him to inform the public that they continue to work with Neighbors Helping Neighbors and to please reach out if you are in need. Their updated hours are Thursday from 6:30 P.M. – 7:15 P.M, Fridays 9:30 A.M. – 10:15 A.M and they are closed on Tuesdays. They ask that anyone in need provide a list of needs by 4:00 P.M. on Wednesday to southboroughfoodpantry@gmail.com. Chairman Shea added that donations are still being accepted and to leave all paper goods at the back of Pilgrim Church. Monetary donations can be sent to The Southborough Food Pantry, P.O. Box 281, Southborough, MA 01772.

Mr. Purple stated that the Senate amended the House Bill to assist communities regarding Town Meeting and it must go back to the House to vote. He said the Bill may be signed by the end of the week. Chairman Shea suggested that once the Bill has been enacted, the Board should invite Mr. Cimino, Mr. Hegarty and Town Counsel Cipriano to discuss dates and procedures for Town meeting and Town elections. Chairman Shea asked Mr. Purple to give an update on the impact COVID-19 has had on the fiscal year 2020 and proposed fiscal year 2021 budgets. Mr. Purple stated he had a conversation with Mr. Ballantine regarding the budgets and he suggested Mr. Ballantine attend a Board meeting in April for a broader discussion. He stated that all discretionary spending has been frozen and the Finance Team is ensuring salaries and any expenses required to continue forward progress are paid. Mr. Purple said he felt that the fiscal year 2021 budget recommended by Mr. Ballantine and him could still be responsibly executed, pending further information. He added that the Capital Planning Committee will be reviewing capital plans as well and when Mr. Ballantine attends the next meeting, there will be discussion on specifics.

Ms. Braccio reminded the public that most local restaurants are still open and have delivery options. She encouraged the public to support them through gift cards or takeout. She thanked all the essential employees such as nurses, doctors, nurse practitioners and grocery workers for their continued work on the front lines.

IV. Other Matters Properly Before the Board

Discussion of MassDOT Acceler-8 Bridge Project letter

Chairman Shea said that MassDOT was looking for feedback from communities impacted by the project with requests they may want included in the design build. He stated a letter drafted by Ms. Galligan was distributed to the Board and Mr. Stivers supplied some revisions. Mr. Stivers stated he included some wordsmithing and Mr. Kolenda replied that he disagreed with these edits and supported Ms. Galligan's original letter. He added that over his time on the Board, a letter drafted by a director is not edited unless there are substantial errors in the message. Mr. Kolenda stated that the additional paragraph added by Mr. Stivers was out of scope from the intention of the letter. Mr. Kolenda made a motion to approve of Ms. Galligan's letter. Chairman Shea seconded for discussion.

Mr. Stivers explained that the paragraph he added included feedback given at the public meeting at Finn School. Chairman Shea stated the first point in the paragraph was to include work to the sidewalks on Cordaville Road, Parkerville Road and Woodland Road. Ms. Galligan agreed that this could be included in the letter but the width of the walkways at Woodland Road could only be resurfaced as the width cannot change. Chairman Shea stated the next point was in regards to bird droppings. Ms. Galligan said that bird deterrents were included at the bridge on Simarano Drive and this could be included in the letter. Chairman Shea stated the last point was in regards to the appearance of the bridge. He said the bridge at I-95 and 128 was referenced as an acceptable example and noted that the bridge was a three to four year construction project. MassDOT has a much shorter timeframe for this construction project. Ms. Galligan added that the intention of the letter is to encourage a meeting with MassDOT to discuss these items among others. She added that MassDOT was open to the idea of meeting with the Board at a future date.

Mr. Healey stated he felt the purpose of the public session was for the public to provide their opinion and not the letter. He added that he does not want the Board to continue to operate with the submittal of last minute document changes that require same day voting/signatures.

Mr. Healey requested that revisions to documents that require signatures and approval be provided earlier. Ms. Braccio agreed. Mr. Healey amended Mr. Kolenda's motion to accept Ms. Galligan's letter with the addition of three abbreviated points discussed by the Board but drafted by her, in bulleted form as provided by Mr. Stivers. Ms. Braccio seconded. The motion passed by roll call vote (5-0-0). Roll Call: Shea, aye; Healey, aye; Braccio, aye; Kolenda, aye; Stivers, aye.

V. Public Comment

Chairman Shea reviewed the instructions for public participation and invited the public to speak.

Chelsea Malinowksi, 1 William Colleary Lane, stated she is a member of the Advisory Committee but is speaking as a resident. She stated she believes it is the responsibility of the Town to present a revised fiscal year 2021 budget to the public. She added that multiple options that include the possible loss of services should be shown. Ms. Malinowski stated that if there were funds available they should be given to support the Public Health Nurse.

Ryan Donovan, Library Director, thanked the Board for their work and informed the public that the Library is sending out a newsletter tomorrow offering a temporary card for digital services.

Mr. Healey commended Chairman Shea for facilitating public comment at the meeting. Chairman Shea thanked Mr. LaFlamme for setting up the technology to enable public comment.

VI. On a motion made by Chairman Shea, seconded by Mr. Healey and voted by roll call all in favor, Shea aye; Healey, aye; Braccio, aye; Stivers aye, the meeting was adjourned at 7:29 P.M.

Respectfully submitted,

Kathleen Barry, Recording Secretary

List of Documents referred to at the March 31, 2020 BOS Meeting:

- Draft Letter from BOS to Jonathan Gulliver re_ Acceler-8I-90 Bridge Replacements Project
- Draft Letter from BOS to Jonathan Gulliver re_ Acceler-8I-90 Bridge Replacements Project - Stivers Edits
- Draft Selectmen's Minutes 3.24.20

TOWN OF SOUTHBOROUGH

OFFICE OF THE BOARD OF SELECTMEN
TOWN HOUSE · 17 COMMON STREET · SOUTHBOROUGH, MASSACHUSETTS 01772-1662
(508) 485-0710 · FAX (508) 480-0161 · selectmenoffice@southboroughma.com

April 1, 2020

Jonathan Gulliver, Highway Administrator
Massachusetts Department of Transportation
10 Park Plaza
Boston, MA 02116

RE: Acceler-8 I-90 Bridge Replacements Project

Dear Administrator Gulliver:

The Town of Southborough (the Town) was pleased to learn about the Acceler-8 I-90 Bridge Replacements Project (Acceler-8). We are aware that the I-90 bridge over Route 85 has been worked on many times over the past decade and we have been anticipating its replacement. MassDOT's meeting for municipalities at the Westborough library was very informative and gave the Town a good understanding of the project and the impacts on the Town. The Town understands the difficulty that these bridge replacements pose and, although we support MassDOT's efforts to use innovative methods to limit the disruption to traffic and towns, we do have some concerns about the impacts to our local projects, roadways and residents during this project.

The Town has been working with our engineer to develop plans to repair and upgrade Cordaville Road (Cordaville Project). The Cordaville Project includes ADA compliant sidewalks on the west side of the street as well as two 4-foot shoulders, one on each side of the road, drainage work and milling and paving. The Cordaville Project is set to be vetted and bid in CY2020 with a funding request at the 2021 Annual Town Meeting. The Town's Cordaville Project construction would have been starting in summer 2021. In order to avoid conflicts with MassDOT's Aceler-8 construction schedule, the Town will delay the project for a year. However, the Town is requesting that the Acceler-8 project be designed to tie into our project by allowing for, and constructing, an ADA compliant sidewalk in MassDOT's right-of-way (with granite curbing and a bituminous concrete surface) and leaving enough unobstructed width under the new bridge to allow for two 11-foot wide driving lanes, two 5-foot shoulders and an ADA compliant sidewalk. Also, in order to provide a consistent roadway surface, we are requesting that Acceler-8 mill and pave MassDOT's right-of-way on Cordaville Road.

Southborough's local roads cross I-90 in three locations, all three are part of the Acceler-8 project. These three roads all connect Route 9 to the south side of Town. The local roads available to get around the

bridges, especially from the north, are narrow and winding, and there are no convenient places to reverse direction. Therefore, we are requesting that any local detours around any bridge work, be discussed with and approved by the Town. The Town would also like to know the plan to keep vehicles from exiting Route 9 to head south on a street that is closed for bridge construction.

As you probably know, Cordaville Road is the main north-south artery in Southborough. Southborough has recently built our new public safety facility on this road and the most direct, and easiest, route to the south side of Town, including the MBTA Station, is Cordaville Road. It is the only road that crosses under I-90 and over Route 9 without traffic control. With Route 9 being the intended alternate route for the I-90 detour, the Town has concerns regarding public safety access to areas south of I-90 and general vehicular traffic that may come off of Route 9 to head south on Cordaville. Therefore, the Town would like assistance in finding a way to maintain connectivity for emergency access when MassDOT's work closes traffic on Cordaville Road. Also, since the full bridge on Cordaville is being replaced, and we believe that there may be road closures on Cordaville prior to the weekend bridge deck replacement, the Town would like notice of a closure, along with appropriate variable message signage on Route 9 and local roads, at least a week in advance of any closure of Cordaville Road.

Although the work is scheduled for weekends during the summer of 2021, the Town understands that some work will take place in late spring. Even with the tight schedule that MassDOT is facing, however, the Town strongly urges MassDOT to not perform the bridge replacements on Parkerville Road and Cordaville Road before school lets out for the summer. With that being said, the local road weekend closures on Parkerville Road and Woodland Road are not extremely time sensitive. However, we believe that any closure of Cordaville Road should be coordinated with the commuter rail schedule, and that the weekend closure be after the commuter rail commute on Friday evening and before the commuter rail commute on Monday morning.

Lastly, residences adjacent to the I-90 bridges are going to be extremely inconvenienced with noise and lights various times during the weekend work. We are requesting that noise and light mitigation efforts be developed so that the impact to residences within 500 feet of the work zone is minimized.

We appreciate your taking the time to read this and look forward to speaking with you about our concerns and the project. Please feel free to contact Karen Galligan, DPW Superintendent, at 508-485-1210 or kgalligan@southboroughma.com, with any questions about this letter or to set up a meeting.

Sincerely,
THE TOWN OF SOUTHBOROUGH

Brian E. Shea
Board of Selectmen, Chairman

Cc: Barry Lorion, District Highway Director
Highway District 3 Office,
403 Belmont Street
Worcester, MA 01604
or
333 South Street

DRAFT

Shrewsbury, MA 01545

Mark Purple, Town Administrator
Ken Paulhus, Police Chief
Steven Achilles, Fire Chief
Karen Galligan, DPW Superintendent

DRAFT

TOWN OF SOUTHBOROUGH

DEPARTMENT OF PUBLIC WORKS

147 CORDAVILLE ROAD • SOUTHBOROUGH, MASSACHUSETTS 01772-1802 • (508) 485-1210 • FAX (508) 229-4444

March 17, 2020

Mr. Jonathan Gulliver, Highway Administrator
Massachusetts Department of Transportation
10 Park Plaza
Boston, MA 02116

RE: Acceler-8 I-90 Bridge Replacements Project

Administrator Gulliver:

The Town of Southborough (the Town) was pleased to learn about the Acceler-8 I-90 Bridge Replacements Project (Acceler-8). We are aware that the I-90 bridge over Route 85 has been worked on many times over the past decade and we have been anticipating its replacement. MassDOT's meeting for municipalities at the Westborough library was very informative and gave the Town a good understanding of the project and the impacts on the Town. It was also helpful for MassDOT to give our residents the opportunity to hear about the project and to offer their comments at the public meeting at the Mary Finn School. The Town understands the difficulty that these bridge replacements pose and, although we support MassDOT's efforts to use innovative methods to limit the disruption to traffic and towns, we do have some concerns about the impacts of this project on~~to~~ our local projects, roadways and residents ~~during this project~~. We appreciate this opportunity to provide some suggestions and requests to mitigate possible adverse impacts.

The Town has been working with our engineer to develop plans to repair and upgrade Cordaville Road (the Cordaville Project). The Cordaville Project includes ADA-~~-~~compliant sidewalks on the west side of the ~~street~~ road as well as two 4-foot shoulders (~~,~~one on each side of the road), drainage work, and milling and paving. The Cordaville Project ~~is set~~has been scheduled to be vetted and bid in CY2020 with a funding request at the 2021 Annual Town Meeting. The ~~Town's~~ Cordaville Project construction ~~would have been~~was planned to start~~ing~~ in the summer of 2021. In order to avoid conflicts with MassDOT's Aceler-8 construction schedule, the Town will delay the Cordaville P~~p~~roject for ~~a~~ one year. However, the Town ~~is~~ request~~sing~~ that the Acceler-8 project be designed to ~~tie into~~coordinate with our Cordaville P~~p~~roject by allowing for, and constructing, an ADA-~~-~~compliant sidewalk in MassDOT's right-of-way (with granite curbing and a bituminous concrete surface) and leaving enough unobstructed width under the new bridge to allow for two 11-foot wide driving lanes, two 5-foot shoulders and an ADA-~~-~~compliant sidewalk. Also, in order to provide a consistent roadway surface, we ~~are~~ request~~ing~~ that the Acceler-8 work includes milling and paving of~~e~~ MassDOT's right-of-way on Cordaville Road.

Southborough's local roads ~~cross~~ intersect I-90 in three locations, and all three locations are part of the Acceler-8 project. ~~-~~Each of t~~T~~hese three roads ~~all~~ connects Route 9 to the south side of the Town. ~~-~~The local roads available to ~~get around~~avoid the bridges, especially from the north, are narrow and winding, and they provide~~re~~ ~~are~~ no ~~convenient~~ safe places to reverse direction. ~~-~~Therefore, we ~~are~~ request~~ing~~ that any local detours around any bridge work~~,~~ be discussed with and approved by the Town in advance of the construction activity. The Town ~~would~~ also requests that our DPW and public safety officials be included in the

development and approval of any ~~like to know the~~ plans to keep vehicles from exiting Route 9 to head south on a street that is closed for bridge construction.

~~As you probably know,~~ Cordaville Road is the main north-south artery in Southborough, and~~.~~ Southborough has recently built our new public safety facility on this road. This location choice is important because it provides ~~and~~ the most direct, fastest and easiest, route for public safety emergency response to the south side of Town, including to the MBTA Station~~, is Cordaville Road~~. ~~It~~ Cordaville Road is the only road in Town that crosses under I-90 and over Route 9 without traffic control. With Route 9 being the intended alternate route for the I-90 detour, the Town has concerns ~~regarding~~ about public safety access to areas south of I-90 and general vehicular traffic that may come off of Route 9 to head south on Cordaville Road. Therefore, the Town ~~would like~~requests assistance in finding a way to maintain safe connectivity for emergency access when MassDOT's work closes traffic on Cordaville Road. ~~-~~Also, ~~since~~ because the full bridge on Cordaville Road is being replaced, and we believe that there may be road closures on Cordaville Road prior to the weekend bridge deck replacement, the Town ~~would like~~requests reasonable (at least one week) advance notice of any closure of Cordaville Road, ~~along with~~in addition to MassDOT's providing appropriate variable message signage on Route 9 and local roads, at least a week in advance of any closure of Cordaville Road.

Although the work is scheduled for weekends during the summer of 2021, the Town understands that some work will take place in late spring. Even with the tight schedule that MassDOT is facing, ~~however,~~ the Town strongly ~~urges~~ requests that MassDOT ~~to~~ not ~~perform~~ conduct ~~the~~ any bridge replacement works~~s~~ on Parkerville Road and Cordaville Road before the local school ~~lets~~ term ends ~~out~~ for the summer. Other than the school term issue~~With that being said~~, the local road weekend closures on Parkerville Road and Woodland Road are not extremely time sensitive. However, we do ~~believe~~ request that any closure of Cordaville Road ~~should~~ be coordinated with the commuter rail schedule, ~~and~~ so that ~~the~~ any weekend closure ~~be~~ commence after the commuter rail commute on Friday evening and end before the commuter rail commute on Monday morning.

In addition to these comments from our Town departments, there were several requests from our residents at the public meeting at the Mary Finn School. We believe that our residents who will be living daily for many years with the result of the construction project have important "practical" requests, including: (i) in addition to the Cordaville Road sidewalk point above, our residents use Parkerville and Woodland Roads as pedestrian routes; the sidewalks under I-90 on these two roads are not in good repair; we request that the reconstruction project include repairing and/or upgrading the sidewalks under I-90 along these two roads; (ii) our residents who use the sidewalks under all three of these I-90 bridges expressed concern about the problem of birds nesting under the bridges and leaving bird droppings on the sidewalks; we request that the engineering and construction for the undersides of the replacement bridges include bird-deterrent features (such as the use of corner slopes and smoothed surfaces, or as otherwise recommended from the many engineering studies on this topic); (iii) our residents who will be viewing these new bridges daily have asked for a more attractive appearance (when viewed from Town roadways) for the new bridges; we request that the new bridge design be improved from the typical "concrete slab" appearance (and an example of a more attractive design used by MassDOT for the bridge over I-95/Rt 128 at Winter Street was provided to the MassDOT team at the public meeting). We appreciate MassDOT's support for these "public" requests.

Lastly, residences adjacent to the I-90 bridges are going to be extremely inconvenienced with noise and lights at various times during the weekend work. We ~~are~~ request~~ing~~ that noise and light mitigation ~~efforts~~ methods be ~~developed~~ utilized so that the impact ~~to~~ on residences within 500 feet of the work zone is minimized.

We appreciate your ~~taking the time to read~~consideration of our comments. ~~this~~ W~~and~~ e look forward to speaking with you in more detail about our concerns and about the project. Please feel free to contact Karen Galligan, DPW Superintendent, at 508-485-1210 or kgalligan@southboroughma.com, with any questions about this letter or to ~~set up~~schedule a meeting for additional discussion.

Sincerely,
THE TOWN OF SOUTHBOROUGH

Brian E. Shea
Chairman, Southborough Board of Selectmen~~, Chairman~~

Cc: Barry Lorion, District Highway Director
Highway District 3 Office,
403 Belmont Street
Worcester, MA 01604
or
333 South Street
Shrewsbury, MA 01545

Mark Purple, Town Administrator
Ken Paulhus, Police Chief
Steven Achilles, Fire Chief
Karen Galligan, DPW Superintendent

Board of Selectmen
Meeting Minutes

Meeting Date: Tuesday, March 24, 2020, 6:30 P.M.
Location: Virtual Meeting via Zoom
Present: Brian Shea, Lisa Braccio, Marty Healey, Daniel Kolenda, Sam Stivers and Town Administrator Mark Purple
Also present: Steve Achilles, Fire Chief; Leslie Chamberlin, Public Health Nurse; Karen Galligan, DPW Superintendent; Ken Paulhus, Police Chief; Paul Pisinski, Health Agent

Mr. Shea read the following statement:

> Pursuant to Governor Baker's March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, §18, and the Governor's March 15, 2020 Order imposing strict limitation on the number of people that may gather in one place, this meeting of the Southborough Board of Selectmen will be conducted via remote participation to the greatest extent possible. Specific information and the general guidelines for remote participation by members of the public and/or parties with a right and/or requirement to attend this meeting can be found on the Town of Southborough's website, at https://www.southboroughtown.com/. For this meeting, members of the public who wish to listen the meeting may do so in the following manner: https://www.southboroughtown.com/remotemeetings. No in-person attendance of members of the public will be permitted, but every effort will be made to ensure that the public can adequately access the proceedings in real time, via technological means. In the event that we are unable to do so, despite best efforts, we will post on Southborough's website an audio or video recording, transcript, or other comprehensive record of proceedings as soon as possible after the meeting.

Reports from Town departments

Board of Health: Public Health Nurse Leslie Chamberlin told the Board she now has a second positive COVID case as of today; a family member at the same residence of the first case so it is contained in the same residence. She further said approximately 10 residents have been in "contact monitoring" [check temp, are they symptomatic, facilitate testing site]. She has been maintaining phone calls and providing guidance to the public as well as NECC. She gave an overview of the process which includes:

- DPH sends test result for town residents to BOH database;
- Nurse Chamberlin interviews the person over the phone, a contact case becomes linked with the primary person in the MAVEN database;
- No positive cases are logged until she is informed by DPH;
- She defines a contact as a person potentially being infected if they had at least a 15-minute conversation at normal range of talking.

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Health Agent Paul Pisinski updated the Board on other activities the Board of Health is still engaged in aside from COVID.

Fire Department: Chief Achilles provided the following updates:

- All 4 shifts are being maintained;
- No paid leave will be approved through April 20;
- The department is also utilizing on call members to support full time staffing;
- Some procedures implemented relate to patient care, CDC guidelines, etc.;
- Funding is available through SEMA to replenish inventory when that is possible;
- The Chief is looking at plans for reduced staffing if that is required due to exposure;
- He noted there are about 7 people on shift at one time; the Administrative Assistant has been able work remotely as much as possible. Vendors and family members have been prohibited from entering the building;
- They do go through a lot of disinfectant supplies since Fire is not able to social distance in the building and on the vehicles during a call;
- Have been analyzing those retirees who might be able to come back and staff shifts if they are needed. Chief Achilles noted he is still licensed as a paramedic and can serve that role if staff were diminished;
- Some staff could be transferred back to shift duty if needed [such as the fire prevention officer].

Police Chief Paulhus:

- Police is fully operational, leave has been suspended in this department;
- Two members have been quarantined [due to exposure to a positive COVID case] but will be back on shift soon;
- Crime is not experiencing social distancing, staff is very responsive to other needs of the department. The partnership between the police and the public is very strong. All matters will be addressed, don't be afraid to call with a concern, even if it has nothing to do with COVID;
- Trying to handle some issues over the phone instead of in person. Additional screening has taken place so as to have less face to face contact ;
- The Clinician is out of service because she came in contact with someone, but other resources are available if a situation came to be. He reports that he has not seen an uptick in mental health issues, the citizenry has been extremely cooperative;
- He did request more signage on the fields so as to discourage gatherings.

DPW Superintendent Galligan:

Ms. Galligan told the Board she has seen little effect on her department thus far. She has secured fields as much as she can, has closed the Swap Shop and noted the Transfer Station is operating on normal hours.

She commented that the DPW does not have access to many disinfectant supplies, and she believes the Police and Fire departments should have priority with those supplies. The Board emphasized that DPW is also a priority.

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Answering a question from the Board, she said Main St construction is still due to start up in April as planned and is leaning on Verizon to get wires moved. The Rotary Club spring clean-up is approaching soon and hopes that will proceed with proper social distancing. Mr. Stivers asked if they can accelerate the process since there is so little traffic. She said those employees are laid off for the winter and crews are not in place right now unfortunately.

Declaration of Emergency: Mr. Healey said the statutory authority is unclear in a situation like this but is solid in giving the Town the right to take the action. The Board voted by roll call to approve as presented, 5-0-0; Braccio, aye; Kolenda, aye; Healey, aye; Stivers, aye; Shea, aye.

Meeting Minutes: The Board voted by roll call to approve the March 19, 2020 minutes; Braccio, aye; Kolenda, aye; Healey, aye; Stivers, aye; Shea, aye.

Town Administrator Update: Mr. Purple gave a staff meeting update and noted the following:

- Veterans Agent verified the claims process is electronic commented that had has been seamless. He is looking ahead and getting local veteran's benefits paid for April and it was conveniently processed ahead of time.
- The Building Commissioner has limited inspections and is flexing out the staff so they are not all together in a small office simultaneously that still needs to operate.
- COA already knows who their at-risk seniors are and have been doing outreach on a recurring basis; Meals on Wheels is still running normally.

Trails: The Board added that Breakneck Hill, Beals Preserve and the town forest open for walking. Ms. Braccio asked if the senior citizens could walk the school track for a period each day. They have been using the cemetery and it is not a great walking surface for them. Mr. Kolenda does not want to limit a certain age population. He feels you are allowing residents to walk on a track but not play soccer. Mr. Shea said the activities that bring them into closer contact like playing a game is still discouraged. Mr. Healey felt you cannot address everything and the athletic activity is a slippery slope. A track is different and is not a team environment sport. Walking and jogging does not violate the terms of the Governor's order and is consistent with the BOH guidance. The School Superintendent is open to the discussion as long as there is a no dogs policy. The Board voted by roll call to ask the school department to open the Trottier track for walkers and joggers for the senior citizens, consistent with Governor Baker's order. Mr. Kolenda said he will not vote in favor of this motion that does an injustice to other groups. Mr. Healey's motion passed by a 4-1-0 vote. Braccio aye, Healey, aye; Stivers, aye; Shea, aye; Kolenda, nay.

Mr. Purple added the next COVID update will focus on this as well as the second case. He believes New England Golf will be closing per the Governor's non-essential order.

Mr. Shea told the Board he had a request from the Trails committee to hold a meeting, perhaps on another platform besides Zoom. Mr. Stivers felt as long as they can record and post he is amenable. There are many moving pieces related to managing live streams, schedule of meetings and Zoom hosts. IT Manager Tom Laflamme prefers limiting to this platform. When discussing at what point boards could take up other business matters, Mr. Healey stated it should be for COVID or critical matters as much as possible. The Board agreed with this sentiment and voted to adopt that protocol by roll call vote. The

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message is boards and committees are to be trusted to use their judgment with this. Braccio, aye; Healey, aye; Stivers, aye; Shea, aye; Kolenda, aye.

At 8:03 p.m. Mr. Kolenda and Ms. Braccio signed off.

Town Election: It was stated the legislative relief to move the Town election has been left up to the Selectmen or the Board of Registrar of Voters, or the date can be left as scheduled. Town Clerk Jim Hegarty said options are open up until June 30th. May 12 is not possible to do in a safe and accurate fashion with the amount of poll workers he needs. The Registrars administer elections recounts, audits and other administrative functions, and is a group made up from both parties. Since we share a district with Northborough it should be the same date, in the Clerk's opinion. Staff will verify if that is a requirement or just past practice. [Northborough will discuss their new election date on April 13th.] The new date must be announced 20 days before the election and the Selectmen can determine date, time and location. The Board voted by roll call [3-0-0] to postpone to a date to be determined, prior to June 30th. Shea, aye; Healey, aye; Stivers, aye. Mr. Hegarty told the Board today was the deadline for nomination papers to be returned, and that process is not affected by these changes. It is expected that a majority of ballots case will be by absentee ballot.

The meeting adjourned at 8:21 p.m.

Submitted by Vanessa Hale, Assistant Town Administrator

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Town Clerk Rcv'd
4/22/2020
1:50 PM
CAMB

TOWN OF SOUTHBOROUGH

BOARD OF SELECTMEN Meeting Minutes

Meeting Date: Tuesday, April 7, 2019, 6:30 P.M.
Location: McAuliffe Hearing Room, 17 Common Street, Southborough, MA
Present: Brian Shea, Marty Healey, Lisa Braccio, Daniel Kolenda, Sam Stivers and Town Administrator Mark Purple

I. Chairman Shea called the meeting to order at 6:30 P.M. Chairman Shea read the following statement:

Pursuant to Governor Baker's March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, §18, and the Governor's March 15, 2020 Order imposing strict limitation on the number of people that may gather in one place, this meeting of the Southborough Board of Selectmen will be conducted via remote participation to the greatest extent possible. Specific information and the general guidelines for remote participation by members of the public and/or parties with a right and/or requirement to attend this meeting can be found on the Town of Southborough's website, at https://www.southboroughtown.com/. For this meeting, members of the public who wish to watch or participate in the meeting may do so in the following manner by finding the meeting at: https://www.southboroughtown.com/remotemeetings. No in-person attendance of members of the public will be permitted, but every effort will be made to ensure that the public can adequately access the proceedings in real time, via technological means. In the event that we are unable to do so, despite best efforts, we will post on Southborough's website an audio or video recording, transcript, or other comprehensive record of proceedings as soon as possible after the meeting.

II. **Scheduled Appointments**

Senator Eldridge and Representative Dykema – Legislative Update

Senator Eldridge updated the Board on legislature recently passed to assist with the COVID-19 pandemic. He described the two newly passed municipal reform bills regarding Town and Special elections and flexibility around budgeting. He explained two pending legislative bills in regards to housing protections for tenants and homeowners and food and rental assistance for the most vulnerable populations. Senator Eldridge explained the outcome of a meeting with the Senate Committee on Ways and Means regarding the regular fiscal year 2021 budget. He told the Board Massachusetts has a large rainy-day fund of over $3.4 million to help fill gaps of reduced revenue. He is advocating for an emergency sub-budget to strengthen the social safety net around housing and food security and funding community hospitals and health boards.

Representative Dykema described the concerns she has been hearing from residents in her districts. These included access to unemployment insurance, small business loans and financial support for small businesses, and the lack of personal protective equipment. She added that there has been an increase in mental health issues and requested an open line of communication with the Board and public safety officials to understand new mental health needs. Representative Dykema described a pending legislative bill for emergency hazardous health pay for first responders and health care providers. She described the concerns and conversations had about MCAS exams and homeschooling. She stated that the pending meeting with the Chairs of the Senate Committee on Ways and Means will include resetting the numbers in the foundational

budget and it is a work in process. The Secretary of State's Office informed her that the November election date is fixed but they are hoping to increase avenues for people to vote by mail.

Mr. Healey asked if there were any conversations regarding short-term funding for rent or groceries. Senator Eldridge replied that he is not sure there would be State money for this and that is why he is advocating for an emergency supplemental budget for emergency services such as the Southborough Food Pantry. Mr. Healey added that there is concern that the Federal Cares Act funding for small businesses will not reach the very small businesses, much like those located in Southborough. Mr. Kolenda agreed that these small businesses bring in revenue to the Town and employ many residents. He asked if the State had plans to help small businesses reopen and for tax cuts for residents in order to start spending in these small businesses again. Representative Dykema shared this concern and asked to keep the communication open with ideas to support small businesses. Senator Eldridge added that there needs to be a way for the Sate to step up and support small businesses. Mr. Kolenda encouraged them to keep discussing the support of small businesses and not tax people more. He suggested taxing people less so they will have the money to spend. Mr. Healey added that a Southborough small business does not compare to those in the cities. He said the application is for 450 employees or less. Southborough small businesses may employ 10-12 and there is room to slip through the cracks. Mr. Stivers stated that small businesses in Southborough are struggling to begin the application process as they are not used to working within the regulations. Mr. Stivers asked if the State has a plan to find and distribute PPE to those in need. Representative Dykema replied that the State is doing what they can and described the creative ways manufacturing and technology companies are retrofitting their businesses to manufacture PPE.

Ms. Braccio stated she was concerned about the supply at the food pantry with more people being furloughed and laid off. She asked for a form of legislation to supplement some of the food pantries to support the increase in need. Senator Eldredge said he has been working with food pantries throughout the district and agrees there is a greater need. He said the Greater Boston Food Bank and the Massachusetts Emergency Food Assistance Program will continue to supply food to the pantries. Chairman Shea thanked Senator Eldridge and Representative Dykema for attending and Representative Dykema asked to continue to talk about concerns and needs.

<u>Interview for ZBA Alternate position – Jamie Mieth, 11 Lovers Lane; term 6/30/20</u>
Chairman Shea that the alternate position for the Zoning Board of Appeals had been open for a long time and with the addition of Ms. Mieth, the ZBA will no longer have vacancies.

Ms. Mieth gave a background of her experience which included earning a degree from Suffolk Law School, practicing construction defect law and working with insurance compliance companies. She stated she had previously been granted a variance by the ZBA and wanted to become more involved in the Town by joining the Board.

Mr. Kolenda asked Ms. Mieth how she would handle conflict specifically with controversial cases. Ms. Mieth replied that she would listen to all sides and make the best decision from the information given. She added that her experience practicing law would be applied when listening to and deciding on passionate arguments. Mr. Stivers asked if there were any potential conflict of interests from her personal or professional background. Ms. Mieth replied that she could not think of any and if one were to arise, she would recuse herself. Mr. Healey asked if her current position working with insurance law conflicts with real estate matters. Ms. Mieth explained her

current position and stated there would be no conflict. Mr. Stivers made a motion to appoint Jamie Mieth as alternate for the ZBA; term 6/30/20. Mr. Kolenda seconded. The motion passed all in favor by roll call vote (5-0-0). Roll Call: Shea, aye; Healey, aye; Braccio, aye; Kolenda, aye; Stivers aye.

III. Consent Agenda

a. Mr. Kolenda made a motion to approve Open Session Minutes: March 31, 2020. Mr. Stivers seconded. The motion passed all in favor by roll call vote (5-0-0). Roll Call: Shea, aye; Healey, aye, Braccio, aye; Kolenda, aye; Stivers, aye.

IV. Update on impact of COVID-19

Continued discussion of meetings of Town boards and committees during State of Emergency

Chairman Shea stated Ms. Braccio requested this item be put on the agenda and Mr. LaFlamme sent an email to the Board with his perspective on the matter. Ms. Braccio stated that there has been confusion within boards and committees as to whether or not they could conduct business outside of COVID-19 related items. She stated that she would like to see boards and committees return to normal business but is cognizant of the amount of work that could add to Mr. LaFlamme. Chairman Shea agreed that hosting numerous meetings could put a burden on Mr. LaFlamme and applauded him for reaching out to others to train to host meetings. He added that he felt virtual meetings will be needed for the foreseeable future and would like boards and committees to begin meeting again as long as they follow the guidelines suggested by Mr. LaFlamme.

Mr. Stivers asked if there were any legal issues for permitting boards voting and permitting permits virtually. Attorney Cipriano stated that he did not see any issues as long as the permitting boards followed proper guidelines with accurate record keeping. Mr. Stivers said one could argue that they do not have the proper technology to participate in a public hearing and possibly object and appeal a decision. Attorney Cipriano said that full participation would need to be available to all and it would be a problem if people could not participate because of electronic deficiencies. Mr. Healey stated that after reading emails from the Supreme Judicial Court, he felt that Town boards and committees operating in good faith would be given latitude from the courts. He suggested that permitting boards could include on their public notice that the Town House could make additional accommodations for those who lack the necessary technology to participate. Mr. Stivers suggested the use of the computers at the Library. Attorney Cipriano agreed that could cure the procedural issue mentioned. Mr. Healey stated that the original concern was in regards to volume and overloading Mr. LaFlamme's time and capabilities. He suggested leaving the decision to hold a meeting to the discretion of the board or committee.

Mr. Purple stated he has the same concern regarding overburdening Mr. LaFlamme and felt that boards and committees should learn to facilitate their own meetings through Zoom and post them to YouTube before holding a meeting. He added that Ms. Hale, Ms. Danza and Ms. Hoecker have offered to train with Mr. LaFlamme and they will hopefully begin facilitating meetings next week. He added that virtual meeting times are flexible as Zoom meeting rooms are available throughout the day and evening. Mr. Stivers asked how conflicts between boards and meeting times would be handled. Mr. Purple explained that boards and committees would book a Zoom meeting room similar to booking a room at the Town House and if there is no availability, they will need to choose another time. Ms. Braccio suggested that boards and committees looking to hold a meeting should book the Zoom meeting room that enables public participation if available.

Chairman Shea agreed. Mr. Healey made a motion to allow for boards and committees to hold virtual meetings to conduct normal business in addition to matters related to COVID-19 as long as there is technical capability and availability. Mr. Kolenda seconded. The motion passed by roll call vote all in favor (5-0-0). Roll Call: Shea, aye; Healey, aye; Braccio, aye; Kolenda, aye; Stivers, aye.

Discussion of postponed date for Annual Town Meeting (currently April 16, 2020)

Chairman Shea invited Attorney Cipriano, Mr. Hegarty and Mr. Cimino to join the meeting. Chairman Shea told the Board that Annual Town Meeting is currently scheduled for April 16, 2020 and legislation has been passed to allow the Moderator to change or postpone the meeting date in lieu of a public safety situation. He added that the COVID-19 pandemic qualifies for this.

Mr. Cimino stated that the current Statewide Emergency Declaration runs through May 4, 2020 and the current legislation enables the Moderator to extend the postponement in thirty-day increments. He added that his inclination is to hold Town Meeting the week of May 11, 20202. Mr. Cimino stated that he is also required to speak with Public Safety and Public Health officials on this matter which he will be doing soon. He will announce the new date for Town Meeting in advance of May 4, 2020. Chairman Shea agreed that Town Meeting should not be scheduled for any date earlier than the week of May 11th and added that he would advocate for a slimmed down warrant to approve what is needed to successfully enter Fiscal Year 2021. He said the other items could be put off to a fall Town Meeting. Mr. Cimino stated that statue requires that all items on the warrant be addressed and he is contemplating packaging non-essential articles in a consent agenda to be postponed until the fall. He added that the use of the consent agenda tool and the postponements have to be approved by Town Meeting vote.

Mr. Kolenda agreed with these suggestions and asked if there are any other options for voting such as a virtual Town Meeting or voting by mail. Attorney Cipriano stated he has been meeting with the Massachusetts Municipal Lawyers every Wednesday and he will raise this issue next week. He stated there have not been any inclination to change traditional Town Meeting. Attorney Cipriano stated that virtual Town Meetings are a challenge due to the inability to know who is participating remotely and who may or may not be a registered voter of the Town.

Chairman Shea asked if Mr. Cimino was thinking of revising the location of Town Meeting or just setting a new date. Mr. Cimino replied that as of now, just setting a new date. He added that he will put some thought into the location and when he announces the new date of Town Meeting, he will include the location as well. Chairman Shea stated he would not want to move forward with a Town Meeting when people do not feel comfortable attending inside and advocated for a limited warrant including only critical items to fiscal year 2021. Mr. Healey stated that the Town has thirty days from the list of the State of Emergency to hold Town Meeting and requested that it is extended to as late a date as possible. Mr. Hegarty agreed and stated that it is realistic that Town Meeting and elections could be pushed until June. Mr. Cimino agreed and said his next steps include reaching out to Public Safety and Public Health officials to set a date. Chairman Shea stated he would like Mr. Cimino to attend the May 5th Board meeting and Mr. Cimino agreed.

V. Other Matters Properly Before the Board

Mr. Purple updated the Board that President Trump passed The Families First Coronavirus Response Act. He explained this expands the Family Medical Leave Act and it is available to help

families with child care issues but it exempts public safety from these benefits. He stated that negotiations need to be made with unions and he suggested not exempting public safety from acting on this benefit. He said this could be reviewed if it negatively impacts staffing levels. The Board agreed.

Mr. Purple asked the Board to put in place a hiring freeze for any existing vacancies unless approved by the Board. Mr. Healey stated that if any department feels their vacancy needs to be filled, they can approach the Board to discuss. Mr. Healey made a motion to freeze all hiring with the provision that the Board can deem a particular position essential if sufficient arguments are made to support. Mr. Stivers seconded. The motion passed by roll call vote all in favor (5-0-0). Roll Call: Shea, aye; Healey, aye; Braccio, aye; Kolenda, aye; Stivers, aye.

Mr. Purple told the Board the policy regarding working from home during the crisis has been effective in most areas but would like to codify the return to work for those employees quarantined for any reason. He stated this would support the integrity of the work force to ensure employees that come back after a quarantine or positive test do not spread the virus to other employees. Mr. Stivers volunteered to work with Ms. Hale and Mr. Purple to draft an amendment to the policy for the April 21st meeting. Mr. Kolenda asked the draft be reviewed by Town Counsel prior to presenting to the Board. Mr. Purple agreed.

Mr. Purple asked the Board to consider speaking with the Veteran's Agent about Memorial Day services during the pandemic. He would like Mr. Stearns' point of view for how the services would be conducted if there continues to be required social distancing and a ban on large gatherings. Mr. Kolenda agreed to reach out to him and ask him to attend the next meeting.

VI. Public Comment

None

VII. On a motion made by Mr. Kolenda, seconded by Chairman Shea and voted roll call all in favor, Shea aye; Healey, aye; Braccio, aye; Kolenda, aye; Stivers aye, the meeting was adjourned at 8:21 P.M.

Upcoming Meetings
April 21, 2019
May 5, 2020

Respectfully submitted,

Kathleen Barry, Recording Secretary

List of Documents referred to at the April 7, 2020 BOS Meeting:

- Citizen Activity Form, Jamie Mieth
- Draft Open Session Minutes: March 31, 2020

Southborough, MA
17 Common Street

Phone: 508-485-0710

Citizen Activity Form

Good Government Starts with You

Date Submitted:	February 5, 2020
Name:	Jamie Mieth
Home Address:	11 Lovers Lane Southborough, MA 01772
Mailing Address:	11 Lovers Lane Southborough, MA 01772
Phone Number(s):	[redacted]
Email Address:	[redacted]
Current Occupation/Employer:	Compliance Analyst/Wolters-Kluwer
Narrative:	I have a law degree from Suffolk Law and have experience practicing in immigration, family and construction defect law. Currently I am a senior compliance analyst on a product specializing in Insurance laws and regulations. I work full time from home and have an 8 and 11 year old.
Board(s) / Committee(s):	___ZONING BOARD OF APPEALS

TOWN OF SOUTHBOROUGH

BOARD OF SELECTMEN Meeting Minutes

Meeting Date: Tuesday, March 31, 2020, 6:30 P.M.
Location: Virtual meeting through Zoom
Present: Brian Shea, Lisa Braccio, Marty Healey, Daniel Kolenda, Sam Stivers and Town Administrator Mark Purple. Mr. Kolenda left the meeting at 7:04 P.M.

I. Chairman Shea called the meeting to order at 6:30 P.M. Chairman Shea read the following statement:

Pursuant to Governor Baker's March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, §18, and the Governor's March 15, 2020 Order imposing strict limitation on the number of people that may gather in one place, this meeting of the Southborough Board of Selectmen will be conducted via remote participation to the greatest extent possible. Specific information and the general guidelines for remote participation by members of the public and/or parties with a right and/or requirement to attend this meeting can be found on the Town of Southborough's website, at https://www.southboroughtown.com/. For this meeting, members of the public who wish to watch or participate in the meeting may do so in the following manner by finding the meeting at: https://www.southboroughtown.com/remotemeetings. No in-person attendance of members of the public will be permitted, but every effort will be made to ensure that the public can adequately access the proceedings in real time, via technological means. In the event that we are unable to do so, despite best efforts, we will post on Southborough's website an audio or video recording, transcript, or other comprehensive record of proceedings as soon as possible after the meeting.

II. Consent Agenda

a. Chairman Shea made a motion to approve Open Session Minutes: March 24, 2020. Mr. Kolenda seconded. The motion passed all in favor by roll call vote (5-0-0). Roll Call: Shea, aye; Healey, aye; Braccio, aye; Kolenda, aye; Stivers, aye.

b. Vote to enter into and be bound by the MSBA Project Funding Agreement, and authorize the signatory to execute the document on behalf of the Town, for Accelerated Repair Program for Finn Elementary School.
Chairman Shea stated Town Counsel provided additional legal language to be included a motion from a vote taken at a previous meeting. Chairman Shea made a motion to authorize the Town Administrator on behalf of the Town to execute the project funding agreement for the Mary E. Finn Elementary School with the Massachusetts School Building Authority for a total facility grant and further to authorize the Town Administrator to make final binding decisions with respect to proposed project on behalf of the Town. Mr. Kolenda seconded. The motion passed by roll call vote (4-0-1). Mr. Healey recused himself as it is a bonding issue. Roll Call: Shea, aye; Braccio, aye; Kolenda, aye; Stivers, aye.

III. Update on impact of COVID-19

Chairman Shea stated that the Moderator decided to delay Town Meeting. As required by M.G.L. as currently written, after a declaration to recess and continue a Town Meeting pursuant to this section, a local public safety official designated by the Board of Selectmen of the town for which the declaration was made shall submit a report to the Attorney General that sets forth the

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reasons why the declaration was made. Chairman Shea made a motion to appoint Chief Achilles, the Emergency Management Director, as the local official for this purpose to create the report to the Attorney General. Mr. Kolenda seconded. The motion passed all in favor by roll call vote (5-0-0). Roll Call: Shea, aye; Healey, aye; Braccio, aye; Kolenda, aye; Stivers, aye.

Chairman Shea asked the Board if there were any additional COVID-19 related items. Ms. Braccio asked the Board if they would support a reverse 9-1-1 call to reiterate the need for social and physical distancing. Mr. Kolenda and Mr. Healey stated they supported the idea. Mr. Purple agreed to make the request of the Police and Fire Chiefs and the DPW Superintendent.

Mr. Purple said Ms. Hale, Ms. Esposito and Mr. LaFlamme have been coordinating to revamp the Town COVID-19 update page. He added they are looking to the pages from other towns to mirror their look and functionality to include daily updates regarding testing numbers and outcomes. Mr. Purple stated that Public Health Nurse, Leslie Chamberlain is a part-time employee and has been using most of her time to follow up with those that tested positive for COVID-19 and their contacts. Mr. Purple agreed to look into the availability of the daily updated number of tests conducted and positives in Southborough.

Mr. Stivers stated he watched the School Committee meeting and they had voted to sign documents electronically through DocuSign during this State of Emergency and suggested the Board do the same. He added that the School Committee was looking to repurpose staff that are not doing their normal jobs. He suggested resources like these could be used at the Transfer Station to open up for more hours to spread out the flow of patrons. Ms. Galligan stated this could be a challenge because a DPW employee would need to assist anyone shifted from another department. She stated she would prefer to keep the staff as it is currently set.

Mr. Healey stated a representative from the Southborough Community Fund reached out to Chairman Shea, Mr. Purple and him to marshal resources in coordination with the Town to effectively provide financial assistance during the COVID-19 crisis. Ms. Braccio suggested Mr. Healey reach out to the Council on Aging and Youth and Family Services as they have funds that come through the Foundation. Mr. Healey replied that he would and the goal is to bring as many parties together to work in coordination with each other to provide this assistance.

Mr. Healey stated that he has been checking the Trottier Track daily and was pleased to see it used heavily but with proper social distancing. He asked Mr. Purple to obtain clarity from the Trustees as to why Chestnut Hill Farm is closed to the public. Mr. Purple agreed. Mr. Healey added he felt this open space should be available to public and if social distancing can be maintained at Trottier Track, it should be attainable at Chestnut Hill Farm.

Chairman Shea stated the Southborough Food Pantry asked him to inform the public that they continue to work with Neighbors Helping Neighbors and to please reach out if you are in need. Their updated hours are Thursday from 6:30 P.M. – 7:15 P.M, Fridays 9:30 A.M. – 10:15 A.M and they are closed on Tuesdays. They ask that anyone in need provide a list of needs by 4:00 P.M. on Wednesday to southboroughfoodpantry@gmail.com. Chairman Shea added that donations are still being accepted and to leave all paper goods at the back of Pilgrim Church. Monetary donations can be sent to The Southborough Food Pantry**,** P.O. Box 281, Southborough, MA 01772.

Mr. Purple stated that the Senate amended the House Bill to assist communities regarding Town Meeting and it must go back to the House to vote. He said the Bill may be signed by the end of the week. Chairman Shea suggested that once the Bill has been enacted, the Board should invite Mr. Cimino, Mr. Hegarty and Town Counsel Cipriano to discuss dates and procedures for Town meeting and Town elections. Chairman Shea asked Mr. Purple to give an update on the impact COVID-19 has had on the fiscal year 2020 and proposed fiscal year 2021 budgets. Mr. Purple stated he had a conversation with Mr. Ballantine regarding the budgets and he suggested Mr. Ballantine attend a Board meeting in April for a broader discussion. He stated that all discretionary spending has been frozen and the Finance Team is ensuring salaries and any expenses required to continue forward progress are paid. Mr. Purple said he felt that the fiscal year 2021 budget recommended by Mr. Ballantine and him could still be responsibly executed, pending further information. He added that the Capital Planning Committee will be reviewing capital plans as well and when Mr. Ballantine attends the next meeting, there will be discussion on specifics.

Ms. Braccio reminded the public that most local restaurants are still open and have delivery options. She encouraged the public to support them through gift cards or takeout. She thanked all the essential employees such as nurses, doctors, nurse practitioners and grocery workers for their continued work on the front lines.

IV. Other Matters Properly Before the Board

Discussion of MassDOT Acceler-8 Bridge Project letter

Chairman Shea said that MassDOT was looking for feedback from communities impacted by the project with requests they may want included in the design build. He stated a letter drafted by Ms. Galligan was distributed to the Board and Mr. Stivers supplied some revisions. Mr. Stivers stated he included some wordsmithing and Mr. Kolenda replied that he disagreed with these edits and supported Ms. Galligan's original letter. He added that over his time on the Board, a letter drafted by a director is not edited unless there are substantial errors in the message. Mr. Kolenda stated that the additional paragraph added by Mr. Stivers was out of scope from the intention of the letter. Mr. Kolenda made a motion to approve of Ms. Galligan's letter. Chairman Shea seconded for discussion.

Mr. Stivers explained that the paragraph he added included feedback given at the public meeting at Finn School. Chairman Shea stated the first point in the paragraph was to include work to the sidewalks on Cordaville Road, Parkerville Road and Woodland Road. Ms. Galligan agreed that this could be included in the letter but the width of the walkways at Woodland Road could only be resurfaced as the width cannot change. Chairman Shea stated the next point was in regards to bird droppings. Ms. Galligan said that bird deterrents were included at the bridge on Simarano Drive and this could be included in the letter. Chairman Shea stated the last point was in regards to the appearance of the bridge. He said the bridge at I-95 and 128 was referenced as an acceptable example and noted that the bridge was a three to four year construction project. MassDOT has a much shorter timeframe for this construction project. Ms. Galligan added that the intention of the letter is to encourage a meeting with MassDOT to discuss these items among others. She added that MassDOT was open to the idea of meeting with the Board at a future date.

Mr. Healey stated he felt the purpose of the public session was for the public to provide their opinion and not the letter. He added that he does not want the Board to continue to operate

with the submittal of last minute document changes that require same day voting/signatures. Mr. Healey requested that revisions to documents that require signatures and approval be provided earlier. Ms. Braccio agreed. Mr. Healey amended Mr. Kolenda's motion to accept Ms. Galligan's letter with the addition of three abbreviated points discussed by the Board but drafted by her, in bulleted form as provided by Mr. Stivers. Ms. Braccio seconded. The motion passed by roll call vote (5-0-0). Roll Call: Shea, aye; Healey, aye; Braccio, aye; Kolenda, aye; Stivers, aye.

V. Public Comment

Chairman Shea reviewed the instructions for public participation and invited the public to speak.

Chelsea Malinowksi, 1 William Colleary Lane, stated she is a member of the Advisory Committee but is speaking as a resident. She stated she believes it is the responsibility of the Town to present a revised fiscal year 2021 budget to the public. She added that multiple options that include the possible loss of services should be shown. Ms. Malinowski stated that if there were funds available they should be given to support the Public Health Nurse.

Ryan Donovan, Library Director, thanked the Board for their work and informed the public that the Library is sending out a newsletter tomorrow offering a temporary card for digital services.

Mr. Healey commended Chairman Shea for facilitating public comment at the meeting. Chairman Shea thanked Mr. LaFlamme for setting up the technology to enable public comment.

VI. On a motion made by Chairman Shea, seconded by Mr. Healey and voted by roll call all in favor, Shea aye; Healey, aye; Braccio, aye; Stivers aye, the meeting was adjourned at 7:29 P.M.

Respectfully submitted,

Kathleen Barry, Recording Secretary

<u>List of Documents referred to at the March 31, 2020 BOS Meeting:</u>

- Draft Letter from BOS to Jonathan Gulliver re_ Acceler-8I-90 Bridge Replacements Project
- Draft Letter from BOS to Jonathan Gulliver re_ Acceler-8I-90 Bridge Replacements Project - Stivers Edits
- Draft Selectmen's Minutes 3.24.20

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TOWN OF SOUTHBOROUGH

BOARD OF SELECTMEN Meeting Minutes

Meeting Date: Friday, April 10, 2020, 11:00 A.M.
Location: Virtual meeting through Zoom
Present: Lisa Braccio, Marty Healey, Daniel Kolenda, Sam Stivers and Town Administrator Mark Purple.

I. Vice-Chairman Healey called the meeting to order at 11:01 A.M. Vice-Chairman Healey read the following statement:

Pursuant to Governor Baker's March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, §18, and the Governor's March 15, 2020 Order imposing strict limitation on the number of people that may gather in one place, this meeting of the Southborough Board of Selectmen will be conducted via remote participation to the greatest extent possible. Specific information and the general guidelines for remote participation by members of the public and/or parties with a right and/or requirement to attend this meeting can be found on the Town of Southborough's website, at https://www.southboroughtown.com/. For this meeting, members of the public who wish to watch or participate in the meeting may do so in the following manner by finding the meeting at: https://www.southboroughtown.com/remotemeetings. No in-person attendance of members of the public will be permitted, but every effort will be made to ensure that the public can adequately access the proceedings in real time, via technological means. In the event that we are unable to do so, despite best efforts, we will post on Southborough's website an audio or video recording, transcript, or other comprehensive record of proceedings as soon as possible after the meeting.

II. **Update on COVID-19**

Mr. Purple introduced the issue of extending due dates for RE/PP tax bills from May 1 to June 1, per the Governor's COVID-19 relief bill, as well as waiving interest until June 30, 2020. He apologized for not including this in his comments at the April 7 meeting, which necessitated this special meeting. Brian Ballantine, Finance Director, explained the impacts of the due date change. Historically, the Town has received between $3,000 and $5,000 in late interest annually.

Mr. Kolenda made a motion to extend the due date for 4th quarter RE and PP bills from May 1, 2020 to June 1, 2020, and to waive any interest on said payments until June 30, 2020, seconded by Ms. Braccio. The motion passed by unanimous roll call vote (4-0-0), Healey, aye; Braccio, aye; Kolenda, aye; Stivers aye. Mr. Purple said that the Town website will be updated with that information today, which will also be available on other social media sites.

Mr. Ballantine also wanted to clarify that the hiring freeze should not affect the Town Accountant position. It is posted and we are looking to hire for July 1. Also, he is retracting the PT position request for the Treasurer's Office for FY21, given the financial climate, and will seek to revisit it next year. Mr. Purple said that further budget discussions will take place once more information becomes available at the State level. Mr. Stivers also noted that the MWRA is looking to hold communities harmless on MWRA loans, and he will continue to monitor that, to the extent it affects Southborough.

III. **Other Matters**

Ms. Braccio brought up the issue of Chestnut Hill Farm, and the continued closure of the property by the State. She would like Aldo to review the process under which the property was closed by the State, which was done without consent of the Town, per the Conservation Restriction. Mr. Kolenda thinks it is a good idea to review, but doesn't know if staff can do it rather than counsel, at least initially. The Board was in concurrence on this approach. Mr. Purple will work with Ms. Braccio on a response, and then validate it with Aldo before he approaches the State again.

IV. On a motion made by Mr. Kolenda, seconded by Mr. Stivers and voted by roll call all in favor, Healey, aye; Braccio, aye; Kolenda, aye; Stivers aye, the meeting was adjourned at 11:16 A.M.

Respectfully submitted,

Mark J. Purple, Town Administrator

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SOUTHBOROUGH, MA

TOWN OF SOUTHBOROUGH

BOARD OF SELECTMEN Meeting Minutes

Meeting Date: Tuesday, April 21, 2020, 6:30 P.M.
Location: Virtual meeting through Zoom
Present: Brian Shea, Marty Healey, Lisa Braccio, Daniel Kolenda, Sam Stivers and Town Administrator Mark Purple

I. Chairman Shea called the meeting to order at 6:30 P.M. Chairman Shea read the following statement:

Pursuant to Governor Baker's March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, §18, and the Governor's March 15, 2020 Order imposing strict limitation on the number of people that may gather in one place, this meeting of the Southborough Board of Selectmen will be conducted via remote participation to the greatest extent possible. Specific information and the general guidelines for remote participation by members of the public and/or parties with a right and/or requirement to attend this meeting can be found on the Town of Southborough's website, at https://www.southboroughtown.com/. For this meeting, members of the public who wish to watch or participate in the meeting may do so in the following manner by finding the meeting at: https://www.southboroughtown.com/remotemeetings. No in-person attendance of members of the public will be permitted, but every effort will be made to ensure that the public can adequately access the proceedings in real time, via technological means. In the event that we are unable to do so, despite best efforts, we will post on Southborough's website an audio or video recording, transcript, or other comprehensive record of proceedings as soon as possible after the meeting.

II. **Scheduled Appointments**

Brian Ballantine, Finance Director – Update on Fiscal Year 2021 budget

Mr. Ballantine gave an update on the effects of the COVID-19 crisis on the previously Board approved budget which included a loss of $300,000 in revenue and $184,000 added back in a positive manner in the expense side through removing the Library renovation, a $40,000 savings from one student withdrawing from Norfolk Country Agricultural High School and removing a budgeted position from the Finance Team. He said with the new estimated tax rate is 3.43%. He added that the State will be revising their proposed budget and once that is done, the proposed tax rate will be more accurate. Mr. Ballantine added that all the positions and services voted and approved by the Board previously, with the exception of the position from the Finance Department, remain in the budget. He asked the Board if a tax rate of 3.43% was acceptable and for requests for information needed for the Board to amend the budget.

Chairman Shea stated asked if the projections included in the packet assumed a return to pre-pandemic normalcy. Mr. Ballantine said he assumed a very slow return over the five-year projection. Mr. Stivers asked if it were feasible for the Board to hold off on budget amendment decisions until the State provides more information. Mr. Ballantine replied that he was unsure as the State is also unsure of the impact the COVID-19 crisis will have on their budget. Mr. Stivers stated he is hesitant to make budget cuts and asked for suggestions from Mr. Purple and Mr. Ballantine to bring the tax rate to 2.5%-3%.

Mr. Healey asked if the scenarios requested during the previous budget discussions could be presented again with updated numbers. Mr. Purple replied that the previous request was a five-year projection with no deficits using fiscal discipline and suggested that could be done again. Mr. Healey stated some residents have indicated that they cannot bear a tax increase for this year and sked Mr. Purple and Mr. Ballantine to present a budget with a 0% tax increase. Mr. Purple stated he could work with the Finance Team to create a budget with a tax rate increase of 0%, 2.5% and any other suggested number. He asked for parameters to create the proposed budgets and for departments to work within. Mr. Healey clarified that he most likely will not support a 0% tax increase but felt it was important to present to residents. Mr. Kolenda stated he felt the exercise makes sense to conduct with the Advisory Board but is hesitant to present as an option at Town Meeting. He added that those present to vote may be a smaller number than normal and does not want to see a reckless option passed at Town Meeting.

Mr. Stivers asked for another scenario where there is no deficit in the levy limit moving forward. Ms. Braccio agreed and stated she would like to see the two scenarios previously mentioned for residents to understand their options. She asked Mr. Ballantine what percentage of the 3.43% is capital and he replied about 1.25%. She asked if receipts were available for reimbursement through FEMA for this fiscal year. Mr. Purple replied that it is unknown at this point but Ms. Kriger has been vigilant to ensure departments are keeping track of their expenses so all reimbursements will be ready for submittal as soon as the Town is able to do so. Mr. Ballantine agreed to creating a budget scenario with a 0% and 2.5% tax rate increase and a scenario that eliminates deficits over a five-year span.

Kathy Cook, Chair of Advisory stated that the Advisory Committee has not had a meeting but they will support the creation of a budget with a 0% tax increase. She also stated Advisory would like to analyze the results of the real estate tax receipts for an indication on delinquency and ability to pay. Ms. Cook stated the Committee supports the suggestion for departments to be careful on spending and would like to give the departments time to review the budgets and weigh in. She added that the Advisory Committee agrees with the Board except for the EDC budget.

III. Reports

Chairman's Report

Chairman Shea stated he had productive conference calls with the Trustees at Chestnut Hill Farm, Ms. Danza and Mr. Purple. He stated that the trails at Chestnut Hill Farm will be open to the public on Friday of this week. He added that the Trustees had valid concerns regarding residential use near active farmland where people and animals live in addition to problems with parking. There will be additional signage and fencing to rope off areas of the farm not open to the public. Parking signs will be added to prohibit anyone from parking on Chestnut Hill Farm Road which will be monitored by Police. Chairman Shea said that all guidelines shall remain and be followed from the Executive Orders. He thanked the Trustees for their positivity and cooperation throughout this process.

Chairman Shea stated Mr. Cimino will attend the May 5th meeting when they will discuss the date for Town Meeting. He has reached out to Mr. Hegarty to attend the meeting to recommend dates and processes for Town Elections.

Members' Reports

Ms. Braccio said citizens in Town are doing wonderful things such as making masks and painting rocks with inspirational messages near Neary School and thanked everyone for their

participation. She also thanked all of those on the front line including first responders, nurses and small businesses. She reminded the public to continue to support the Food Pantry as there is a greater need.

Mr. Healey stated that the additional funding for small businesses through the CARES Act was passed and it is available to apply through the Town website. He encouraged all small businesses to apply and reminded the public that Representative Dykema and Senator Eldridge had said this aid would be directed at small businesses like those located in Southborough. Mr. Healey stated the EDC has offered to assist with the application process and encouraged those in need to reach out.

Mr. Stivers stated that the new COVID-19 case numbers are starting to slow and encouraged Mr. Purple and the Board to begin to think about what should be considered to keep a safe and smooth restart process for opening the Town.

Mr. Stivers stated that he has heard that the public is grateful for the opportunity to participate in meetings through Zoom but encouraged the continued efforts to focus on opportunities for participation for those that lack the technology to comment. He added that he has observed a lack of social distancing at the Transfer Station and suggested opening more hours for people to go in order to lessen the crowds.

Mr. Kolenda said he has been to the Transfer Station many times over the last few weeks and noticed good social distancing practices. He said he's seen people wait to approach the recycling area until it is clear of people and he encourage the public to continue to do so. He encouraged the public to support local businesses through takeout and to thank our teachers for their work during the transition to remote learning. Mr. Kolenda also commended the Police and Fire Departments for their continued service to the Town. He encouraged residents to continue the birthday parades and highlighted the parade by St. Matthew's Parish for Father Flynn on Easter Sunday.

Chairman Shea asked the Board for their experiences at the Transfer Station. Mr. Kolenda, Mr. Healey and Ms. Braccio stated they have seen social distancing during their trips and do not feel the hours should be extended. Mr. Stivers added that he is not suggesting everyone is not social distancing but has seen people congregate more than they should.

Town Administrator Report

Mr. Purple stated that the Trottier Track has been open for walkers and there was an issue over the weekend with groups using the infield and sandpit for recreational purposes. The DPW is covering the sandpit and additional signs were added to the infield to make sure it is not used. Mr. Purple commended Mr. Davis for his quick action to solve the issues and keep the track open.

Mr. Purple was in contact with Mr. Harrington from the golf course and it is now open to walkers only. He asked that everyone stay away from the tee boxes and greens and there are no clubs allowed. He added that the parking lot will remain closed and that "walkers only" does not mean you can golf without a cart. Mr. Purple stated more signage will be posted.

Mr. Purple said he and Ms. Hale had a conference call with the Public Health Nurse, Emily Amico and there are currently only two COVID-19 cases in isolation. He added that of the twenty cases

in Town, eighteen have been released from isolation. He encouraged the public to do whatever can be done to maintain social distancing.

IV. Consent Agenda

a. Approve Open Session Minutes: April 7, 2020; April 10, 2020
b. Approve Arbor Day Proclamation 2020

Mr. Kolenda made a motion to approve open session minutes from April 7, 2020 and April 10, 2020 and to approve the Arbor Day Proclamation 2020 for discussion. Ms. Braccio seconded. Mr. Kolenda asked Chairman Shea to confirm that meetings could now include matters beyond COVID-19. Chairman Shea confirmed. Mr. Kolenda mentioned he has topics he would like to add to the next agenda. The motion passed unanimously by roll call vote (5-0-0). Roll Call: Shea, aye; Healey, aye; Braccio, aye; Kolenda, aye; Stivers aye.

V. Update on impact of COVID-19

Chairman Shea noted that the discussion of the impact of COVID-19 has been discussed throughout and asked the Board for any additional comments. There was none.

VI. Other Matters Properly Before the Board

Discussion of revisions to Selectmen policy on Working Remotely during COVID-19

Mr. Purple said he had been working with Ms. Hale and Mr. Stivers on a draft for the Board to review at this evening's meeting but it is not ready. He stated that the intention is to put policy standards for returning to work during the pandemic into the existing policy. He explained that Ms. Hale has been working with other communities to discuss language and process options. Mr. Stivers had created two distinct policies that created some overlap. He apologized for not having a draft this evening and he will be working with Ms. Hale and Mr. Stivers for a draft that has been reviewed by Attorney Cipriano for the next meeting.

Mr. Stivers explained that the gold standard for returning to work would be an antibody test for COVID-19. He said if it could be determined clinically that an individual is immune, the person could most likely return to work. He added that because of the uncertainty of availability and accuracy, an antibody test requirement or suggestion will be left out of the policy for now. Mr. Purple stated that they continue to follow the guidelines from the CDC and the Public Health Nurse. Ms. Hale added that the cases reported for Southborough do not include employees who are not residents. She stated that she speaks daily with the Public Health Nurse for guidance and surrounding Town Managers and Town Administrators for insight into their return to work policies.

Town Counsel recommendation on EDC request for use of Special Counsel

Chairman Shea made a motion to approve the recommendation for the propose outlined in the correspondence from Town Counsel. Mr. Stivers seconded for discussion. Chairman Shea clarified that the use of Special Counsel is funded out of the EDC grant and the Board is not voting to allow any funding outside of the grant. He stated the Board voted to be involved in this process and that the current COVID-19 crisis has made it difficult. He suggested the Board continue to work with various boards, committees and stakeholders to gather support. Mr. Kolenda stated the importance of the revitalization of downtown especially in what could be a serious economic downturn. Ms. Braccio asked why the EDC is using Special Counsel as opposed to a consultant. Marijke Munsiff-Vegting explained that the original RFP was for three consultants and there were no responses. The Special Counsel they found is also Special Counsel for Southborough and that is why the EDC is asking for Board approval. The motion passed by

roll call vote all in favor (5-0-0). Roll Call: Shea, aye; Healey, aye; Braccio, aye; Kolenda, aye; Stivers, aye.

Discussion of prioritized Town Meeting warrant articles

Chairman Shea asked for input from the Board regarding the option of streamlining the list of warrant articles to act on for Town Meeting and differ those that are not crucial for fiscal year 2021 until the fall Town Meeting. He explained with the current COVID-19 crisis, people may still be uncomfortable attending a spring Town Meeting. Mr. Kolenda stated it would be a disservice to the Town if this was not done. Mr. Healey agreed. Mr. Stivers asked for input from Mr. Purple and Mr. Ballantine as to what is needed to be approved from a fiscal standpoint during the upcoming Town Meeting. Mr. Purple agreed to work with Mr. Ballantine on a list of critical articles for approval and stated it may be advantageous to work with Mr. Cimino as well. He said utilizing the consent agenda was successful last year. Ms. Braccio stated that anything short of immediate articles needed for approval should be put of for fall Town Meeting. Chairman Shea said that Mr. Cimino is obligated to act on all the articles listed in the warrant. He said he would like the Board have a unanimous vote on a list of those articles needed for spring and those that can be deferred to fall to. He suggested the Board work with Mr. Cimino on these lists at the next meeting. The Board agreed.

VII. Public Comment

None

VIII. On a motion made by Chairman Kolenda, seconded by Mr. Healey and voted by roll call all in favor, Shea, aye; Healey, aye; Braccio, aye; Kolenda, aye; Stivers, aye, the meeting was adjourned at 7:52 P.M.

Upcoming Meetings
May 5, 2020
May 19, 2020

Respectfully submitted,

Kathleen Barry, Recording Secretary

List of Documents referred to at the April 21, 2020 BOS Meeting:

- Budget Status – March 2020
- BOS Regular Minutes, April 7, 2020
- BOS Regular Minutes, April 10, 2020
- Arbor Day Proclamation dated April 24, 2020
- Letter from Attorney Cipriano to Mark Purple re: Special Counsel Recommendation – EDC 4.2020 dated April 16, 2020
- Letter from Marijke Munsiff-Vegting to Mark Purple re: EDC Request to BOS Dated April 15, 2020
- EDC RFP #2020-01

PROCLAMATION

Whereas, In 1872, J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees, and

Whereas, this holiday, called Arbor Day, was first observed with the planting of more than a million trees in Nebraska, and

Whereas, Arbor Day is now observed throughout the nation and the world, and

Whereas, trees can reduce the erosion of our precious topsoil by wind and water, cut heating and cooling costs, moderate the temperature, clean the air, produce life-giving oxygen, and provide habitat for wildlife, and

Whereas, trees are a renewable resource giving us paper, wood for our homes, fuel for our fires and countless other wood products, and

Whereas, trees in our city increase property values, enhance the economic vitality of business areas, and beautify our community, and

Whereas, trees, wherever they are planted, are a source of joy and renewal

NOW, THEREFORE, WE, THE SOUTHBOROUGH BOARD OF SELECTMEN, DO HEREBY PROCLAIM APRIL 24, 2020 AS

ARBOR DAY

in the Town of Southborough, and urge all citizens to celebrate Arbor Day and to support efforts to protect our trees and woodlands, and

Further, We urge all citizens to plant trees to gladden the heart and promote the well-being of this and future generations.

Signed this twenty-fourth day of March in the year Two Thousand and Twenty:

Chairman _____

Member _____

Member _____

Member _____

Member _____

Board of Selectmen

TOWN OF SOUTHBOROUGH

BOARD OF SELECTMEN Meeting Minutes

Meeting Date: Tuesday, April 7, 2019, 6:30 P.M.
Location: McAuliffe Hearing Room, 17 Common Street, Southborough, MA
Present: Brian Shea, Marty Healey, Lisa Braccio, Daniel Kolenda, Sam Stivers and Town Administrator Mark Purple

I. Chairman Shea called the meeting to order at 6:30 P.M. Chairman Shea read the following statement:

Pursuant to Governor Baker's March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, §18, and the Governor's March 15, 2020 Order imposing strict limitation on the number of people that may gather in one place, this meeting of the Southborough Board of Selectmen will be conducted via remote participation to the greatest extent possible. Specific information and the general guidelines for remote participation by members of the public and/or parties with a right and/or requirement to attend this meeting can be found on the Town of Southborough's website, at https://www.southboroughtown.com/. For this meeting, members of the public who wish to watch or participate in the meeting may do so in the following manner by finding the meeting at: https://www.southboroughtown.com/remotemeetings. No in-person attendance of members of the public will be permitted, but every effort will be made to ensure that the public can adequately access the proceedings in real time, via technological means. In the event that we are unable to do so, despite best efforts, we will post on Southborough's website an audio or video recording, transcript, or other comprehensive record of proceedings as soon as possible after the meeting.

II. Scheduled Appointments

Senator Eldridge and Representative Dykema – Legislative Update

Senator Eldridge updated the Board on legislature recently passed to assist with the COVID-19 pandemic. He described the two newly passed municipal reform bills regarding Town and Special elections and flexibility around budgeting. He explained two pending legislative bills in regards to housing protections for tenants and homeowners and food and rental assistance for the most vulnerable populations. Senator Eldridge explained the outcome of a meeting with the Senate Committee on Ways and Means regarding the regular fiscal year 2021 budget. He told the Board Massachusetts has a large rainy-day fund of over $3.4 million to help fill gaps of reduced revenue. He is advocating for an emergency sub-budget to strengthen the social safety net around housing and food security and funding community hospitals and health boards.

Representative Dykema described the concerns she has been hearing from residents in her districts. These included access to unemployment insurance, small business loans and financial support for small businesses, and the lack of personal protective equipment. She added that there has been an increase in mental health issues and requested an open line of communication with the Board and public safety officials to understand new mental health needs. Representative Dykema described a pending legislative bill for emergency hazardous health pay for first responders and health care providers. She described the concerns and conversations had about MCAS exams and homeschooling. She stated that the pending meeting with the Chairs of the Senate Committee on Ways and Means will include resetting the numbers in the foundational

DRAFT

budget and it is a work in process. The Secretary of State's Office informed her that the November election date is fixed but they are hoping to increase avenues for people to vote by mail.

Mr. Healey asked if there were any conversations regarding short-term funding for rent or groceries. Senator Eldridge replied that he is not sure there would be State money for this and that is why he is advocating for an emergency supplemental budget for emergency services such as the Southborough Food Pantry. Mr. Healey added that there is concern that the Federal Cares Act funding for small businesses will not reach the very small businesses, much like those located in Southborough. Mr. Kolenda agreed that these small businesses bring in revenue to the Town and employ many residents. He asked if the State had plans to help small businesses reopen and for tax cuts for residents in order to start spending in these small businesses again. Representative Dykema shared this concern and asked to keep the communication open with ideas to support small businesses. Senator Eldridge added that there needs to be a way for the Sate to step up and support small businesses. Mr. Kolenda encouraged them to keep discussing the support of small businesses and not tax people more. He suggested taxing people less so they will have the money to spend. Mr. Healey added that a Southborough small business does not compare to those in the cities. He said the application is for 450 employees or less. Southborough small businesses may employ 10-12 and there is room to slip through the cracks. Mr. Stivers stated that small businesses in Southborough are struggling to begin the application process as they are not used to working within the regulations. Mr. Stivers asked if the State has a plan to find and distribute PPE to those in need. Representative Dykema replied that the State is doing what they can and described the creative ways manufacturing and technology companies are retrofitting their businesses to manufacture PPE.

Ms. Braccio stated she was concerned about the supply at the food pantry with more people being furloughed and laid off. She asked for a form of legislation to supplement some of the food pantries to support the increase in need. Senator Eldredge said he has been working with food pantries throughout the district and agrees there is a greater need. He said the Greater Boston Food Bank and the Massachusetts Emergency Food Assistance Program will continue to supply food to the pantries. Chairman Shea thanked Senator Eldridge and Representative Dykema for attending and Representative Dykema asked to continue to talk about concerns and needs.

<u>Interview for ZBA Alternate position – Jamie Mieth, 11 Lovers Lane; term 6/30/20</u>
Chairman Shea that the alternate position for the Zoning Board of Appeals had been open for a long time and with the addition of Ms. Mieth, the ZBA will no longer have vacancies.

Ms. Mieth gave a background of her experience which included earning a degree from Suffolk Law School, practicing construction defect law and working with insurance compliance companies. She stated she had previously been granted a variance by the ZBA and wanted to become more involved in the Town by joining the Board.

Mr. Kolenda asked Ms. Mieth how she would handle conflict specifically with controversial cases. Ms. Mieth replied that she would listen to all sides and make the best decision from the information given. She added that her experience practicing law would be applied when listening to and deciding on passionate arguments. Mr. Stivers asked if there were any potential conflict of interests from her personal or professional background. Ms. Mieth replied that she could not think of any and if one were to arise, she would recuse herself. Mr. Healey asked if her current

position working with insurance law conflicts with real estate matters. Ms. Mieth explained her current position and stated there would be no conflict. Mr. Stivers made a motion to appoint Jamie Mieth as alternate for the ZBA; term 6/30/20. Mr. Kolenda seconded. The motion passed all in favor by roll call vote (5-0-0). Roll Call: Shea, aye; Healey, aye; Braccio, aye; Kolenda, aye; Stivers aye.

III. Consent Agenda

a. Mr. Kolenda made a motion to approve Open Session Minutes: March 31, 2020. Mr. Stivers seconded. The motion passed all in favor by roll call vote (5-0-0). Roll Call: Shea, aye; Healey, aye, Braccio, aye; Kolenda, aye; Stivers, aye.

IV. Update on impact of COVID-19

Continued discussion of meetings of Town boards and committees during State of Emergency

Chairman Shea stated Ms. Braccio requested this item be put on the agenda and Mr. LaFlamme sent an email to the Board with his perspective on the matter. Ms. Braccio stated that there has been confusion within boards and committees as to whether or not they could conduct business outside of COVID-19 related items. She stated that she would like to see boards and committees return to normal business but is cognizant of the amount of work that could add to Mr. LaFlamme. Chairman Shea agreed that hosting numerous meetings could put a burden on Mr. LaFlamme and applauded him for reaching out to others to train to host meetings. He added that he felt virtual meetings will be needed for the foreseeable future and would like boards and committees to begin meeting again as long as they follow the guidelines suggested by Mr. LaFlamme.

Mr. Stivers asked if there were any legal issues for permitting boards voting and permitting permits virtually. Attorney Cipriano stated that he did not see any issues as long as the permitting boards followed proper guidelines with accurate record keeping. Mr. Stivers said one could argue that they do not have the proper technology to participate in a public hearing and possibly object and appeal a decision. Attorney Cipriano said that full participation would need to be available to all and it would be a problem if people could not participate because of electronic deficiencies. Mr. Healey stated that after reading emails from the Supreme Judicial Court, he felt that Town boards and committees operating in good faith would be given latitude from the courts. He suggested that permitting boards could include on their public notice that the Town House could make additional accommodations for those who lack the necessary technology to participate. Mr. Stivers suggested the use of the computers at the Library. Attorney Cipriano agreed that could cure the procedural issue mentioned. Mr. Healey stated that the original concern was in regards to volume and overloading Mr. LaFlamme's time and capabilities. He suggested leaving the decision to hold a meeting to the discretion of the board or committee.

Mr. Purple stated he has the same concern regarding overburdening Mr. LaFlamme and felt that boards and committees should learn to facilitate their own meetings through Zoom and post them to YouTube before holding a meeting. He added that Ms. Hale, Ms. Danza and Ms. Hoecker have offered to train with Mr. LaFlamme and they will hopefully begin facilitating meetings next week. He added that virtual meeting times are flexible as Zoom meeting rooms are available throughout the day and evening. Mr. Stivers asked how conflicts between boards and meeting times would be handled. Mr. Purple explained that boards and committees would book a Zoom meeting room similar to booking a room at the Town House and if there is no availability, they

will need to choose another time. Ms. Braccio suggested that boards and committees looking to hold a meeting should book the Zoom meeting room that enables public participation if available. Chairman Shea agreed. Mr. Healey made a motion to allow for boards and committees to hold virtual meetings to conduct normal business in addition to matters related to COVID-19 as long as there is technical capability and availability. Mr. Kolenda seconded. The motion passed by roll call vote all in favor (5-0-0). Roll Call: Shea, aye; Healey, aye; Braccio, aye; Kolenda, aye; Stivers, aye.

Discussion of postponed date for Annual Town Meeting (currently April 16, 2020)
Chairman Shea invited Attorney Cipriano, Mr. Hegarty and Mr. Cimino to join the meeting. Chairman Shea told the Board that Annual Town Meeting is currently scheduled for April 16, 2020 and legislation has been passed to allow the Moderator to change or postpone the meeting date in lieu of a public safety situation. He added that the COVID-19 pandemic qualifies for this.

Mr. Cimino stated that the current Statewide Emergency Declaration runs through May 4, 2020 and the current legislation enables the Moderator to extend the postponement in thirty-day increments. He added that his inclination is to hold Town Meeting the week of May 11, 20202. Mr. Cimino stated that he is also required to speak with Public Safety and Public Health officials on this matter which he will be doing soon. He will announce the new date for Town Meeting in advance of May 4, 2020. Chairman Shea agreed that Town Meeting should not be scheduled for any date earlier than the week of May 11th and added that he would advocate for a slimmed down warrant to approve what is needed to successfully enter Fiscal Year 2021. He said the other items could be put off to a fall Town Meeting. Mr. Cimino stated that statue requires that all items on the warrant be addressed and he is contemplating packaging non-essential articles in a consent agenda to be postponed until the fall. He added that the use of the consent agenda tool and the postponements have to be approved by Town Meeting vote.

Mr. Kolenda agreed with these suggestions and asked if there are any other options for voting such as a virtual Town Meeting or voting by mail. Attorney Cipriano stated he has been meeting with the Massachusetts Municipal Lawyers every Wednesday and he will raise this issue next week. He stated there have not been any inclination to change traditional Town Meeting. Attorney Cipriano stated that virtual Town Meetings are a challenge due to the inability to know who is participating remotely and who may or may not be a registered voter of the Town.

Chairman Shea asked if Mr. Cimino was thinking of revising the location of Town Meeting or just setting a new date. Mr. Cimino replied that as of now, just setting a new date. He added that he will put some thought into the location and when he announces the new date of Town Meeting, he will include the location as well. Chairman Shea stated he would not want to move forward with a Town Meeting when people do not feel comfortable attending inside and advocated for a limited warrant including only critical items to fiscal year 2021. Mr. Healey stated that the Town has thirty days from the list of the State of Emergency to hold Town Meeting and requested that it is extended to as late a date as possible. Mr. Hegarty agreed and stated that it is realistic that Town Meeting and elections could be pushed until June. Mr. Cimino agreed and said his next steps include reaching out to Public Safety and Public Health officials to set a date. Chairman Shea stated he would like Mr. Cimino to attend the May 5th Board meeting and Mr. Cimino agreed.

V. Other Matters Properly Before the Board

Mr. Purple updated the Board that President Trump passed The Families First Coronavirus Response Act. He explained this expands the Family Medical Leave Act and it is available to help families with child care issues but it exempts public safety from these benefits. He stated that negotiations need to be made with unions and he suggested not exempting public safety from acting on this benefit. He said this could be reviewed if it negatively impacts staffing levels. The Board agreed.

Mr. Purple asked the Board to put in place a hiring freeze for any existing vacancies unless approved by the Board. Mr. Healey stated that if any department feels their vacancy needs to be filled, they can approach the Board to discuss. Mr. Healey made a motion to freeze all hiring with the provision that the Board can deem a particular position essential if sufficient arguments are made to support. Mr. Stivers seconded. The motion passed by roll call vote all in favor (5-0-0). Roll Call: Shea, aye; Healey, aye; Braccio, aye; Kolenda, aye; Stivers, aye.

Mr. Purple told the Board the policy regarding working from home during the crisis has been effective in most areas but would like to codify the return to work for those employees quarantined for any reason. He stated this would support the integrity of the work force to ensure employees that come back after a quarantine or positive test do not spread the virus to other employees. Mr. Stivers volunteered to work with Ms. Hale and Mr. Purple to draft an amendment to the policy for the April 21st meeting. Mr. Kolenda asked the draft be reviewed by Town Counsel prior to presenting to the Board. Mr. Purple agreed.

Mr. Purple asked the Board to consider speaking with the Veteran's Agent about Memorial Day services during the pandemic. He would like Mr. Stearns' point of view for how the services would be conducted if there continues to be required social distancing and a ban on large gatherings. Mr. Kolenda agreed to reach out to him and ask him to attend the next meeting.

VI. Public Comment

None

VII. On a motion made by Mr. Kolenda, seconded by Chairman Shea and voted roll call all in favor, Shea aye; Healey, aye; Braccio, aye; Kolenda, aye; Stivers aye, the meeting was adjourned at 8:21 P.M.

Upcoming Meetings
April 21, 2019
May 5, 2020

Respectfully submitted,

Kathleen Barry, Recording Secretary

List of Documents referred to at the April 7, 2020 BOS Meeting:

- Citizen Activity Form, Jamie Mieth
- Draft Open Session Minutes: March 31, 2020

TOWN OF SOUTHBOROUGH

BOARD OF SELECTMEN Meeting Minutes

Meeting Date: Friday, April 10, 2020, 11:00 A.M.
Location: Virtual meeting through Zoom
Present: Lisa Braccio, Marty Healey, Daniel Kolenda, Sam Stivers and Town Administrator Mark Purple.

I. Vice-Chairman Healey called the meeting to order at 11:01 A.M. Vice-Chairman Healey read the following statement:

Pursuant to Governor Baker's March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, §18, and the Governor's March 15, 2020 Order imposing strict limitation on the number of people that may gather in one place, this meeting of the Southborough Board of Selectmen will be conducted via remote participation to the greatest extent possible. Specific information and the general guidelines for remote participation by members of the public and/or parties with a right and/or requirement to attend this meeting can be found on the Town of Southborough's website, at https://www.southboroughtown.com/. For this meeting, members of the public who wish to watch or participate in the meeting may do so in the following manner by finding the meeting at: https://www.southboroughtown.com/remotemeetings. No in-person attendance of members of the public will be permitted, but every effort will be made to ensure that the public can adequately access the proceedings in real time, via technological means. In the event that we are unable to do so, despite best efforts, we will post on Southborough's website an audio or video recording, transcript, or other comprehensive record of proceedings as soon as possible after the meeting.

II. Update on COVID-19

Mr. Purple introduced the issue of extending due dates for RE/PP tax bills from May 1 to June 1, per the Governor's COVID-19 relief bill, as well as waiving interest until June 30, 2020. He apologized for not including this in his comments at the April 7 meeting, which necessitated this special meeting. Brian Ballantine, Finance Director, explained the impacts of the due date change. Historically, the Town has received between $3,000 and $5,000 in late interest annually.

Mr. Kolenda made a motion to extend the due date for 4th quarter RE and PP bills from May 1, 2020 to June 1, 2020, and to waive any interest on said payments until June 30, 2020, seconded by Ms. Braccio. The motion passed by unanimous roll call vote (4-0-0), Healey, aye; Braccio, aye; Kolenda, aye; Stivers aye. Mr. Purple said that the Town website will be updated with that information today, which will also be available on other social media sites.

Mr. Ballantine also wanted to clarify that the hiring freeze should not affect the Town Accountant position. It is posted and we are looking to hire for July 1. Also, he is retracting the PT position request for the Treasurer's Office for FY21, given the financial climate, and will seek to revisit it next year. Mr. Purple said that further budget discussions will take place once more information becomes available at the State level. Mr. Stivers also noted that the MWRA is looking to hold communities harmless on MWRA loans, and he will continue to monitor that, to the extent it affects Southborough.

III. Other Matters

Ms. Braccio brought up the issue of Chestnut Hill Farm, and the continued closure of the property by the State. She would like Aldo to review the process under which the property was closed by the State, which was done without consent of the Town, per the Conservation Restriction. Mr. Kolenda thinks it is a good idea to review, but doesn't know if staff can do it rather than counsel, at least initially. The Board was in concurrence on this approach. Mr. Purple will work with Ms. Braccio on a response, and then validate it with Aldo before he approaches the State again.

IV. On a motion made by Mr. Kolenda, seconded by Mr. Stivers and voted by roll call all in favor, Healey, aye; Braccio, aye; Kolenda, aye; Stivers aye, the meeting was adjourned at 11:16 A.M.

Respectfully submitted,

Mark J. Purple, Town Administrator

Budget Status – March 2020

- Budget recommended with assumption Fall Town Meeting.
- Fall TM would have possible $357,000 capital articles and two bond projects
  – Cordaville Hall & Town House windows.
- Advisory/BOS agree on all budgets with exception of one.
- New positions and services were proposed to be approximately $260K:

  Youth/Family: 1 Full Time position;

  Police Department: 2 Full Time Officers;

  Information Technology: One Part Time employee;

  Treasurer/Collector: One Part Time employee;

  Fire Department: Additional Administrative Hours (4 weekly)

  Benefits budget: Adjusted for 3 FT employees.

Budget Status – March 2020 Cont'd

- Estimated tax increase 3.13%
- Estimated Residential Average Increase $330
- Excess Levy = $2,913,285
- Operational Increase:
    - Town – 8.48%
    - School – 2.78%

Budget Status – April 2020
Updated Budget Estimates

	WAS:	NOW:	DIFFERENCE:
Local Aid	3,569,690	3,414,959	-154,731
3% reduction from current year			
Local Receipts	3,818,400	3,652,900	-165,500
Investment Income, Hotel/Motel, Excise, Fines/Fees, Meals Tax			
Library Int. Renov.	115,000	0	115,000
Capital Item moved to FY22			
Treasurer/Coll Budget	252,854	228,252	24,602
Eliminate PT hours			
Norfolk Agg. Budget	89,268	44,634	44,634
Confirmed 1 student versus 2			
	NET CHANGE		-135,995

Budget Status – April 2020
Updated Budget Estimates

	WAS:	NOW:	DIFFERENCE:
LEVY CAPACITY	2,913,285	2,777,290	-135,995
EST TAX % INC	3.13%	3.43%	+0.30%
AVG HOUSEHOLD	330	363	+33

UPDATED 5 YEAR

	FY2020	FY2021	FY2022	FY2023	FY2024	FY2025	FY2026
TOTAL LEVY LIMIT	46,625,828	48,484,850	50,163,704	51,561,940	53,131,012	54,887,626	56,692,673
TOTAL REVENUE	58,454,085	60,367,868	60,270,093	61,884,085	62,779,260	64,636,149	66,537,633
TOTAL EXPENDITURES	55,538,638	57,590,578	59,974,889	61,856,643	63,131,633	64,434,163	66,928,140
LEVY BALANCE	**2,915,447**	**2,777,290**	**295,204**	**27,442**	**-352,373**	**201,986**	**-390,507**

RESERVES TO ASSIST

Reserve Fund:

Advisory Board recommends amount annually. All requests go through this Committee in order to be spent.

Current balance: $93,463

Pending Requests: $29,000 (Building Vehicle)

Remaining for FY20 Requests: $64,463

Stabilization Fund:

Allowed by MA State Law- 2/3 TM vote to use.

Current balance: $588,553

Notes:

FY03 Stabilization = Approximately $3,500,000

FY03 ratio Stabilization to Operating Budgets approximately 13%

FY20 ratio Stabilization to Operating Budgets approximately 1%

NEXT STEPS

- Guidance from the State on revised FY21 revenues & revised Local Aid numbers;
- Further revisions to Local Receipts;
- Review deferred capital projects for possible further deferral – Capital Committee;
- Board to set any tax increase parameters/goals in light of updates;
- Review proposed new positions and hours for FY21.

TOWN OF SOUTHBOROUGH
Economic Development Committee

Request for Proposal
Zoning Overlay Amendment - Downtown Business Village District
RFP #2020-01

RFP Overview - The Southborough Economic Development Committee (herein referred to as the EDC) seeks proposals and price quotes from qualified zoning consultants/firms to review and augment a full mixed-use zoning overlay for the Downtown Business Village District. The proposed amendment document has been drafted as an update to the current Southborough Zoning Bylaw §174-8.4.

The goal is to create a mixed-use zoning overlay article that will be approved by Board of Selectmen, Planning Board and Town Counsel. Upon their review and a public hearing, the article will be presented in the warrant for the Fall Town Meeting. (As of the writing of this RFP, the date for Town Meeting has not been set.)

Southborough Synopsis – The Town is located at the junction of Routes 9 and 495, bordered by Westborough, Marlborough, Framingham and Hopkinton. It is a classic New England town with approximately 10,700 residents. There are over 500 companies and registered dbas who provide a wide range of services/products in 19 industry sectors, commercial offerings and all typical amenities. Route 9 provides access to numerous professional office parks and the New England Center for Children. In addition, there are 2 private schools (Fay School and St. Marks School) within walking distance of the Downtown Business Village District (herein DBVD).

The particular area of potential overlay zoning is centrally located in Southborough and is serviced by Routes 30, 85 and local roads. It is a typical rural town center with individual lots on which are located small businesses, a café, a market, a pizza shop, barbershop, etc. The DBVD also includes residential properties located on E. Main Street, Main Street, Newton Street and School Street. There are vacant parcels which are a collection of dirt lots, parking lots and old buildings. The unevenly shaped lots, current zoning and the CSX rail track that divides the downtown area in half, all contribute to significant obstacles in revitalization. The particular area which would benefit from overlay zoning is shown on the Town zoning map. https://www.southboroughtown.com/sites/southboroughma/files/uploads/zoning_map_11_x_17.pdf

Background – In July 2017, the EDC prioritized the DBVD as an area in need of revitalization. Over the following 2 years, the 'Downtown Initiative' program reviewed studies, completed a new study by the Urban Land Institute and conducted a resident survey. The analysis and information was presented to various groups including Town Boards/Committees, residents and businesses. One of two main issues identified, was the need for updated zoning for the DBVD.

The Southborough Planning Board made a request of the EDC to draft a mixed-use zoning bylaw amendment for their review.

Downtown Business Village District History - As a once busy location (particularly with the US Post Office located on Main St.), the Downtown area has seen a decline in development/revitalization over the past 20 years. Ownership of most lots has not changed over the years. Developers are reluctant to explore opportunities due to zoning regulations and infrastructure issues.

Vision for the Downtown Area – Residents have shown that they are seeking a downtown area that provides amenities and a sense of community for their families, businesses and shoppers. Revitalization should encourage a diverse mix of uses - including the potential for housing, business and open space, and to provide opportunities for economic development and contributions to the Town's tax base.

One of the goals is that revitalization will be planned in a manner that supports balanced and sustainable development with consideration to minimizing environmental impact. It is of utmost importance that the plan follow the recommendations of the Town's 2008 Master Plan (Section 9) which contains the "Villages" study.
https://www.southboroughtown.com/sites/southboroughma/files/uploads/villages.pdf.

The particular section is found starting on Page 12 of the PDF document which is Page 211 of the Master Plan document. It is also very important that the overlay amendment follows the mandates of the Baker/Polito administration as managed by the Executive Office of Energy & Environment Affairs.

NOTE: for clarification purposes, the Master Plan (Chapter 9) covers 4 village districts. There are 3 business villages as shown on the zoning map:
https://www.southboroughtown.com/sites/southboroughma/files/uploads/zoning_map_11_x_17.pdf

NOTE: The proposed zoning amendment article would only apply to the Downtown Business Village District.

Challenges for the Downtown Area

In order to encourage development in the area, 2 issues must be addressed/answered: zoning and wastewater options.

The Town needs to amend its zoning bylaw to provide a suitable mixed-use zoning overlay for the area. The desired zoning language is for by-right, mixed-use zoning, with clear regulations on what is permitted and include acceptable design standards that are reflective of and embrace the Town's existing *Design Review Guidelines*.

The selected Consultant will work with a team comprised of representatives from the EDC, Town Planner, Planning Board, Open Space Committee, Conservation Commission, residents/businesses (and any other stakeholders such as Master Plan Committee – design review designees).

The Town recognizes that this project requires an appropriate amount of time to produce a quality product. The article must be ready for the Fall Town Meeting with a completion date approximately 3 months prior to the meeting (projected to be after September 15th 2020.

Discussion topics that need to be addressed are:

- What are the benefits of zoning for true mixed-use for the Downtown area?
- Are there tradeoffs? This should include any traffic impact, parking, congestion, etc.
- What combinations of business and housing provide the best results for small scale development?
- What are the disadvantages to the town of limited mixed-use zoning in the Downtown area?
- Proper scale and architectural design for the limited Downtown area.

Scope of Work - The consultant shall produce a mixed-use zoning overlay amendment to the current by-law.

a. ***Review (understand) 2008 Master Plan***
Specific sections 2008 Master Plan Section 9 which contains the villages study https://www.southboroughtown.com/sites/southboroughma/files/uploads/villages.pdf. The particular section is found starting on Page 12 of the PDF document which is Page 211 of the Master Plan document.

b. ***Review (understand) Chapter 174.8 Town Zoning Code***
The overlay needs to include the applicable sections of the current zoning.

c. ***Mixed use overlay document – current draft will be discussed at the bidders' conference call – March 18th.***
Registration details at the end of this document

d. ***Integration*** - The zoning overlay amendment should be integrated into Southborough's existing zoning and land development regulations in a manner that ensures consistency, abides with state and local legal requirements, provides clarity and maximizes the effectiveness of the code. The implementation of the new code will be conducted through the Town's standard site plan review process (Planning Board).

e. ***Design Parameters for the Bylaw.*** The overlay amendment would provide regulations for future development to ensure quality public spaces defined by a variety of building types and uses including multi-family housing, retail, office, BnB, short term hotel/motel space.

f. ***Attend meetings/forums with stakeholders***
In person or by phone/Skype (or other equivalent technology)

g. ***Provide required reporting information***
The consultant will be paid from funds awarded in a grant from the Executive Office of Energy and Environmental Affairs – Planning Assistance Grant.

End Product – The goal is to establish a mixed-use zoning overlay regulation that will provide a user-friendly administrative framework for the permitting/approval process. The final product will be a zoning overlay bylaw that will be an amendment to the current zoning and presented for approval at Southborough's Fall 2020 Town meeting.

Submittal Summary - Copies of your proposal and an electronic copy shall be provided. The following items (along with other material to demonstrate experience and expertise) must be included:

1. A written description of the Consultant's approach to the project
2. The expertise of the team assembled by the Consultant to carry out the work.
3. A list of comparable zoning work undertaken by the Consultant and/or team members.
4. A copy of a similar zoning overlay amendment that was adopted into law.
5. A price quote in a separate envelope.

A Bidders conference call will be held on March 18th, 2020 @ 11AM.
TO RESERVE A SPOT, PLEASE EMAIL mmunsiff@southboroughma.com for call-in instructions.

Deadline for submittals is March 25th, 2020 @ 5PM.

Respondents are responsible for ensuring that submittals are received before the deadline (postmarks are not applicable). The Town reserves the right to reject any and all proposals.

Evaluation of Submittals - Consultants responding to this RFP shall demonstrate the following to be considered suitable candidates for this work:

- Any suggestions as to how the scope of work could be expanded/improved to enhance the final product (design guidelines, etc.)
- Proposed work schedule (to meet Town meeting timeframe)
- Experience in writing or implementing municipal land development regulations.
- At least 3 references (with contact information) for recent and relevant work, including role/involvement of the designated people who would be working on this project

All submittals will be evaluated on the experience of the Consultants and qualifications that are most suited for this project. Southborough will request a phone or in person interview with the finalists providing the strongest proposals.

Format of Proposals

The proposal must include the following information:

1. Letter of Transmittal including the consulting firm's name, mailing address, website and contact person's email
2. Executive summary
3. Experience writing zoning overlay amendments
4. Key personnel who will be used on this project – resumes
5. Narrative addressing the consultant's understanding of the RFP
6. Price breakdown of services – estimated time per activity, hourly rate, travel, attendance at meetings and attendance at conference calls

Contract Documents - The Town and selected consultant will enter into a standard Town of Southborough contract. A sample can be provided upon request.

Questions – Please direct any questions to the Southborough Economic Development Committee: 508-485-0710 x3011 or mmunsiff@southboroughma.com.

From: ATTY ALDO CIPRIANO
To: Mark Purple
Subject: Special Counsel Recommendation - EDC 4/2020
Date: Thursday, April 16, 2020 4:05:46 PM

[EXTERNAL]

Greetings Mark,

Pursuant to your request, we approve the use of Attorney Costa to assist the EDC in the creation of an Overlay District Zoning Amendment as to the Town of Southborough.

Very truly yours,

Aldo A. Cipriano, Esq.
Town Counsel

Aldo A. Cipriano, Esq.
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Victoria Building
Second Level * Atrium Suite
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Tel. (508)485-7245
Fax (508)485-2304
AldoC.Esq@comcast.net

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From:	Marijke Munsiff-Vegting
To:	Mark Purple
Cc:	Thomas Collins
Subject:	EDC Request to BOS
Date:	Wednesday, April 15, 2020 2:08:42 PM
Attachments:	Zoning RFP 3-11-2020.docx image003.png

Dear Selectmen,

As the EDC continues to work toward the Downtown overlay zoning by-law article for Fall Town Meeting, the Committee is looking for technical assistance to produce the proposed "mixed use overlay district" which is the end product as specified in the attached RFP.

The EDC voted this morning (April 15, 2020) to request technical assistance from Town and/or Special Counsel in finalizing the zoning by-law article. The EDC is not looking for legal representation, but to secure assistance from a law firm experienced in researching and writing this kind of zoning and planning documentation.

John Wood, Vice Chair of the EDC, made the motion: to request special counsel for technical planning and zoning assistance for the DBVD zoning article. The EDC requests that the Board of Selectmen approve this request at their April 21st meeting.

The motion was passed with all in favor (8-0-0)

Sincerely,

Marijke Munsiff
Economic Development Coordinator

Southborough Town House
17 Common Street, Southborough MA 01772-1662
Tel: (508) 485-0710, ext 3011
mmunsiff@southboroughma.com

RCV'D Town Clerk
5/20/2020
3:30 PM
AMB

TOWN OF SOUTHBOROUGH

BOARD OF SELECTMEN Meeting Minutes

Meeting Date: Tuesday, May 5, 2020, 6:30 P.M.
Location: Virtual meeting through Zoom
Present: Brian Shea, Marty Healey, Lisa Braccio, Daniel Kolenda, Sam Stivers and Town Administrator Mark Purple

I. Chairman Shea called the meeting to order at 6:32 P.M. Chairman Shea read the following statement:

Pursuant to Governor Baker's March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, §18, and the Governor's March 15, 2020 Order imposing strict limitation on the number of people that may gather in one place, this meeting of the Southborough Board of Selectmen will be conducted via remote participation to the greatest extent possible. Specific information and the general guidelines for remote participation by members of the public and/or parties with a right and/or requirement to attend this meeting can be found on the Town of Southborough's website, at https://www.southboroughtown.com/. For this meeting, members of the public who wish to watch or participate in the meeting may do so in the following manner by finding the meeting at: https://www.southboroughtown.com/remotemeetings. No in-person attendance of members of the public will be permitted, but every effort will be made to ensure that the public can adequately access the proceedings in real time, via technological means. In the event that we are unable to do so, despite best efforts, we will post on Southborough's website an audio or video recording, transcript, or other comprehensive record of proceedings as soon as possible after the meeting.

II. **Scheduled Appointments**

6:30 P.M. HEARING: BKP Inc., d/b/a Fitzgerald's General Store application for multiple amendments to Annual Package Store/Beer & Wine license

Mr. Purple read the public hearing notice into the record. At 6:35 P.M. Mr. Healey joined the meeting. Attorney Arthur Pearlman introduced himself and explained the sole owner, officer, director and manager of BKP inc., d/b/a Ftizgerald's General Store, Ramanbhati Patel is passing on the business to his son, Hitendra Patel and his nephew Darshak Patel. He explained both Hitendra and Darshak's experience managing liquor stores and that each would be 50% shareholders of the business. He added that there will be no changes regarding the operation of the business and requested the amendments to the Annual Package Store/Beer & Wine licenses be approved as provided in the packet.

Chairman Shea asked about the past experience with other stores with respect to sales and the consequences of not complying with the law. Attorney Pearlman described their experience and agreed that they understand and intend to comply with all laws and regulations. Mr. Stivers asked if Mr. Darhsak Patel had experience in managing liquor stores and if there would be any change in management. Attorney Pearlman explained his experience and stated that there would be no change. Chairman Shea asked for public comment and there was none. Chairman Shea made a motion to close the public hearing at 6:41 P.M. Mr. Stivers seconded. The motion passed all in favor (5-0-0) by roll call vote, Shea, aye; Healey, aye; Braccio, aye; Kolenda, aye; Stivers, aye. Mr. Healey made a motion to approve the application submitted by DBK Inc. as

written. Mr. Kolenda seconded. The motion passed all in favor (5-0-0) by roll call vote, Shea, aye; Healey, aye; Braccio, aye; Kolenda, aye; Stivers, aye.

Brian Stearns, Veterans Agent – Discussion of Memorial

Mr. Stearns stated he met with the Secretary of the Department of Veteran's Services on April 23, 2020 to ask for statewide guidance on Memorial Day services. He said there will not be traditional services due to social distancing restrictions enacted by the Governor. He stated both Marlboro and Ashland have cancelled all services and suggested a small non-public ceremony at the All Wars Memorial to be recorded by SAM. Mr. Stearns added that he spoke with Mr. Whynot and they are coordinating with adult volunteers to place flags at the graves of deceased veterans. Chairman Shea stated that Memorial Day deserves an observance and told Mr. Stearns the Board will support the ceremony. Mr. Kolenda thanked Mr. Stearns for his work and asked if there was a State prohibition from veterans gathering socially distant to march from the Town House to the All Wars Memorial. Mr. Stearns said he felt that could be hard to manage and may encourage people to gather. Mr. Healey stated that given the circumstances, no more than ten people should gather and no parade should take place. Mr. Stivers agreed. Mr. Kolenda stated that the veterans would follow the guidance of the Commonwealth and elected Town leaders to hold an event that is appropriate. Chairman Shea stated the Governor's order stands through May 18th and recommended the Board wait to make an official decision until their next meeting on May 19th. The Board agreed and Mr. Stearns stated he will have more suggestions on the 19th.

6:45 P.M. HEARING: National Grid petition for manhole and duct locations, Deerfoot Rd. and 84 Main St.

Mr. Purple read the public hearing notice into the record. Christopher DiFazio from National Grid explained the work planned for 84 Main Street at Deerfoot Road. Chairman Shea asked when the work is anticipated to begin and requested that National Grid coordinate with the DPW Superintendent so the work does not interfere with the Main Street project. Mr. DiFazio agreed to do so and stated there was no timeframe to begin work. Mr. Stivers asked about the repairs made after digging and how big the trench would be. Mr. DiFazio explained the process and stated the repairs would be done according to DPW guidance. Chairman Shea invited the public to speak. Edward Webb of 1 Deerfoot Road stated he is an abutter to 84 Main Street and asked what type of pull box will be installed and if it would impact his property. He described the location of his fence and Mr. DiFazio explained the pull box and their location. He added that he did not believe the work would impact Mr. Webb's property and he would contact him when the work will begin. Chairman Shea asked for additional public comment and there was none. Chairman Shea made a motion to close the public hearing at 7:05 P.M. Mr. Healey seconded. The motion passed all in favor (5-0-0) by roll call vote, Shea, aye; Healey, aye; Braccio, aye; Kolenda, aye; Stivers, aye. Mr. Healey made a motion to approve the petition from National Grid as submitted. Mr. Stivers seconded. The motion passed all in favor (5-0-0) by roll call vote, Shea, aye; Healey, aye; Braccio, aye; Kolenda, aye; Stivers, aye.

Brian Ballantine, Finance Director – Fiscal Year 2021 budget update

Mr. Ballantine provided an updated status for the budget which included the Town collecting $8.5 million of real estate taxes, the Town receiving escrow services earlier than normal and departments reducing their budgets for the exercise of demonstrating a 2% and 0% tax increase for fiscal year 2021. The results should be out next week; he is waiting for the school budget and the Capital Committee to make their recommendations. He added that the department adjustments reduced services and staff. Mr. Purple stated that a 2% tax increase includes a

reduction of 1100 staff hours and a 0% tax increase leads to a reduction of 6600 staff hours across all departments. Mr. Ballantine stated that there is consideration to move capital items to next year and the two to three items considered could save the Town $130,000 in the budget.

Ms. Braccio asked when the results of the exercise could be expected. Mr. Ballantine replied within the next week but would like the School Committee to have time to respond. Mr. Stivers asked how the pandemic has affected the school expenses. Mr. Purple stated that they are being asked to do the same exercise and there are budgetary positives and negatives from school running remotely. He added that the State does not have definite numbers and the budget may have to be adjusted after Town Meeting approval. Mr. Healey suggested to be as minimalist as possible and to put off personnel items. He asked if it were possible to remove personnel related budgets that may be travel or educational and address it at fall town meeting when there is a better understanding of local aid. Mr. Ballantine said it was probably feasible to do but reviewing the items would need to be done before removal. Chairman Shea asked that this information be provided to the Board and Advisory Committee as soon as it is available. Mr. Purple agreed.

Chelsea Malinowski (1 William Colleary Lane) asked if the funds saved from freezing items would go into free cash and therefore tied up for the next year. Mr. Ballantine stated that funds would be added to free cash or there could be a revote of the budget at a lower amount. Mr. Purple suggested if this were to happen, to lower the budget.

Paul Cimino, Moderator – Discussion of critical articles and date for Spring Town Meeting

Chairman Shea stated Mr. Purple had created a list of critical articles for Town Meeting that he had distributed to the Board and Mr. Cimino. Mr. Cimino stated that the new date for Town Meeting is Saturday, June 13, 2020 beginning at 1:00 P.M. He said he is collaborating with the Town Clerk to conduct Town Meeting with the appropriate protocols that can be achieved in the Trottier Gym. He added that a quorum of 100 people, the Board of Selectmen, Advisory Committee and Town Clerk can safely fit. Mr. Cimino said he agrees with the list of suggested critical articles provided by Mr. Purple. He added that if the town meeting voters agree to pass the list of consent agenda items and indefinitely postpone the suggested list, there will be seven critical articles to address one at a time. Mr. Purple added that there are 18 articles he recommended as critical in order to begin the fiscal year on July 1st and seven of those will not be on the consent agenda.

Mr. Kolenda raised the concern that articles such as citizens petitions would not be voted to indefinitely postpone and a large number of proponents and those in opposition will attend. He asked if the Board could vote to indefinitely postpone in order to postpone to a fall town meeting. Mr. Cimino replied that it would have to be a vote at Town Meeting. Chairman Shea said the unanimous support of the Board to indefinitely postpone the list provided by Mr. Purple should be publicized to send a message to voters. Mr. Kolenda asked Mr. Purple to speak with the owners of these articles to ask for their agreement to indefinitely postpone to the fall in order to avoid a large crowd who may attend to support or oppose an article deemed not critical. Mr. Purple agreed. Mr. Cimino reminded the Board that any motions to indefinitely postpone could be defeated by town meeting vote. He explained that town meeting voters have the power to dictate how the meeting will go and explained his three-part sequence to conduct the meeting. He said eleven of the eighteen critical articles will be on the consent agenda. He said articles in need of discussion are 5, 6, 7, 8, 9, 10 and 14. He said articles 5-10 and 14 will be suggested to indefinitely postpone until the fall. The critical articles that will be included on the

consent agenda are 2, 3, 4, 11, 12, 13, 15, 16, 17, 18 and 21. Chairman Shea asked if the Board was in favor of the list of critical articles identified by Mr. Purple. The Board agreed.

Jim Hegarty, Town Clerk/Board of Registrars of Voters – Recommendation for postponed Town Election date

Ms. Braccio recused herself and left the meeting at 8:52 P.M. The Board of Registrars of Voters called their meeting into session and asked Mr. Hegarty to share the recommendation for Town Election on behalf of the Board of Registrars of Voters. Mr. Hegarty explained that Town Election will be Tuesday, June 16th at Trottier School. He explained the change in location and the process to vote in person following social distance guidelines. Mr. Hegarty estimated he had received about 100 applications for mail in ballots and said he posted the directions to submit a mail in ballot request. He added the owner of the blog recommended people wait to request an early voting ballot and he reminded the public that there is about a week turnaround from requesting a ballot to voting and return. Mr. Hegarty added that the election is mandated to be done by June 30th and explained his social distance process for swearing in those newly elected. He stated that in terms of Town Meeting, he reviewed the seating at Trottier Auditorium and said for safe social distancing, only 60 people could attend in that location. Mr. Kolenda asked about the process for requesting an early ballot and Mr. Hegarty explained it would have to be printed, signed and emailed to him. Chair of the Board of Registrars of Voters, Tomasz Kierul made a motion to hold the Town Election on June 16th from 8A.M. to 4 P.M. in the Trottier Band Room. Mr. Hegarty seconded and the motion passed all in favor by roll call. Chairman Shea made a motion to recommend the Town Election date of Tuesday June 16th from 8:00 A.M. to 4:00 P.M. Mr. Stivers seconded. The motion passed all in favor (4-0-0) by roll call vote, Shea, aye; Healey, aye; Kolenda, aye; Stivers, aye.

III. Reports

Chairman's Report

Chairman Shea told the public that the food pantry is available for those in need and encouraged residents to donate.

Member's Reports

Mr. Stivers stated he attended the MTC meeting and encouraged the Town to continue using Zoom as a resource for meetings to solve for quorum issues. He added that public comment capabilities would need to be enhanced.

Town Administrator Report

Mr. Purple stated he has been working with Ms. Hale to create a working group to focus on the process for Town employees to return to work once the Governor's orders change. He asked if any Board member would like to join these discussions. Ms. Braccio volunteered.

Mr. Purple reminded the public on behalf of Mr. Davis that social distancing is required when using the Trottier Track and to respect the areas that are closed. He stated the skate park and tennis courts are closed and the chains have needed to be replaced multiple times due to people cutting them to gain access. He asked the public to please respect the closures.

IV. Consent Agenda

a. Approve Open Session Minutes: April 22, 2020

Chairman Shea made a motion to approve the Open Session Minutes dated April 22, 2020. Mr. Stivers seconded. The motion passed all in favor (5-0-0) by roll call vote, Shea, aye; Healey, aye; Braccio, aye; Kolenda, aye; Stivers, aye.

b. Approval of the 2019 Open Space & Recreation Plan

Chairman Shea made a motion to approve the 2019 Open Space & Recreation Plan for discussion. Mr. Stivers seconded. Chairman Shea referenced section nine of the report and stated he asked Ms. Danza about the 100 parcels listed in the addendum. He stated he did not want the perception that the Board's support of this document meant the support for the Town to acquire or protect all 100 parcels. He added that if all the parcels were acquired, $100,000 would be added to the tax base. Chairman Shea stated he was in support of the discussion for the Town prioritizing the parcels but not a blanket approval to attempt to acquire them all. Mr. Healey stated that the memo specifically read that no revisions or edits were wanted and this was the final product. He voiced his concern of approving a document without review and feedback and asked why it was not provided to the Board for feedback. Mr. Kolenda agreed and explained the normal process that included the ability for editing by the Board. He added that he would like to see an editable version and the opportunity to ask questions to the stakeholders. Mr. Stivers stated there is pressure for approval now due to time sensitive grant opportunities. Ms. Braccio stated that not all the parcels on the list are a top priority but it is necessary for Open Space to list every potential opportunity. Chairman Shea suggested this agenda item be added to the May 19, 2020 meeting and invite Ms. Danza and other stakeholders to join and answer questions. Mr. Purple stated he will put this item on the agenda for the May 19th meeting.

V. Update on Impact of COVID-19

Discussion of revisions to Selectmen policy on Working Remotely during COVID-19

Mr. Purple stated that the current policy did not address a return to work piece and Mr. Stivers and Ms. Hale incorporated language to include this process. He added that Labor Counsel had reviewed it and made some changes that were included. Mr. Stivers stated the document is representative of what other towns are doing and is driven by current CDC regulations. He added that once serum testing is more available it will be added to the policy. Ms. Braccio raised multiple concerns regarding vacation time carryover, working from home when asymptomatic and the fact that the Personnel Board had not reviewed it. Mr. Purple stated he feels the policy reflects current language and provisions the SAP allows. Ms. Braccio requested the Personnel Board review the document and provide feedback. Mr. Purple agreed to do so.

Discussion of Town-wide mailing, RE: Resources available to residents/businesses during COVID-19

Mr. Healey stated a member of the Community Fund reached out to a number of Town government entities to ensure the needs by residents were not underestimated. He had multiple meetings with representatives from the Food Pantry, Senior Center, Board of Health, Community Fund, Southborough Youth and Family Services and the Town Administrator. There is concern that a segment of the population may be currently in need without access to internet to understand where to get help. They agreed to create a town-wide mailing with a summary of services and how to get them from these agencies. The Community Fund indicated they would fund it. Ms. Braccio thanked Mr. Healey and asked that the printing be done in Town to support a local business. Mr. Healey agreed. Mr. Stivers asked if there was discussion to include the ways to donate in the flyer. Mr. Healey said there was and they would be including it. Mr. Healey made a motion to approve the Town sending a mailing to each resident as described.

Chairman Shea seconded. Mr. Kolenda stated they have not seen or reviewed the mailing but trusts Mr. Healey's judgement. Mr. Healey stated it will be sent to the Board to review prior to mailing. The motion passed all in favor (5-0-0) by roll call vote, Shea, aye; Healey, aye; Braccio, aye; Kolenda, aye; Stivers, aye.

VI. Other Matters Properly Before the Board

Assignment of Board member for negotiation of successor contract for Finance Director

Chairman Shea stated Mr. Ballantine's contract is expiring and asked for a volunteer to meet with him to discuss. Mr. Healey volunteered. The Board agreed with Mr. Healey participating in these discussions.

Discussion of use of Town emails for officials conducting Town business; Email Use Policy

Mr. Purple stated that the MTC discussed updating the email policy at their last meeting. He added there was concern raised by the Planning Board that people were not using their town email to conduct town business. Mr. LaFlamme stated that the contents of emails are subject to the same retention policies as physical memos. He said when he started his job in Southborough he suggested town emails be created for all employees and board and committee members. Mr. LaFlamme added that it would protect the town and the employee or volunteer from opening up their personal accounts for discovery if a public records request was submitted. He reviewed the updates made to the current policy. Mr. Healey stated that he would like to see language that states that those using their personal email for town business is not in compliance. Mr. LaFlamme agreed and stated he does not have the capacity to manage people's requests for emails to go to their personal account. Chairman Shea replied that all correspondence from him, through the Board or a Board appointed committee should be done solely through town email. Mr. Healey made a motion to approve the email use policy with the revisions to include any person not using town email for town business is not in compliance and a change is section three for clarity. Ms. Braccio seconded. The motion passed all in favor (5-0-0) by roll call vote, Shea, aye; Healey, aye; Braccio, aye; Kolenda, aye; Stivers, aye.

List of reappointments of staff positions for Fiscal Year 2021

Chairman Shea stated the list included in the packet is for review and inclusion on the consent agenda for the May 19th meeting. Mr. Stivers stated it is worthwhile to look at how the Town buys legal services and look at other potential opportunities. He added that he is not saying Special and Town Counsel are not doing a good job. Mr. Kolenda stated that Town Counsel was being singled out and shared his opinion about how well the Town has been served by him. He stated that all consulting services should be looked into if the Board decided to do this for Town Counsel. He added that he does not support Mr. Stivers' request. Mr. Healey stated it is a worthy topic for discussion.

VII. Public Comment

None

VIII. On a motion made by Mr. Kolenda, seconded by Mr. Stivers and voted by roll call all in favor (4-0-0), Shea, aye; Healey, aye; Kolenda, aye; Stivers, aye, the meeting was adjourned at 9:11 P.M.

Upcoming Meetings
May 19, 2020
June 2, 2020

Respectfully submitted,

Kathleen Barry, Recording Secretary

List of Documents referred to at the May 5, 2020 BOS Meeting:

- Metrowest Daily News Listing of Liquor License Multiple Amendments Public Hearing Notice
- Letter from Arthur Pearlman to BOS re: B.K.P., Inc dated 3.31.20
- Application for Multiple Amendments, Alcoholic Beverages Control Commission
- Metrowest Daily News Listing of Public Hearing Notice dated 4.21.20
- Letter from Robert Leonida, National Grid to BOS dated 2.7.20
- Petition for Manhole and Duct Locations dated 2.7.20
- June 13, 2020 Annual Town Meeting Record
- Draft Regular Session Minutes, April 21, 2020
- Draft Board of Selectmen COVID-19 Pandemic Policies: Facilities, Staffing, Leave and Return to Work
- Memorandum from Melissa Danza to BOS and Mark Purple re: 2019 Open Space and Recreation Plan Approval dated 4.23.20
- Letter to MA Executive Office of Energy and Environmental Affairs Federica Gillespie to re: Open Space and Recreation Plan dated 3.18.20
- Letter from Karin Quinn to Mark Purple re: Use of Town email addresses and Email Policy dated 4.28.20
- Letter from Tom Laflamme to Karina Quinn and Sarah Hoecker re: Invitation Sent by Error dated 4.17.20
- 2018 Email Use Policy
- Board of Selectmen Appointments FY21, May 5, 2020

2018

Email Use Policy

TECHNOLOGY DEPARTMENT
TOM LAFLAMME

Contents

1 Definition 2
2 Scope 2
3 Purpose 2
4 Use of Email 2
4.1 Email Communication amongst Board / Committee Members 3
4.2 Content 3
5 Email Distribution/Subscriber Lists 3
6 Retaining Email Messages 4
7 Email – Town Property 4
8 Confidentiality 4
9 Privacy 4
10 Authenticity 5
11 Unsolicited Email 5
12 Acknowledgement 6

1 Definition

- **Email** – Any message created or received on an electronic mail system, to include text and/or file attachments. (SPR Bulletin 1-99: "Electronic Mail")
    - https://www.sec.state.ma.us/arc/arcrmu/rmubul/bul199.htm

- **Staff** – refers to Employees, elected and appointed Board/Committee members, and paid or unpaid interns
- **Volunteers** – refers to technology users not included in "staff".
- **Town** – is used to refer the Town of Southborough

2 Scope

This policy is an overall guideline for email use.

This policy shall be reviewed by the Municipal Technology Committee annually. Any changes to this policy shall be presented to the Board of Selectmen for approval.

3 Purpose

This policy is intended to provide guidelines for the proper use of electronic mail (Email) by town employees, elected and appointed members of town boards and committees and other town officials (from this point forward referred to as staff). **These guidelines also apply to members of boards and committees who use personal/business email accounts to communicate with town employees and with other town board/committee members.**

These guidelines apply to the exchange of Emails related to town business and record keeping related to such Emails.

Email is subject to the requirements of the Public Records Law (Mass. Gen. Laws c. 66) and the Federal Freedom of Information Act.

- https://malegislature.gov/Laws/GeneralLaws/PartI/TitleX/Chapter66
- https://www.foia.gov/

All emails sent or received in the course of public service shall be considered a public record subject to legal discovery and record retention policies.

4 Use of Email

Email accounts are provided only while a user is employed by the Town or appointed to select boards/committees. Once a user's employment/appointment ends, he/she may no longer access the contents of his/her mailboxes.

The content of such mailboxes remains public record. As such, the Town reserves the right to retrieve contents without consulting the former user. This may include reassigning the mailbox to another user.

Additionally, upon deactivation of a mailbox, it will be archived in its entirety for a period not less than 7 years.

Email may be used by staff to exchange information on Town matters. Incidental personal use of Email is permitted in accordance with section 5.3, but subject to monitoring, archival, and public records search.

4.1 Email Communication amongst Board / Committee Members

In addition to the Public Records Laws, the Open Meeting Law also applies to email communication between members of the same board or committee. As such, care must be taken to avoid violation of Open Meeting Laws by serial communications between members.

Certain types of "housekeeping" matters may be communicated via-Email, such as the distribution of materials, correspondence, agendas and reports.

Matters of substance pending before a board shall not be discussed in an Email by a board member to a quorum of members regardless of whether the Email is sent simultaneously or serially.

Meeting agendas may be discussed by email to confirm scheduling, availability and/or to disclose topical information relevant to an agenda item.

Agendas may be distributed by email when requested by members of the public, committee or board members and may be abbreviated versions that identify the appointments on the meeting schedule and should be considered drafts.

4.2 Content

Town issued Electronic mail accounts shall never be used for any of the following:

- Intentional and unauthorized access to another person's email;
- Sending "spam", chain letters, or any other type of unauthorized widespread distribution of unsolicited mail;
- Use of email for commercial activities or personal gain;
- Creation and use of a false or alias email address in order to impersonate another or send fraudulent communications;
- Illegal activity, including but not limited to, the transmission of copyrighted or trade secret material, the transmission of obscene, defamatory, or threatening material, or the propagation of any type of criminal activity.
- Creation of offensive or disruptive messages or images. Among those things which are considered offensive are any messages or images which contain sexual implications, racial slurs, gender-specific comments, or any other comment that offensively addresses someone's age, sexual orientation, religious or political beliefs, national origin or disability.
- Campaigning on behalf of any candidate or ballot initiating.

5 Email Distribution/Subscriber Lists

Many of the Town's boards, committees, and departments have email lists which members have subscribed to. These lists shall only be used for official message distribution within the list's scope. For example, the only valid use of the Board of Selectmen Agenda subscriber list is to send Board of Selectmen Agendas.

The Town Administrator or Board of Selectmen Chairperson may authorize an exception to this rule in an emergency event where rapid distribution of information to the broadest audience possible is

required. In such cases, the message must contain a clear disclaimer informing the recipients why the list(s) where used.

The Town shall never sell or otherwise provide subscriber's email addresses to third parties, except in the furtherance of the purpose(s) for which the email address was provided to the Town. Any such third party shall be contractually bound to the privacy provisions of the Town.

6 Retaining Email Messages

As of December 1, 2016, Southborough has a practice of archiving ALL Email (regardless of content) sent and received by users on the Town Email system for a period of 7 years. This Email can be retrieved even if deleted by the user or if the user account is deleted. However, all users shall be responsible for evaluating the content of each email message for its content and, if a longer retention period is applicable, taking appropriate actions to ensure appropriate retention. Such actions may include printing the message and filing the physical record, or saving an electronic copy where permitted.

Pursuant to a valid Public Records Requests for copies of information from an email account that is the personal property of an individual (to include his/her business or employer) must be provided.

If staff do not use the municipal email system then they are responsible for full compliance of records retention themselves, including potentially being subject to a public record request on a personal or work email account.

7 Email – Town Property

An Email account is provided to selected staff for use in their work and are to be used primarily for town business only (incidental personal use is allowed). Such email and any related online services are the property of the Town of Southborough and as such may be inspected at any time.

8 Confidentiality

Email should be viewed as an unsecured mode of communication. It is strongly recommended that all documents deemed confidential be encrypted in order to protect the integrity of the communication. **Staff should never assume that Email messages are personal or confidential.**

Any encrypted documents must be usable even if the originator is not available. For this reason, either the encryption key must be stored by the department manager in a secure location, or an unencrypted version of the document must be stored on the Town file server alongside the encrypted version.

9 Privacy

Not all Email records are public documents. For example, Emails containing employee personnel file data or medical history of an employee are examples of information that should never be released without proper consent. Other types of Emails and/or attachments such as litigation documents, settlement agreements, etc. may be considered confidential and private until such time that the matter is resolved and becomes a matter of public record. Such Emails are not subject to release under the Freedom of Information Act.

It is recommended that the Subject Line of any such messages include “PRIVATE” or “CONFIDENTIAL” in order to facilitate the scanning of emails, either manually or by an automated process.

10 Authenticity

Due to the inherent nature of Email, it is not secure and can be altered or changed by any person sending or receiving information.

11 Unsolicited Email

While the Town does utilize a SPAM filtering program, some unwanted emails may get through. Unsolicited Email received from the Internet should not be opened. The user should delete the message immediately. Never open an attachment, especially if you do not know the source or are not expected an attachment. Opening unknown attachments could initiate a virus.

12 Acknowledgement

I have read the Town of Southborough Information Technology Email Use Policy and understand its terms and conditions.

I have been given a copy of this policy and I agree to abide by this policy. I understand that my failure to abide by the policy may result in disciplinary action, up to and including termination of my employment and or fines to recoup losses incurred by my abuse of this policy.

Print Name:_____

Signature:_____

Date:_____

To be included in employee's personnel file.

The Commonwealth of Massachusetts
Alcoholic Beverages Control Commission
95 Fourth Street, Suite 3, Chelsea, MA 02150-2358
www.mass.gov/abcc

APPLICATION FOR MULTIPLE AMENDMENTS

Please select all of the amendments you are applying for:

☐ **CHANGE OF CATEGORY**

DOR Certificate of Good Standing
DUA Certificate of Compliance
Change of Category Application
Vote of the Corporate Board
Abutter's Notification*
Advertisement*
Monetary Transmittal Form
$200 fee via ABCC website and Payment Receipt

☐ **CHANGE OF LICENSE TYPE**

Change of License Type Application
Vote of the Corporate Board
Advertisement*
Monetary Transmittal Form
$200 fee via ABCC website and Payment Receipt

☐ **CHANGE OF CORPORATE STRUCTURE**

DOR Certificate of Good Standing
DUA Certificate of Compliance
Change of Corporate Structure Application
Business Structure Documents
If Sole Proprietor, **Business Certificate**
If partnership, **Partnership Agreement**
If corporation or LLC, **Articles of Organization** from the Secretary of the Commonwealth
Vote of the Corporate Board
Monetary Transmittal Form
$200 fee via ABCC website and Payment Receipt

☐ **CHANGE OF CLASSIFICATION**

DOR Certificate of Good Standing
DUA Certificate of Compliance
Change of Classification Application
Vote of the Corporate Board
Abutter's Notification*
Advertisement*
Monetary Transmittal Form
$200 fee via ABCC website and Payment Receipt

**If abutter notification and advertisement are required for transaction, please see the local licensing authority.*

The Commonwealth of Massachusetts
Alcoholic Beverages Control Commission
95 Fourth Street, Suite 3, Chelsea, MA 02150-2358
www.mass.gov/abcc

APPLICATION FOR MULTIPLE AMENDMENTS

Please select all of the amendments you are applying for(continued):

☒ **CHANGE OF OFFICERS/DIRECTORS/LLC MANAGERS**

DOR Certificate of Good Standing
DUA Certificate of Compliance
Change of Officers/Directors Application
CORI Authorization Complete one for the proposed manager of record. This form **must** be *notarized with a stamp or raised seal.*
Business Structure Documents
If Sole Proprietor, **Business Certificate**
If partnership, **Partnership Agreement**
If corporation or LLC, **Articles of Organization** from the Secretary of the Commonwealth
Vote of the Entity Board
Monetary Transmittal Form
$200 fee via ABCC website and Payment Receipt

☐ **CHANGE OF OWNERSHIP INTEREST (e.g. LLC Members, LLP Partners, Trustees etc.)**

DOR Certificate of Good Standing
DUA Certificate of Compliance
Change of Officers/Directors Application
Financial Statement
CORI Authorization Complete one for the proposed manager of record. This form **must** be *notarized with a stamp or raised seal.*
Business Structure Documents
If Sole Proprietor, Business Certificate
If partnership, **Partnership Agreement**
If corporation or LLC, Articles of Organization from the Secretary of the Commonwealth
Vote of the Entity Board
Purchase and Sale Agreement
Supporting Financial Records
Advertisement*
Monetary Transmittal Form
$200 fee via ABCC website and Payment Receipt

☒ **CHANGE OF STOCK INTEREST (e.g. New Stockholders or Transfer or Issuance of Stock)**

DOR Certificate of Good Standing
DUA Certificate of Compliance
Change of Officers/Directors Application
Financial Statement
CORI Authorization Complete one for the proposed manager of record. This form **must** be *notarized with a stamp or raised seal.*
Business Structure Documents
If Sole Proprietor, Business Certificate
If partnership, **Partnership Agreement**
If corporation or LLC, Articles of Organization from the Secretary of the Commonwealth
Vote of the Entity Board
Purchase and Sale Agreement
Supporting Financial Records
Advertisement*
Monetary Transmittal Form
$200 fee via ABCC website and Payment Receipt

**If abutter notification and advertisement are required for transaction, please see the local licensing authority.*

The Commonwealth of Massachusetts
Alcoholic Beverages Control Commission
95 Fourth Street, Suite 3, Chelsea, MA 02150-2358
www.mass.gov/abcc

APPLICATION FOR MULTIPLE AMENDMENTS

Please select all of the amendments you are applying for(continued):

☐ **CHANGE OF CORPORATE NAME OR DBA**

DOR Certificate of Good Standing
DUA Certificate of Compliance
Change of Corporate Name/DBA Application
Business Structure Documents
If Sole Proprietor, **Business Certificate**
If partnership, **Partnership Agreement**
If corporation or LLC, **Articles of Organization** from the Secretary of the Commonwealth
Vote of the Corporate Board
Monetary Transmittal Form
$200 fee via ABCC website and Payment Receipt

☒ **CHANGE OF PLEDGE OF LICENSE, STOCK OR INVENTORY**

DOR Certificate of Good Standing
DUA Certificate of Compliance
Change of Pledge of License, Stock or Inventory Application
Pledge documentation
Promissory note
Vote of the Corporate Board
Monetary Transmittal Form
$200 fee via ABCC website and Payment Receipt

☒ **CHANGE OF MANAGER**

Change of Manager Application
CORI Authorization Complete one for the proposed manager of record. This form **must** be *notarized with a stamp or raised seal.*
Vote of the Entity Board.
Proof of Citizenship. Passport, birth certificate, voter registration, or naturalization papers will be accepted.
Monetary Transmittal Form
$200 fee via ABCC website and Payment Receipt

**If abutter notification and advertisement are required for transaction, please see the local licensing authority.*

The Commonwealth of Massachusetts
Alcoholic Beverages Control Commission
95 Fourth Street, Suite 3, Chelsea, MA 02150-2358
www.mass.gov/abcc

APPLICATION FOR MULTIPLE AMENDMENTS

Please select all of the amendments you are applying for(continued):

☐ **CHANGE OF LOCATION**

Alteration of Premises/Change of Location Application
Vote of the Corporate Board
Supporting financial records
Legal Right to Occupy This is either a lease or deed.
Floor Plan
Abutter's Notification*
Advertisement*
Monetary Transmittal Form
$200 fee via ABCC website and Payment Receipt

☐ **ALTERATION OF PREMISES**

Alteration of Premises/Change of Location Application
Vote of the Corporate Board
Supporting financial records
Legal Right to Occupy This is either a lease or deed.
Floor Plan
Abutter's Notification*
Advertisement*
Monetary Transmittal Form
$200 fee via ABCC website and Payment Receipt

☐ **MANAGEMENT AGREEMENT**

DOR Certificate of Good Standing
DUA Certificate of Compliance
Management Agreement
Vote of Corporate Board

**If abutter notification and advertisement are required for transaction, please see the local licensing authority.*

The Commonwealth of Massachusetts
Alcoholic Beverages Control Commission
95 Fourth Street, Suite 3, Chelsea, MA 02150-2358
www.mass.gov/abcc

APPLICATION FOR MULTIPLE AMENDMENTS

Please select all of the amendments you are applying for(continued):

Non-Profit Club's ONLY

e.g. Veteran's Club

☐ ***Non-Profit Club*** **CHANGE OF OFFICERS/DIRECTORS**

DOR Certificate of Good Standing
DUA Certificate of Compliance
Change of Officers/Directors Application
Business Structure Documents-Articles of Organization from the Secretary of the Commonwealth
Vote of the club signed by an approved officer
Monetary Transmittal Form
$200 fee via ABCC website and Payment Receipt

☐ ***Non-Profit Club*** **CHANGE OF MANAGER**

Change of Manager Application
CORI Authorization Complete one for the proposed manager of record. This form **must** be *notarized with a stamp or raised seal.*
Vote of the club signed by an approved officer.
Updated Officers and Directors*
*Please ensure to update your officers and directors ***simultaneously*** or **PRIOR** to applying for a change of manager. It will be returned with no action taken if the officers and directors do not match ABCC records.
Proof of Citizenship. Passport, birth certificate, voter registration, or naturalization papers will be accepted.
Monetary Transmittal Form
$200 fee via ABCC website and Payment Receipt

The Commonwealth of Massachusetts
Alcoholic Beverages Control Commission
95 Fourth Street, Suite 3, Chelsea, MA 02150-2358
www.mass.gov/abcc

APPLICATION FOR MULTIPLE AMENDMENTS

1. BUSINESS ENTITY INFORMATION

Entity Name	Municipality	ABCC License Number
B.K.P., Inc.	Southborough	00011-PK-1216

Please provide a narrative overview of the transaction(s) being applied for. On-premises applicants should also provide a description of the intended theme or concept of the business operation. Attach additional pages, if necessary.

The current owner of the corporation is selling his ownership interest to his son and nephew and in conjunction with that sale there will be a change of officers, directors, stockholders and manager on the liquor license from Ramanbhati K. Patel, the current owner, to Hitendra R. Patel and Darshak V. Patel, the new owners.

APPLICATION CONTACT

The application contact is the person who should be contacted with any questions regarding this application.

Name	Title	Email	Phone
Arthur M. Pearlman	Attorney	ampesq8@gmail.com	508-875-1500

2. AMENDMENT-Change of License Classification

☐ **Change of License Category** All Alcohol, Wine and Malt, Wine Malt and Cordials	Last-Approved License Category	
	Requested New License Category	
☐ **Change of License Class** Seasonal or Annual	Last-Approved License Class	
	Requested New License Class	
☐ **Change of License Type*** i.e. Restaurant to Club *Certain License Types CANNOT change once issued*	Last-Approved License Type	
	Requested New License Type	

3. AMENDMENT-Change of Business Entity Information

☐ **Change of Corporate Name**	Last-Approved Corporate Name:	
	Requested New Corporate Name:	
☐ **Change of DBA**	Last-Approved DBA:	
	Requested New DBA:	
☐ **Change of Corporate Structure** LLC, Corporation, Sole Proprietor, etc	Last-Approved Corporate Structure	
	Requested New Corporate Structure	

4. AMENDMENT-Pledge Information

☒ **Pledge of License**
☐ **Pledge of Inventory**
☐ **Pledge of Stock**

To whom is the pledge being made: The Provident Bank

5. AMENDMENT-Change of Manager

☒ **Change of License Manager**

A. MANAGER INFORMATION

The individual that has been appointed to manage and control the licensed business and premises.

Proposed Manager Name: Hitendra R. Patel

Residential Address: 13 Wescott Drive, Hopkinton, MA 01748

Email:

Please indicate how many hours per week you intend to be on the licensed premises: 40

Last-Approved License Manager: Ramanbhati K. Patel

B. CITIZENSHIP/BACKGROUND INFORMATION

Are you a U.S. Citizen?* ◉ Yes ○ No *Manager must be a U.S. Citizen

If yes, attach one of the following as proof of citizenship US Passport, Voter's Certificate, Birth Certificate or Naturalization Papers.

Have you ever been convicted of a state, federal, or military crime? ○ Yes ◉ No

If yes, fill out the table below and attach an affidavit providing the details of any and all convictions. Attach additional pages, if necessary, utilizing the format below.

Date	Municipality	Charge	Disposition

C. EMPLOYMENT INFORMATION

Please provide your employment history. Attach additional pages, if necessary, utilizing the format below.

Start Date	End Date	Position	Employer	Supervisor Name
			See Additional Information Page	

D. PRIOR DISCIPLINARY ACTION

Have you held a beneficial or financial interest in, or been the manager of, a license to sell alcoholic beverages that was subject to disciplinary action? ◉ Yes ○ No If yes, please fill out the table. Attach additional pages, if necessary,utilizing the format below.

Date of Action	Name of License	State	City	Reason for suspension, revocation or cancellation
2019	Kenny Liquors, Inc.	MA	Framinghar	Sale to a minor

I hereby swear under the pains and penalties of perjury that the information I have provided in this application is true and accurate:

Manager's Signature: H R Patel Date: 3/25/20

6. AMENDMENT-Change of Officers, Stock or Ownership Interest

☒ **Change of Officers/Directors** ☐ **Change of Ownership Interest (LLC Managers/LLP Partners, Trustees)** ☒ **Change of Stock (E.g. New Stockholder/ Transfer or Issuance of Stock)**

List all individuals or entities that will have a direct or indirect, beneficial or financial interest in this license (E.g. Stockholders, Officers, Directors, LLC Managers, LLP Partners, Trustees etc.). Attach additional page(s) provided, if necessary, utilizing Addendum A.

- The individuals and titles listed in this section must be identical to those filed with the Massachusetts Secretary of State.
- The individuals identified in this section, as well as the proposed Manager of Record, must complete a CORI Release Form.
- Please note the following statutory requirements for Directors and LLC Managers:
  On Premises (E.g.Restaurant/ Club/Hotel) Directors or LLC Managers - At least 50% must be US citizens;
  Off Premises(Liquor Store) Directors or LLC Managers - All must be US citizens and a majority must be Massachusetts residents.
- If you are a Multi-Tiered Organization, please attach a flow chart identifying each corporate interest and the individual owners of each entity as well as the Articles of Organization for each corporate entity. Every individual must be identified in Addendum A.

Name of Principal	Residential Address	DOB
Hitendra R. Patel	13 Wescott Drive, Hopkinton, MA 01748	

Title and or Pos ition	Percentage of Ownership	Director/ LLC Manager	US Citizen	MA Resident
Officer and Director	50%	(•) Yes ( ) No	(•) Yes ( ) No	(•) Yes ( ) No

Name of Principal	Residential Address	SSN	DOB
Dinak V. Patel	18 Wedgewood Drive , Hopki nton, MA 0174 8		

Title and or Position	Percentage of Ownership	Director/ LLC Manager	US Citizen	MA Resident
Director	50%	(•) Yes ( ) No	(•) Yes ( ) No	(•) Yes ( ) No

Name of Principal	Residential Address	SSN	DOB

Title and or Position	Percentage of Ownership	Director/ LLC Manager	US Citizen	MA Resident
		( ) Yes ( ) No	( ) Yes ( ) No	( ) Yes ( ) No

Name of Principal	Residential Address	SSN	DOB

Title and or Position	Percentage of Ownership	Director/ LLC Manager	US Citizen	MA Resident
		( ) Yes ( ) No	( ) Yes ( ) No	( ) Yes ( ) No

Name of Principal	Residential Address	SSN	DOB

Title and or Position	Percentage of Ownership	Director/ LLC Manager	US Citizen	MA Resident
		( ) Yes ( ) No	( ) Yes ( ) No	( ) Yes ( ) No

Name of Principal	Residential Address	SSN	DOB

Title and or Position	Percentage of Ownership	Director/ LLC Manager	US Citizen	MA Resident
		( ) Yes ( ) No	( ) Yes ( ) No	( ) Yes ( ) No

Additional pages attached? (•) Yes ( ) No

CRIMINAL HISTORY
Has any individual listed in question 6, and applicable attachments, ever been convicted of a State, Federal or Military Crime? If yes, attach an affidavit providing the details of any and all convictions. ( ) Yes (•) No

MANAGEMENT AGREEMENT
Are you requesting approval to utilize a management company through a management agreement? Please provide a copy of the management agreement. ( ) Yes (•) No

AMENDMENT-Change of Officers, Stock or Ownership Interest

6B. CURRENT OFFICERS, STOCK OR OWNERSHIP INTEREST

List the individuals and entities of the current ownership. Attach additional pages if necessary utilizing the format below.

Name of Principal	Title/Position	Percentage of Ownership
Ramanbhati K. Patel	Sole Officer and Director	100%

6A. INTEREST IN AN ALCOHOLIC BEVERAGES LICENSE

Does any individual or entity identified in question 6, and applicable attachments, have any direct or indirect, beneficial or financial interest in any other license to sell alcoholic beverages? Yes ☒ No ☐ If yes, list in table below. Attach additional pages, if necessary, utilizing the table format below.

Name	License Type	License Name	Municipality
Darshak V. Patel	Beer & Wine	D2 Convenience, Inc.	Ashland
Hitendra R. Patel	Beer & Wine	Ajay Variety Corp	Easton

6B. PREVIOUSLY HELD INTEREST IN AN ALCOHOLIC BEVERAGES LICENSE

Has any individual or entity identified identified in question 6, and applicable attachments, ever held a direct or indirect, beneficial or financial interest in a license to sell alcoholic beverages, which is not presently held? Yes ☒ No ☐
If yes, list in table below. Attach additional pages, if necessary, utilizing the table format below.

Name	License Type	License Name	Municipality
Hitendra R. Patel	Beer & Wine	Kenny Liquors, Inc.	Framingham
Hitendra R. Patel	Beer & Wine	Shanti Convenience, Inc.	Swansea

6C. DISCLOSURE OF LICENSE DISCIPLINARY ACTION

Have any of the disclosed licenses listed in question 6Aor 6B ever been suspended, revoked or cancelled?
Yes ☒ No ☐ If yes, list in table below. Attach additional pages, if necessary, utilizing the table format below.

Date of Action	Name of License	City	Reason for suspension, revocation or cancellation
2019	Kenny Liquors, Inc.	Framingham	Sale to a minor

Legal Notice of

PUBLIC HEARING

Town of Southborough

The Southborough Board of Selectmen shall hold a public hearing on Tuesday, May 5, 2020 at 6:45 p.m. in a virtual meeting, to consider a request for permission by Mass. Electric Company (National Grid) to locate manholes, wires, and ducts, including the necessary sustaining and protecting fixtures, along and across the public way at Deerfoot Rd to install pullbox off of P3, install conduit from P3 to pullbox then to transformer pad at 84 Main St. The meeting may be viewed by the public through a link located at https://www.southboroughtown.com/remotemeetings

Southborough Board of Selectmen April 21, 2020
MetroWest Daily Newspaper

Board of Selectmen Appointments FY21

May 5, 2020

Position	First Name	MI	Last Name	Title	Term Expires	Term length
Alternate Building Inspector	Peter	N.	Tartakoff		6/30/20	1
Animal Control Officer/Animal Inspector	Jennifer	A.	Condon		6/30/20	1
Assistant Electrical Inspector	Stephen	A.	Curtis		6/30/20	1
Assistant Electrical Inspector	John	F.	Nemensky		6/30/20	1
Assistant Town Accountant	Heidi		Lindsey		6/30/20	1
Assistant Town Administrator	Vanessa	D.	Hale		6/30/20	1
Assistant Treasurer/Collector	David	J.	Birri		6/30/20	1
Building Commissioner	Laurie		Livoli		6/30/20	1
Central Mass. Resource Recovery Committee	Karen	M.	Galligan	Town Representative	6/30/20	1
Economic Development Coordinator	Marijke	V.	Munsiff		6/30/20	1
Electrical Inspector	James	J.	Colleary		6/30/20	1
Ethics Commission Liaison	James		Hegarty		6/30/20	1
Director of Facilities	John	A.	Parent		6/30/20	1
Fence Viewer	Paul	O.	Smith		6/30/20	1
Field Driver	Robert	C.	Lagasse		6/30/20	1
Fire Warden	Steven	E.	Achilles		6/30/20	1
Grant Coordinator	Heidi	A.	Kriger		6/30/20	1
HIPPA Privacy Officer	Vanessa	D.	Hale		6/30/20	1
Municipal Coordinator (Right-to-Know Law)	Steven	E.	Achilles		6/30/20	1
Municipal Hearing Officer	John	E.	Thorburn		6/30/20	1
Parking Clerk	Brian	P.	Ballantine		6/30/20	1
Phase II Stormwater Committee	Karen	M.	Galligan	Public Works Representative	6/30/20	1
Phase II Stormwater Committee	Paul	C.	Pisinski	Board of Health Representative	6/30/20	1
Police Department	Kenneth	M.	Paulhus	Chief of Police	6/30/20	1
Police Department	Kenneth	M.	Paulhus	Constable	6/30/20	1
Police Department	Kenneth	M.	Paulhus	Jail Keeper	6/30/20	1
Police Department	Ryan		Newell	Lieutenant	6/30/20	1
Police Department	Cindy		McLeod	Police Business Administrator	6/30/20	1
Police Department	Kyle	M.	DeVincent	Communications Officer	6/30/20	1
Police Department	David	J.	Maida	Communications Officer	6/30/20	1
Police Department	Brittney		Remillard	Communications Officer	6/30/20	1
Police Department	Robyn	E.	Richards	Communications Officer	6/30/20	1
Police Department	Charles	R.	Goodwin	Part-time Dispatcher	6/30/20	1
Police Department	Emily		Brogie	Part-time Dispatcher	6/30/20	1
Police Department	Stephanie		Fontaine	Part-time Dispatcher	6/30/20	1

Board of Selectmen Appointments FY21

May 5, 2020

Police Department	John		Terranova	Part-time Dispatcher	6/30/20	1
Police Department	David		Hagen	Special Officer	6/30/20	1
Police Department	Jennifer	A.	Condon	Special Officer	6/30/20	1
Police Department	Kyle	M.	DeVincent	Special Officer	6/30/20	1
Police Department	Richard	L.	Mattioli	Special Officer	6/30/20	1
Police Department	David	J.	Maida	Special Officer	6/30/20	1
Police Department	Jane	T.	Moran	Special Officer	6/30/20	1
Police Department	Rev. James	B.	Flynn	Chaplain	6/30/20	1
Police Department	Jeffrey		Norton	Student Officer	6/30/20	1
Procurement Officer	Mark	J	Purple		No Exp.	1
Sexual Harassment Officer	Gregory	A.	Manousos		6/30/20	1
Special Legal Counsel	Tim		Norris		6/30/20	1
Special Legal Counsel	Lisa	L.	Mead		6/30/20	1
Superintendent of Public Works	Karen	M.	Galligan		6/30/20	1
Town Counsel	Aldo	A.	Cipriano		6/30/20	1
Tree Warden	Christopher	B.	Leroy		6/30/20	1
Veterans' Grave Officer	Stephen	W.	Whynot		6/30/20	1

Board of Selectmen COVID-19 Pandemic Policies: Facilities, Staffing, Leave and Return to Work

Discussion Draft: 4/27/20

Approved: [Date], 2020

This policy replaces the "*Board of Selectmen Policy on Staffing of Departments During COVID-19 Pandemic*" as approved on March 19. 2020.

This policy is enacted as part of the Town of Southborough's emergency declaration and as a response to the need to protect public health and prepare Town employees and systems to maintain essential functions.

1. **Applicability:** The following policy is effective as of [Date], 2020 and will continue until further notice. The policy applies to all permanent full-time and part-time employees of the Town [excluding the School Department]. At this time, and with the exception of the Return to Work ("RTW") policies in Section 11 below which apply to all Town employees, staff in the Fire Department, Police Department, Facilities Department and DPW are to follow staffing guidelines and procedures issued by their respective supervisors.
2. **Facilities Access:** The Town House, Cordaville Hall, Library, South Union School, Public Safety and the Department of Public Works facilities (with the exception of the Transfer Station) will be **closed to the public**, however they will **remain open for staff** as described below**.**
3. **Updating Contact Information:** Department Heads should reach out to your employees for their most up-to-date personal contact information in the event of need for emergency contact. Please send that list and any ongoing updates to Lori Esposito as soon as possible: lesposito@southboroughma.com.
4. **Work from Home (WFH) Categorization:** All personnel shall be directed to work from home (WFH) primarily or completely, unless otherwise dictated by this policy. Prioritization for WFH duties will follow the following categorization and as approved by the Board of Selectmen:
    a. **Fully on-site -** These employees' job functions are not conducive to WFH and in order to provide continuity of services during the declared emergency, these employees are expected to be physically present unless otherwise specified by their Department Head and the Emergency Management Director [the Fire Chief].
    b. **Partially off-site** - These employees will be providing continuation of critical services during the declared emergency with WFH as the primary modality of work, but with some physical presence required at times when workflow needs arise. Most employees will fall into this category in an effort to reduce the amount of on-site hours required per person.
    c. **Fully off-site -** These employees will assist in continuity of services during the declared emergency, but should do so from home. Department Heads will be directing workflow for these employees during this period in order to maximize the Town's ability to return to normalcy at the end of the declared emergency and to meet work product requirements dictated by existing contracts, deadlines or other project or customer service needs. These employees may come into work

DRAFT

for a brief period of time as the need arises (e.g., picking up a document) for assisting in their off-site work.

5. **Remote Access Infrastructure:** The Town will provide all personnel eligible to WFH with the required digital access resources commensurate with the job functions being discharged on a case-by-case basis.

6. **Flexible Staffing:** To the extent needed, the Town may require the temporary shifting of workloads of certain staff members in order to meet the goals of mitigating the declared emergency. Such shifts will only happen following an informed discussion with each affected Department Head and employee.

7. **Employee Payment & Use of Time Off:** All employees will continue to be paid on a regular schedule during the declared emergency, without a requirement to use personal time off allotments, regardless of WFH categorization or health status. Employees eligible for WFH are expected to be in continuous communication with their supervisors regarding assigned workflow and be on-call during all regular work hours should the need arise for their services at municipal facilities.

8. **Discretionary Travel:** Employees who are unavailable to be on call or to report for remote work due to travel or vacation will be required to use Vacation or Personal time for such travel or vacation.

9. **Vacation Policy:** In general, the Town is discouraging all out-of-region personal travel. Individuals returning from travel on an airplane or through an airport [or other situations where groups exceeding 25 people are gathered] are expected to self-quarantine for a period of 14 days. This self-quarantine period also applies to employees who are currently out-of-region and who have not yet returned. Going forward, employees seeking vacation time will require Department Head approval. Any approved vacation time going forward may require the use of vacation, personal or sick leave to cover the required quarantine time. Questions on this policy can be directed to the Town Administrator. Additionally, employees are reminded to be mindful of vacation carryover limits; use of vacation time is still encouraged [with approval] so that employees can both take some time away from work as well as taking care to not have to forfeit time based on current policy.

10. **Leave Guidance:** The information below reflects the requirements of the Families First Coronavirus Response Act ("FFCRA")—including new paid sick time requirements for specified reasons related to COVID-19. A separate summary of key provisions of the FFCRA is being provided to all employees, and the same shall be posted in a conspicuous place in all Town buildings. Any questions regarding the applicability of the new leave provisions should be directed to the Town Administrator or the Assistant Town Administrator. For employees in the following categories, the policies are as follows:

    a. **Asymptomatic employees who have not received written direction from a medical professional or public health official to self-quarantine but who have concern about exposure to COVID-19:** Employees in this category should contact the Board of Health to address questions about COVID-19. After this conversation, if the employee chooses to be absent from work, the employee must use accrued personal, vacation or compensatory time for up to 10

consecutive working days of such absence. Sick time may not be used for such an absence. If the employee elects to remain out of work in excess of 10 consecutive working days, the employee must contact the Town Administrator for further discussion of this situation.

b. **Asymptomatic employees who have not tested positive for COVID-19 and who have been directed by a medical professional or local, state or federal public health official to self-quarantine due to potential exposure to COVID-19:** An employee who is asymptomatic and is under a direction to self-quarantine (and who provides appropriate written documentation of the direction to self-quarantine), is expected to "telework" to the extent possible based on their job function. If telework is not appropriate or feasible for that job function, the employee may be assigned on-line training modules or other work that can be completed from home during the quarantine period. An employee who has been directed to self-quarantine (and who provides appropriate written documentation of the direction to self-quarantine) and who is unable to telework, or who is designated as an essential employee and is unable to report to work, shall remain out of work for the 14 calendar days of the quarantine period. Any employee in this situation who is unable to work and who qualifies for leave under the FFCRA will be placed on paid sick leave pursuant to the FFCRA for the 14 day period. If the employee exhausts his/her FFCRA paid sick leave allotment and has not been cleared for RTW, the employee should contact the Town Administrator or the Assistant Town Administrator to discuss additional paid leave possibilities. Such requests will be reviewed on a case by case basis. To the extent applicable, the time used in this situation will run concurrently with an employee's FMLA leave entitlement.

c. Employees who have tested positive for COVID-19: An employee in this situation, with appropriate written documentation, will remain away from their job until they are medically cleared, with written documentation, to RTW by AFC Clinic in Marlborough or their own health care provider. Such an employee with a documented case of COVID-19 will be placed on paid sick leave pursuant to the FFCRA for 14 calendar days or until a medical professional clears the employee to RTW, whichever occurs first. If the employee exhausts his/her FFCRA paid sick leave allotment and has not been cleared to RTW, the employee should contact the Town Administrator or the Assistant Town Administrator to discuss additional paid leave possibilities. Such requests will be reviewed on a case by case basis. To the extent applicable, the time used in this situation will run concurrently with an employee's FMLA leave entitlement.

d. **Employees caring for an individual who has tested positive for COVID-19:** An employee in this category, with appropriate medical documentation, may be eligible to use up to two weeks of paid sick leave under the FFCRA at two-thirds of the employee's regular rate of pay in accordance with the Federal legislation. For the purpose of this section, the individual being cared for includes an immediate family member, someone who regularly resides in the employee's home, or a similar person with whom the employee has a relationship that creates an expectation that the employee would care for the person if self-quarantined or isolated. Such employees, subject to agreement with the Town

Administrator, may supplement this paid sick leave by using accrued sick, vacation or personal time in accordance with applicable collective bargaining agreements or other Town policies. If such an employee exhausts the available FFCRA paid sick leave allotment, the employee may be entitled to use additional accrued time in accordance with applicable collective bargaining agreements or other Town policies. These employees should contact the Town Administrator or the Assistant Town Administrator for further discussion of this situation.

e. **Employees who have tested positive for contagious conditions other than COVID-19 or who experience other medical conditions requiring them to be away from work:** Employees in this category who need to be away from work will use their own accrued sick, vacation, personal or compensatory time in accordance with the respective collective bargaining agreement, personnel policy or employment agreement or FMLA.

f. **Employees who are deemed to be medically vulnerable to COVID-19:** Employees in this category who have been directed by medical personnel to remain in self-isolation to protect their health because of underlying health conditions should provide appropriate written documentation of this direction and contact the Town Administrator or the Assistant Town Administrator for further discussion of leave options or other options which may involve working from home.

g. **Employees who have a medically vulnerable individual at home:** Employees in this category who have been directed by medical personnel to remain in self-isolation to protect the health of a medically vulnerable family member in the household should provide appropriate written documentation of this direction and contact the Town Administrator or the Assistant Town Administrator for further discussion of leave options [which may or may not be subject to FFCRA] and other options which may involve working from home.

11. **Return to Work:** Any Town employee who tests positive for COVID-19, or who is suspected to have COVID-19, or who has self-quarantined due to close contact with an individual confirmed to have COVID-19, shall meet and adhere to the RTW criteria detailed below before he/she is permitted to RTW.

    a. **Healthcare Personnel and First Responders: Before Returning to Work** Healthcare Personnel and First Responders with confirmed COVID-19, or who have suspected COVID-19 (i.e., developed symptoms of a respiratory infection [including one or more of cough, sore throat, shortness of breath, fever] but did not get tested for COVID-19) shall not RTW until:

        - Resolution of fever without the use of fever-reducing medications **and**
        - Improvement in respiratory symptoms (e.g., cough, shortness of breath), **and**
            - Negative results of an FDA Emergency Use Authorized molecular assay for COVID-19 from at least two consecutive nasopharyngeal swab specimens collected ≥24 hours apart (total of two negative specimens).

              OR

- At least 3 days (72 hours) have passed *since recovery* (defined as resolution of fever without the use of fever-reducing medications **and** improvement in respiratory symptoms (e.g., cough, shortness of breath)); **and**,
- At least 7 days have passed *since symptoms first appeared.*

b. **Healthcare Personnel and First Responders: After Returning to Work**
After returning to the workplace, Healthcare Personnel and First Responders should:
- Wear a facemask at all times while at work until all symptoms are completely resolved or until 14 days after illness onset, whichever is longer.
- Be restricted from contact with severely immunocompromised patients (e.g., transplant, hematology-oncology) until 14 days after illness onset.
- Adhere to hand hygiene, respiratory hygiene, and cough etiquette in CDC's interim infection control guidance (e.g., cover nose and mouth when coughing or sneezing, dispose of tissues in waste receptacles).
- Self-monitor for symptoms, and get re-evaluation from a physician or an occupational health specialist if respiratory symptoms recur or worsen.

c. **All Other Town Employees:**
- Employees with **confirmed** COVID-19, or who have **suspected** COVID-19 (i.e., developed symptoms of a respiratory infection [including one or more of cough, sore throat, shortness of breath, fever] but did not get tested for COVID-19) shall not RTW until:
  - At least 3 days (72 hours) have passed since recovery (defined as resolution of fever without the use of fever-reducing medications and improvement in respiratory symptoms (e.g., cough, shortness of breath)); **and**,
  - At least 7 days have passed since symptoms first appeared; **and**
  - The Southborough Public Health Nurse has confirmed it is appropriate for RTW
- Employees ordered to self-quarantine due to potential exposure with an individual confirmed or suspected to be COVID-19 positive shall not RTW until:
  - At least 14 days have passed since the last date of exposure to the individual with COVID-19, and during the 14-day period the employee has remained asymptomatic.

12. Appropriate Documentation and Recordkeeping: Any employee seeking to take leave pursuant to the FFCRA must provide the following information prior to taking such leave: 1) the employee's name; 2) dates for which the employee is requesting leave; 3) the qualifying reason for leave; and 4) a written or oral statement certifying that the employee is unable to work. Where an employee or an individual that the employee is caring for has been advised by a health care provider to self-isolate or quarantine, the employee must provide the name of the health care provider who advised the employee or individual being cared for to take such action. Additionally, where an employee or an individual that the employee is caring for is subject to a government self-quarantine

or isolation order, the employee must provide the name of the governmental entity that issued such order.

The Town will retain such documentation for a period of four years, regardless of whether the leave is granted or denied. If the employee provides oral statements in support of such leave requests, the Town is required to document the oral statements for a period of four years.

13. **Additional Information:** Should any employee have concerns which have not been addressed above, they should contact the Town Administrator or the Assistant Town Administrator. If an employee has COVID-19 symptoms, they should not come to work and they should **call** their Department Head [who should directly report any absence due to illness of any type to the Town Administrator or the Assistant Town Administrator].

    Any employee with a medical condition affecting their work should send all doctor's notes and other required medical documentation to Vanessa Hale at vhale@southboroughma.com so this information can be maintained in employee secure medical files.

    If any employee is looking for additional support relative to dealing with COVID-19 or other medical conditions, the Town provides the following two Employee Assistance plans which have helpful phone, e-mail and digital options for supporting every employee during this difficult and stressful time:
    - https://allonehealth.com/MIIAEAP/
    - http://www.geraldlewis.com/compasseap.html

14. This policy is subject to change at any time.

Board of Selectmen Policy on Staffing of Departments During COVID-19 Pandemic

Approved: March 19, 2020

This policy is being enacted as part of the Town of Southborough emergency declaration and as a response to the growing need to protect public health and prepare town employees and systems to maintain essential functions.

1. **Applicability:** The following policy will start on March 16, 2020 and continue until the Local State of Emergency has been lifted. The policy applies to all permanent full-time and part-time employees of the Town. At this time, staff in the Fire, Police, Facilities and DPW are to follow staffing guidelines and procedures issued by their respective supervisors.
2. **Facilities Access:** The Town House, Cordaville Hall, Library, South Union School, Public Safety and the Department of Public Works facilities (with the exception of the Transfer Station) will be **closed to the public**, however they will **remain open for staff.**
3. **Updating Contact Information:** Department Heads should reach out to your employees for their most up-to-date personal contact information in the event of need for emergency contact. Please send that list to Lori Esposito as soon as possible: lesposito@southboroughma.com.
4. **Work from Home (WFH) Categorization:** All personnel shall be directed to work from home (WFH) primarily or completely, unless otherwise dictated by this policy. Prioritization for WFH duties will follow the following categorization and as approved by the Board of Selectmen:
    a. **Fully on-site -** These employees' job functions are not conducive to WFH and in order to provide continuity of services during the declared emergency, are expected to be physically present unless otherwise specified by their Department Head and Emergency Management Director.
    b. **Partially off-site** - These employees will be providing critical continuation of services during the declared emergency with WFH as the primary modality of work, with some physical presence required at times when workflow needs arise. Most employees will fall into this category in an effort to reduce the amount of in-person hours required per person.
    c. **Fully off-site -** These employees will assist in continuity of services during the declared emergency, but should do so from home. Department Heads will be directing workflow for these employees during this period in order to maximize the Town's ability to return to normalcy at the end of the declared emergency and to meet work product requirements dictated by existing contracts, deadlines or other project needs. Employees may come into work for a brief period of time as the need arises for assisting in their off-site work. (ex. picking up a document).
2. **Remote Access Infrastructure:** The Town will be providing all personnel eligible to WFH with the required digital access resources commensurate with the job functions being discharged on a case-by-case basis.

3. **Flexible Staffing:** To the extent needed, the Town may require the temporary shifting of workloads of limited staff members in order to meet the goals of mitigating the declared emergency. Such shifts will only happen as part of an informed discussion with each Department Head and employee.
4. **Employee Payment & Use of Time Off:** All employees will continue to be paid on a regular schedule during the declared emergency, without a requirement to use personal time off allotments, regardless of WFH categorization or health status. Employees eligible for WFH are expected to be in continuous communication with their supervisors regarding assigned workflow and be on-call during all regular work hours should the need arise for their services at municipal facilities.
5. **Discretionary Travel:** Employees who are unavailable to be on call or report on remote work due to travel or vacation will be required to use Vacation or Personal time.
6. **Vacation Policy:** In general, the town is discouraging any and all out-of-region travel. Individuals returning from travel on a plane or through an airport [or other situations where groups exceeding 25 people are gathered] are expected to self-quarantine for a period of 14 days. This applies to employees who are currently out-of-region and who have not yet returned. Going forward, employees seeking vacation time will require Department Head approval. Any approved vacation time going forward may require the use of vacation, personal or sick leave to cover the required quarantine time. Questions on this policy can be directed to the Town Administrator.
7. This policy is subject to change at any time.

TOWN OF SOUTHBOROUGH

BOARD OF SELECTMEN Meeting Minutes

Meeting Date: Tuesday, April 21, 2020, 6:30 P.M.
Location: Virtual meeting through Zoom
Present: Brian Shea, Marty Healey, Lisa Braccio, Daniel Kolenda, Sam Stivers and Town Administrator Mark Purple

I. Chairman Shea called the meeting to order at 6:30 P.M. Chairman Shea read the following statement:

Pursuant to Governor Baker's March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, §18, and the Governor's March 15, 2020 Order imposing strict limitation on the number of people that may gather in one place, this meeting of the Southborough Board of Selectmen will be conducted via remote participation to the greatest extent possible. Specific information and the general guidelines for remote participation by members of the public and/or parties with a right and/or requirement to attend this meeting can be found on the Town of Southborough's website, at https://www.southboroughtown.com/. For this meeting, members of the public who wish to watch or participate in the meeting may do so in the following manner by finding the meeting at: https://www.southboroughtown.com/remotemeetings. No in-person attendance of members of the public will be permitted, but every effort will be made to ensure that the public can adequately access the proceedings in real time, via technological means. In the event that we are unable to do so, despite best efforts, we will post on Southborough's website an audio or video recording, transcript, or other comprehensive record of proceedings as soon as possible after the meeting.

II. Scheduled Appointments

Brian Ballantine, Finance Director – Update on Fiscal Year 2021 budget

Mr. Ballantine gave an update on the effects of the COVID-19 crisis on the previously Board approved budget which included a loss of $300,000 in revenue and $184,000 added back in a positive manner in the expense side through removing the Library renovation, a $40,000 savings from one student withdrawing from Norfolk Country Agricultural High School and removing a budgeted position from the Finance Team. He said with the new estimated tax rate is 3.43%. He added that the State will be revising their proposed budget and once that is done, the proposed tax rate will be more accurate. Mr. Ballantine added that all the positions and services voted and approved by the Board previously, with the exception of the position from the Finance Department, remain in the budget. He asked the Board if a tax rate of 3.43% was acceptable and for requests for information needed for the Board to amend the budget.

Chairman Shea stated asked if the projections included in the packet assumed a return to pre-pandemic normalcy. Mr. Ballantine said he assumed a very slow return over the five-year projection. Mr. Stivers asked if it were feasible for the Board to hold off on budget amendment decisions until the State provides more information. Mr. Ballantine replied that he was unsure as the State is also unsure of the impact the COVID-19 crisis will have on their budget. Mr. Stivers stated he is hesitant to make budget cuts and asked for suggestions from Mr. Purple and Mr. Ballantine to bring the tax rate to 2.5%-3%.

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Mr. Healey asked if the scenarios requested during the previous budget discussions could be presented again with updated numbers. Mr. Purple replied that the previous request was a five-year projection with no deficits using fiscal discipline and suggested that could be done again. Mr. Healey stated some residents have indicated that they cannot bear a tax increase for this year and sked Mr. Purple and Mr. Ballantine to present a budget with a 0% tax increase. Mr. Purple stated he could work with the Finance Team to create a budget with a tax rate increase of 0%, 2.5% and any other suggested number. He asked for parameters to create the proposed budgets and for departments to work within. Mr. Healey clarified that he most likely will not support a 0% tax increase but felt it was important to present to residents. Mr. Kolenda stated he felt the exercise makes sense to conduct with the Advisory Board but is hesitant to present as an option at Town Meeting. He added that those present to vote may be a smaller number than normal and does not want to see a reckless option passed at Town Meeting.

Mr. Stivers asked for another scenario where there is no deficit in the levy limit moving forward. Ms. Braccio agreed and stated she would like to see the two scenarios previously mentioned for residents to understand their options. She asked Mr. Ballantine what percentage of the 3.43% is capital and he replied about 1.25%. She asked if receipts were available for reimbursement through FEMA for this fiscal year. Mr. Purple replied that it is unknown at this point but Ms. Kriger has been vigilant to ensure departments are keeping track of their expenses so all reimbursements will be ready for submittal as soon as the Town is able to do so. Mr. Ballantine agreed to creating a budget scenario with a 0% and 2.5% tax rate increase and a scenario that eliminates deficits over a five-year span.

Kathy Cook, Chair of Advisory stated that the Advisory Committee has not had a meeting but they will support the creation of a budget with a 0% tax increase. She also stated Advisory would like to analyze the results of the real estate tax receipts for an indication on delinquency and ability to pay. Ms. Cook stated the Committee supports the suggestion for departments to be careful on spending and would like to give the departments time to review the budgets and weigh in. She added that the Advisory Committee agrees with the Board except for the EDC budget.

III. Reports

Chairman's Report

Chairman Shea stated he had productive conference calls with the Trustees at Chestnut Hill Farm, Ms. Danza and Mr. Purple. He stated that the trails at Chestnut Hill Farm will be open to the public on Friday of this week. He added that the Trustees had valid concerns regarding residential use near active farmland where people and animals live in addition to problems with parking. There will be additional signage and fencing to rope off areas of the farm not open to the public. Parking signs will be added to prohibit anyone from parking on Chestnut Hill Farm Road which will be monitored by Police. Chairman Shea said that all guidelines shall remain and be followed from the Executive Orders. He thanked the Trustees for their positivity and cooperation throughout this process.

Chairman Shea stated Mr. Cimino will attend the May 5th meeting when they will discuss the date for Town Meeting. He has reached out to Mr. Hegarty to attend the meeting to recommend dates and processes for Town Elections.

Members' Reports

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Ms. Braccio said citizens in Town are doing wonderful things such as making masks and painting rocks with inspirational messages near Neary School and thanked everyone for their participation. She also thanked all of those on the front line including first responders, nurses and small businesses. She reminded the public to continue to support the Food Pantry as there is a greater need.

Mr. Healey stated that the additional funding for small businesses through the CARES Act was passed and it is available to apply through the Town website. He encouraged all small businesses to apply and reminded the public that Representative Dykema and Senator Eldridge had said this aid would be directed at small businesses like those located in Southborough. Mr. Healey stated the EDC has offered to assist with the application process and encouraged those in need to reach out.

Mr. Stivers stated that the new COVID-19 case numbers are starting to slow and encouraged Mr. Purple and the Board to begin to think about what should be considered to keep a safe and smooth restart process for opening the Town.

Mr. Stivers stated that he has heard that the public is grateful for the opportunity to participate in meetings through Zoom but encouraged the continued efforts to focus on opportunities for participation for those that lack the technology to comment. He added that he has observed a lack of social distancing at the Transfer Station and suggested opening more hours for people to go in order to lessen the crowds.

Mr. Kolenda said he has been to the Transfer Station many times over the last few weeks and noticed good social distancing practices. He said he's seen people wait to approach the recycling area until it is clear of people and he encourage the public to continue to do so. He encouraged the public to support local businesses through takeout and to thank our teachers for their work during the transition to remote learning. Mr. Kolenda also commended the Police and Fire Departments for their continued service to the Town. He encouraged residents to continue the birthday parades and highlighted the parade by St. Matthew's Parish for Father Flynn on Easter Sunday.

Chairman Shea asked the Board for their experiences at the Transfer Station. Mr. Kolenda, Mr. Healey and Ms. Braccio stated they have seen social distancing during their trips and do not feel the hours should be extended. Mr. Stivers added that he is not suggesting everyone is not social distancing but has seen people congregate more than they should.

<u>Town Administrator Report</u>

Mr. Purple stated that the Trottier Track has been open for walkers and there was an issue over the weekend with groups using the infield and sandpit for recreational purposes. The DPW is covering the sandpit and additional signs were added to the infield to make sure it is not used. Mr. Purple commended Mr. Davis for his quick action to solve the issues and keep the track open.

Mr. Purple was in contact with Mr. Harrington from the golf course and it is now open to walkers only. He asked that everyone stay away from the tee boxes and greens and there are no clubs allowed. He added that the parking lot will remain closed and that "walkers only" does not mean you can golf without a cart. Mr. Purple stated more signage will be posted.

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Mr. Purple said he and Ms. Hale had a conference call with the Public Health Nurse, Emily Amico and there are currently only two COVID-19 cases in isolation. He added that of the twenty cases in Town, eighteen have been released from isolation. He encouraged the public to do whatever can be done to maintain social distancing.

IV. Consent Agenda

a. Approve Open Session Minutes: April 7, 2020; April 10, 2020
b. Approve Arbor Day Proclamation 2020

Mr. Kolenda made a motion to approve open session minutes from April 7, 2020 and April 10, 2020 and to approve the Arbor Day Proclamation 2020 for discussion. Ms. Braccio seconded. Mr. Kolenda asked Chairman Shea to confirm that meetings could now include matters beyond COVID-19. Chairman Shea confirmed. Mr. Kolenda mentioned he has topics he would like to add to the next agenda. The motion passed unanimously by roll call vote (5-0-0). Roll Call: Shea, aye; Healey, aye; Braccio, aye; Kolenda, aye; Stivers aye.

V. Update on impact of COVID-19

Chairman Shea noted that the discussion of the impact of COVID-19 has been discussed throughout and asked the Board for any additional comments. There was none.

VI. Other Matters Properly Before the Board

Discussion of revisions to Selectmen policy on Working Remotely during COVID-19

Mr. Purple said he had been working with Ms. Hale and Mr. Stivers on a draft for the Board to review at this evening's meeting but it is not ready. He stated that the intention is to put policy standards for returning to work during the pandemic into the existing policy. He explained that Ms. Hale has been working with other communities to discuss language and process options. Mr. Stivers had created two distinct policies that created some overlap. He apologized for not having a draft this evening and he will be working with Ms. Hale and Mr. Stivers for a draft that has been reviewed by Attorney Cipriano for the next meeting.

Mr. Stivers explained that the gold standard for returning to work would be an antibody test for COVID-19. He said if it could be determined clinically that an individual is immune, the person could most likely return to work. He added that because of the uncertainty of availability and accuracy, an antibody test requirement or suggestion will be left out of the policy for now. Mr. Purple stated that they continue to follow the guidelines from the CDC and the Public Health Nurse. Ms. Hale added that the cases reported for Southborough do not include employees who are not residents. She stated that she speaks daily with the Public Health Nurse for guidance and surrounding Town Managers and Town Administrators for insight into their return to work policies.

Town Counsel recommendation on EDC request for use of Special Counsel

Chairman Shea made a motion to approve the recommendation for the propose outlined in the correspondence from Town Counsel. Mr. Stivers seconded for discussion. Chairman Shea clarified that the use of Special Counsel is funded out of the EDC grant and the Board is not voting to allow any funding outside of the grant. He stated the Board voted to be involved in this process and that the current COVID-19 crisis has made it difficult. He suggested the Board continue to work with various boards, committees and stakeholders to gather support. Mr. Kolenda stated the importance of the revitalization of downtown especially in what could be a serious economic downturn. Ms. Braccio asked why the EDC is using Special Counsel as opposed

to a consultant. Marijke Munsiff-Vegting explained that the original RFP was for three consultants and there were no responses. The Special Counsel they found is also Special Counsel for Southborough and that is why the EDC is asking for Board approval. The motion passed by roll call vote all in favor (5-0-0). Roll Call: Shea, aye; Healey, aye; Braccio, aye; Kolenda, aye; Stivers, aye.

Discussion of prioritized Town Meeting warrant articles

Chairman Shea asked for input from the Board regarding the option of streamlining the list of warrant articles to act on for Town Meeting and differ those that are not crucial for fiscal year 2021 until the fall Town Meeting. He explained with the current COVID-19 crisis, people may still be uncomfortable attending a spring Town Meeting. Mr. Kolenda stated it would be a disservice to the Town if this was not done. Mr. Healey agreed. Mr. Stivers asked for input from Mr. Purple and Mr. Ballantine as to what is needed to be approved from a fiscal standpoint during the upcoming Town Meeting. Mr. Purple agreed to work with Mr. Ballantine on a list of critical articles for approval and stated it may be advantageous to work with Mr. Cimino as well. He said utilizing the consent agenda was successful last year. Ms. Braccio stated that anything short of immediate articles needed for approval should be put of for fall Town Meeting. Chairman Shea said that Mr. Cimino is obligated to act on all the articles listed in the warrant. He said he would like the Board have a unanimous vote on a list of those articles needed for spring and those that can be deferred to fall to. He suggested the Board work with Mr. Cimino on these lists at the next meeting. The Board agreed.

VII. Public Comment

None

VIII. On a motion made by Chairman Kolenda, seconded by Mr. Healey and voted by roll call all in favor, Shea, aye; Healey, aye; Braccio, aye; Kolenda, aye; Stivers, aye, the meeting was adjourned at 7:52 P.M.

Upcoming Meetings
May 5, 2020
May 19, 2020

Respectfully submitted,

Kathleen Barry, Recording Secretary

List of Documents referred to at the April 21, 2020 BOS Meeting:

- Budget Status – March 2020
- BOS Regular Minutes, April 7, 2020
- BOS Regular Minutes, April 10, 2020
- Arbor Day Proclamation dated April 24, 2020
- Letter from Attorney Cipriano to Mark Purple re: Special Counsel Recommendation – EDC 4.2020 dated April 16, 2020
- Letter from Marijke Munsiff-Vegting to Mark Purple re: EDC Request to BOS Dated April 15, 2020
- EDC RFP #2020-01

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Annual Town Meeting Record

Article #	Article Description	Sponsor	Amount	Funding Source	Motion	Quantum of Vote	BOS	Advisory	Critical	Town Meeting Action	Date
1	Hear Committee Reports	Selectmen			Shea	Majority	Y	Y			
2	Acceptance of PILOT Payments	Selectmen			Healey	Majority	Y	Y	X		
3	Annual Borrowing authorization	Selectmen			Braccio	Majority	Y	Y	X		
4	Authorization of contracts in excess of 3 yrs.	Selectmen			Kolenda	Majority	Y	Y	X		
5	Salary Administration Plan	Personnel Board			Rosenbloom	Majority	Y	Y	X		
6	Amend borrowing authorization for PSB	Selectmen	($3,000,000)	Borrowing	Stivers	Majority	Y	Y	X		
7	Fiscal Year 2021 budget	Selectmen	$54,821,354	GF, Water, Ambulance, etc.	Shea	Majority	Y	Y as amended	X		
8	Fiscal Year 2021 Water Enterprise budget	Selectmen	$2,340,692	Enterprise	Shea	Majority	Y	ATM	X		
9	Capital Budget (Non-borrowing)	Selectmen	$617,000	GF, Water, Ambulance	Healey	Majority	Y	Y	X		
10	Capital Budget (Borrowing)	Selectmen	$600,000	Borrowing	Braccio	Two-thirds	Y	Y	X		
11	Payment to Retirees for Accrued Vacation and Sick Time	Selectmen	$28,000	General Fund	Kolenda	Majority	Y	Y	X		
12	Insurance Deductible account	Selectmen	$10,000	General Fund	Stivers	Majority	Y	Y	X		
13	Capital maintenance fund	Selectmen	$100,000	General Fund	Shea	Majority	Y	Y	X		
14	MSBA project for Finn School boiler	School Committee	$624,903	Borrowing	Keturah Martin	Two-thirds	Y	Y	X		
15	Annual authorization of revolving funds	Selectmen			Healey	Majority	Y	Y	X		
16	CPA - Administrative	CPA			Mills	Majority	Y	Y	X		
17	CPA - Burnett House bond	CPA	$85,437.50	CPA funds	Mills	Majority	Y	Y	X		
18	CPA - Library façade bond	CPA	$114,753	CPA funds	Mills	Majority	Y	Y	X		
19	CPA - Kallander Field project	CPA	$238,750	CPA funds	Mills	Majority	Y	ATM			
20	CPA - St. Mark's Church Bell Tower project	CPA	$300,000	CPA funds	Mills	Majority	ATM	ATM			
21	Adopt MGL to increase property exemptions	Selectmen			Braccio	Majority	Y	Y	X		
22	Bylaw - Increase qualification period for appointments	Selectmen			Kolenda	Majority	Y	Y			
23	Adopt MGL for speed limit in thickly settled areas	Selectmen			Stivers	Majority	Y	Y			
24	Adopt MGL to designate safety zones	Selectmen			Stivers	Majority	Y	N			
25	Adopt MGL to implement Local Meals Tax	Selectmen			Shea	Majority	Y	Y			
26	Bylaw - Southborough Public Accessibilty Committee	Selectmen			Healey	Majority	Y	ATM			
27	Adopt MGL for Saturday office hours	Town Clerk			Hegarty	Majority	Y	Y			
28	Zoning bylaw - Miscellaneous provisions (special permits, extensions, alterations)	Zoning Board of Appeals			Nicholson	Two-thirds	Y	ATM			
29	Zoning bylaw - Outdoor illumination	Planning Board			Hoolahan	Two-thirds	ATM	ATM			
30	Zoning bylaw - Site Plan review	Planning Board			Lutrell	Two-thirds	Y	ATM			
31	Citizen petition - Noise Bylaw	Peter Lapine, et al.			Lapine	Majority	N (4-1-0)	ATM			
32	Citizen petition - Plastics ban	Michael Weishan, et al.			Weishan	Majority	ATM	ATM			

ARTHUR M. PEARLMAN
Attorney at Law
Telephone (508) 875-1500 P.O. Box 2507 Telefax (508) 875-7843
Framingham, Massachusetts 01703-2507

March 31, 2020

Board of Selectmen
Town of Southborough
17 Common Street
Southborough, MA 01772-1662
Attention: Lori Esposito

Hand delivered/green box

Re: B.K.P., Inc.
d/b/a Fitzgerald General Store
110 Southville Road
Southborough, MA 01772

Dear Ms. Esposito:

The current sole owner, officer, director and manager (Ramanbhati K. Patel) is passing on the business to his son (Hitendra R. Patel) and his nephew (Darshak V. Patel). Enclosed please find the following documents in connection with the change of officers, directors, stockholders and manager on the liquor license as well as a Pledge of License to The Provident Bank:

1. Certificate of Good Standing from MA Department of Revenue;
2. Certificate of Compliance from MA Department of Unemployment Assistance;
3. Application for Multiple Amendments;
   a. Change of Officers/Directors (#6);
   b. Change of Stock Interest (#6);
   c. Pledge of License (#4); and
   d. Change of Manager (#5).
4. Financial Disclosure (#8);
5. Additional Information (cont. #5);
6. Monetary Transmittal Form with confirmation of payment;
7. Articles of Organization;
8. Statement of Change of Supplemental Information;
9. Stock Purchase and Sale Agreement;

10. Proposed Note to Seller;
11. Promissory Note to The Provident Bank;
12. Pledge of License;
13. Corporate Vote;
14. CORI Request Forms;
15. Passport;
16. Certificate of Naturalization; and
17. Applicant's Statement.

Kindly advise if anything else is required. When placing the legal notice in the newspaper, please contact my office and inform us as to the name of the newspaper and the date on which the ad will appear. Let me know if my attendance at a hearing is required. Thank you.

Very truly yours,

Arthur M. Pearlman

AMP:SMB
Enclosure(s)
C:\Users\Lisa\Desktop\Clients-Pearlman-2\Patel H Southborough B K P, Inc\Liquor License

Lori Esposito

From: Karina G. Quinn
Sent: Tuesday, April 28, 2020 7:05 PM
To: Mark Purple
Cc: dmorris51@verizon.net; Sarah Hoecker
Subject: Use of Town email addresses & Email Policy
Attachments: Email Policy.pdf; RE: SHOPC Meeting Tomorrow

Follow Up Flag: FollowUp
Flag Status: Completed

Hi Mark:
Thank you for bringing this to the BOS's attention at their upcoming meeting on 5/5/20. As discussed on the phone earlier today, there are continuing concerns Planning Board members have regarding the use of Town email addresses versus personal email addresses and the Email Policy. Some Planning Board members still use their own email address and do not feel comfortable with some of the language in the Email Policy. Some of these concerns would also relate to SHOPC and MPC members, some of whom also use their personal email addresses. The following are some of the specific concerns but there may be others:

1. The use of Town email addresses for Boards/Committees is not mandated based on the language in the Email Policy
2. Elected members are defined as staff/employees which then includes them in the disciplinary aspects with the same level of accountability as employees
3. How do new appointees to Boards/Committees know about the Email Policy, that they have a Town email address and how to set it up; some members are not aware of these things (see attached email from SHOPC member)
4. This has also come to light with the reserving of and use of "Remote Meetings with Public Participation" room. This meeting setup requires Tom Laflamme to facilitate the "meeting room" reservation and email the "invites" to the Zoom meeting to the panelists (board/committee members). He has indicated that he will only email to Town email addresses. Board/Committee members who do not use their Town email address do not receive the invite email. This has caused them to sign in to the zoom meeting via the Town website/remotemeetings but then are only recognized as public participants. I believe Tom has the ability to elevate their meeting status to "panelist" once they are in the meeting.
5. Has the Email Policy been reviewed by Town Counsel

If you can please add this to the BOS agenda for 5/5/20, it would be most helpful. Please let me know if you have any questions or need additional information.
Thanks,

Karina G. Quinn, P.E.
Town Planner
Town of Southborough
17 Common Street
Southborough, MA 01772
T: (508) 485-0710 ext.3028
www.southboroughtown.com

Be advised that the MA Secretary of State considers email a public record.

Town Copy

nationalgrid

February 7, 2020

RECEIVED
FEB 13 2020
Southborough Selectmen's Office

Town of Southborough
Board of Selectmen
17 Common Street
Southborough, MA 01772

To Whom It May Concern:

Enclosed please find a petition of NATIONAL GRID covering the installation of underground facilities.

If you have any questions regarding this permit, please contact:

Cut & Paste Job Owner's name and phone number from Work Support Sharepoint spreadsheet

If this petition meets with your approval, please return an executed copy to:

National Grid Contact: Wendy Paluch: 280 Melrose Street-3rd floor, Providence, RI

Very truly yours,

Robert Leonida

Robert Leonida: Distribution Design Supervisor
Supervisor, Distribution Design

Enclosures

From: Tom Laflamme
Sent: Friday, April 17, 2020 10:52 AM
To: Karina G. Quinn <kquinn@southboroughma.com>; Sarah Hoecker <shoecker@southboroughma.com>
Subject: RE: Invitation Sent By Error

Karina,

As I have mentioned in the past, I cannot manage who does not want to use the tools provided by the Town, and all Town business really should be conducted on the Town email. This is to protect the Board/Committee members and the Town should a records request be submitted. If business is being conducted via personal email, then their personal email accounts become subject to discovery.

Tom Laflamme
IT Manager
Town of Southborough
Office: 508-281-8978
Email: tlaflamme@southboroughma.com

From: Karina G. Quinn
Sent: Friday, April 17, 2020 10:46 AM
To: Sarah Hoecker <shoecker@southboroughma.com>
Cc: Tom Laflamme <tlaflamme@southboroughma.com>
Subject: RE: Invitation Sent By Error

Hi Sarah:
Please note that Tom's emails are not reaching all the PB members because of the email addresses, some still use personal email.

Karina G. Quinn, P.E.
Town Planner
Town of Southborough
17 Common Street
Southborough, MA 01772
T: (508) 485-0710 ext.3028
www.southboroughtown.com

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The Commonwealth of Massachusetts

Executive Office of Energy and Environmental Affairs
100 Cambridge Street, Suite 900
Boston, MA 02114

Charles D. Baker
GOVERNOR

Karyn E. Polito
LIEUTENANT GOVERNOR

Matthew A. Beaton
SECRETARY

Tel: (617) 626-1000
Fax: (617) 626-1181

March 18, 2019

Frederica Gillespie, Chair
Community Preservation Committee
Southborough Town House
17 Common Street
Southborough, MA 01772

Re: Open Space and Recreation Plan

Dear Ms. Gillespie:

Thank you for submitting the draft Open Space and Recreation Plan for Southborough to this office for review and compliance with the current Open Space and Recreation Plan Requirements. This plan was particularly thorough and has been conditionally approved through March 2026. Conditional approval will allow the town to participate in DCS grant rounds through March 2026, and a grant award may be offered to the town. However, no final grant payments will be made until the plan is completed.

1. Please review the entire plan and update as needed as it regularly mentions activities that had not yet started as of, say, 2015, which may have begun at this point.
2. Introduction – the Planning Process and Public Participation section must discuss how the public forums were advertised.
3. Population Characteristics – information on population density and the town's industries must be added.
4. Growth and Development Patters – the Infrastructure section should discuss pedestrian and cycling options. A Long-term Development Patterns section must be included.
5. Vegetation – the public shade trees section is missing and must be added.
6. Scenic Resources and Unique Environments – any unusual geologic feature in town should be added.
7. Environmental Challenges – sections on chronic flooding and environmental equity must be added. Environmental equity refers to looking at the distribution of open space in the town and identifying any areas that are lacking in them.
8. Section 5 – please note that recreation land is also protected under Article 97. The table that lists town-owned conservation properties must be expanded to include columns on current use (more specifics are needed), recreation potential (more specifics are needed), and type of grant, if any, used to purchase or renovate the property. The table that lists town-owned recreation properties must be expanded to include columns on recreation potential, type of grant (if any) used to purchase or renovate the property, and public access. Also, any Agricultural Preservation Restrictions must be listed.

9. Analysis of Needs – the Community's Needs section should include information on the SCORP and how it relates to Southborough, as well as a discussion of the needs of special groups, such as teens and the elderly.
10. Action Plan – the goals and objectives should be listed in some sort of priority order with a funding source and responsible party identified for each.
11. Maps – the Regional Context and Action Plan maps are missing. The Unique Features map must include geologic features. Please have the key and map on the same page.
12. ADA – were the facility inventory forms from Appendix G of the Open Space and Recreation Planner's Workbook used as the basis of the checklist of recreation properties? A facility inventory form must also be completed for each town-owned conservation property as well.
13. Letters of Review – letters of review from the Regional Planning Agency, Planning Board, and Chief Municipal Officer must be submitted.

Congratulations on working on such an important task for your community! Please contact me at (617) 626-1171 or melissa.cryan@state.ma.us if you have any questions or concerns, and I look forward to reviewing your final plan.

Sincerely,

Melissa Cryan
Grants Manager

TOWN OF SOUTHBOROUGH

CONSERVATION COMMISSION

TOWN HOUSE · 17 COMMON STREET · SOUTHBOROUGH, MASSACHUSETTS 01772-1662
(508) 281-8984 · FAX (508) 480-0161 · mdanza@southboroughma.com

MEMORANDUM

Date: April 23, 2020
To: Board of Selectmen & Mark Purple, Town Administrator
From: Melissa Danza, Conservation Agent
Subject: 2019 Open Space & Recreation Plan Approval

Thank you for your time and consideration in reviewing the 2019 Open Space & Recreation Plan (OSRP). Prior to your next meeting I wanted to supply some additional information to help aid in this process.

This plan ultimately began in 2015/2016 when the Town utilized services from the Conway School to prepare this newest version with surveys, outreach, and listening sessions done as required by the state in 2016. Once the draft was finished, there was a waiting period while another consultant was acquired to complete the ADA evaluations of our town owned playground, parks, and open space. Since this completion, the original draft has been updated to reflect changes as required by the EEA with their conditional approval in March of 2019 (see attached). These changes have been since made and the only outstanding item is the letter of support from the Board of Selectmen.

I am happy to report that the Metropolitan Area Planning Council (MAPC) also finds that the listed goals and priorities aligns with their 2050 Master Plan. The representative from Conservation Commission in the Master Plan Committee has also incorporated these items within the new Master Plan discussions to ensure that these priorities are enforced consistently and congruently throughout town documents. There have been consistent efforts through this process to ensure that this document fits in with the overall feel, priorities, and comments from the town as a whole.

While it has taken extra time to get a final and complete plan, many boards and committees have begun to work on their designated tasks since reviewing the latest version and issuing their support including Planning Board, Conservation Commission, Recreation Commission, Open Space Preservation Commission, and others. With the changeover within departments and boards we have made sure that they have been updated on the current status and had time to review the OSRP. I am asking at this time for the Board to issue their support because the clock in which this document is in play for began with its conditional approval and I want to ensure the best use of our time. There are also several grants available to different boards and committees that

require a fully approved OSRP. To help them in their granting writing process, I want to ensure that this step is taken care of as soon as possible given the unknown changes in deadlines or future availabilities of funds in these programs.

As this OSRP has been conditionally approved, we are not looking for edits as priorities and goals have been thoroughly vetted throughout the years with individual responsible parties taking it upon themselves to verify the correct actions to meet each goal. I hope that given this information and the extensive time that multiple entities have spent on this document, that the Board will vote favorably and allow those relying upon it to move forward with their ventures in acquiring funding or reaching goals to better our recreation and open space lands.

LIQUOR LICENSE MULTIPLE AMENDMENTS
SOUTHBOROUGH PUBLIC HEARING

Notice is hereby given under Chapter 138 of the Massachusetts General Laws that B.K.P. Inc., d/b/a Fitzgerald General Store, has applied for multiple amendments, including Change of Officers and Stock Interest to the annual Package Store/Wine & Malt Beverages License, currently held by Ramanbhati K. Patel at 110 Southville Rd, Southborough, MA. A public hearing will be held by the Board of Selectmen acting as the Local Licensing Authority, in a virtual meeting on Tuesday, May 5, 2020 at 6:30 p.m. The meeting may be viewed by the public through a link located at https://www.southboroughtown.com/remotemeetings.

SOUTHBOROUGH BOARD OF SELECTMEN,
LICENSING AUTHORITY

Metrowest Daily News: Monday, April 20, 2020

Legal Notice of

PUBLIC HEARING

Town of Southborough

The Southborough Board of Selectmen shall hold a public hearing on Tuesday, May 5, 2020 at 6:45 p.m. in a virtual meeting, to consider a request for permission by Mass. Electric Company (National Grid) to locate manholes, wires, and ducts, including the necessary sustaining and protecting fixtures, along and across the public way at Deerfoot Rd to install pullbox off of P3, install conduit from P3 to pullbox then to transformer pad at 84 Main St. The meeting may be viewed by the public through a link located at https://www.southboroughtown.com/remotemeetings

Southborough Board of Selectmen April 21, 2020
MetroWest Daily Newspaper

From: Tom Laflamme
Sent: Friday, April 17, 2020 10:52 AM
To: Karina G. Quinn <kquinn@southboroughma.com>; Sarah Hoecker <shoecker@southboroughma.com>
Subject: RE: Invitation Sent By Error

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National Grid Contact: Wendy Paluch: 280 Melrose Street-3rd floor, Providence, RI

Very truly yours,

Robert Leonida

Robert Leonida: Distribution Design Supervisor
Supervisor, Distribution Design

Enclosures

PETITION FOR MANHOLE AND DUCT LOCATIONS

February 7, 2020

To the Board of Selectmen
of the Town of Southborough, Massachusetts

MASSACHUSETTS ELECTRIC COMPANY requests permission to locate manholes, wires, and ducts, including the necessary sustaining and protecting fixtures, along and across the following public way:

Deerfoot Rd

Contractor to install pullbox off of P3, install conduit from P3 to pullbox then to transfomer pad at 84 Main St

Wherefore it prays that after due notice and hearing as provided by law, it be granted a location for and permission to install and maintain manholes, ducts and wires, together with such sustaining and protecting fixtures as it may find necessary, said manholes and ducts to be installed substantially in accordance with the plan filed herewith marked--

MASSACHUSETTS ELECTRIC COMPANY

Plan No. **26862988** Dated: **2/5/2020**

MASSACHUSETTS ELECTRIC COMPANY

By: Robert Kunisch
Manager of Distribution Design

ORDER FOR MANHOLE AND DUCT LOCATIONS

February 7, 2020

By the Board of Selectmen
of the Town of Southborough, Massachusetts

Notice having been given and a public hearing held, as provided by law,
IT IS HEREBY ORDERED:

that **MASSACHUSETTS ELECTRIC COMPANY** be and it is hereby granted permission to excavate the public highways and to run and maintain underground electric conduits, together with such sustaining and protecting fixtures as said Company may deem necessary, in the public way or ways hereinafter referred to, as requested in petition of said Company dated the **7th day of February, 2020**

All construction under this order shall be in accordance with the following condititions:--

Manholes and ducts shall be set substantially at the points indicated upon the plan marked--

MASSACHUSETTS ELECTRIC COMPANY

Plan No. **26862988** Dated: **2/5/2020**

The following are the public ways or parts of ways along which the manholes/ducts above referred to may be installed, and the number of manholes/ducts which may be installed thereon under this order:--

Deerfoot Rd

Contractor to install pullbox off of P3, install conduit from P3 to pullbox then to transfomer pad at 84 Main St

I hereby certify that the foregoing order was adopted at a meeting of the Board of Selectmen
of the Town of Southborough, Massachusetts
held on the _____day of _____ 2020

_____
Clerk of Selectmen

Received and entered in the records of location orders
of the Town of Southborough, Massachusetts
Book: _____ Page: _____

_____
Town Clerk

We hereby certify that on_____, 20_____,at_____o'clock,_____M

at_____a public hearing was held on the petition of

MASSACHUSETTS ELECTRIC COMPANY for permission to construct the underground electric conduits described in the order herewith recorded, and that I mailed at least seven days before said hearing a written notice of the time and place of said hearing to each of the owners of real estate (as determined by the last preceding assessment for taxation) along the ways or parts of ways upon which the Company is permitted to construct the underground electric conduits under said order. And that thereupon said order was duly adopted.

_____

_____

_____

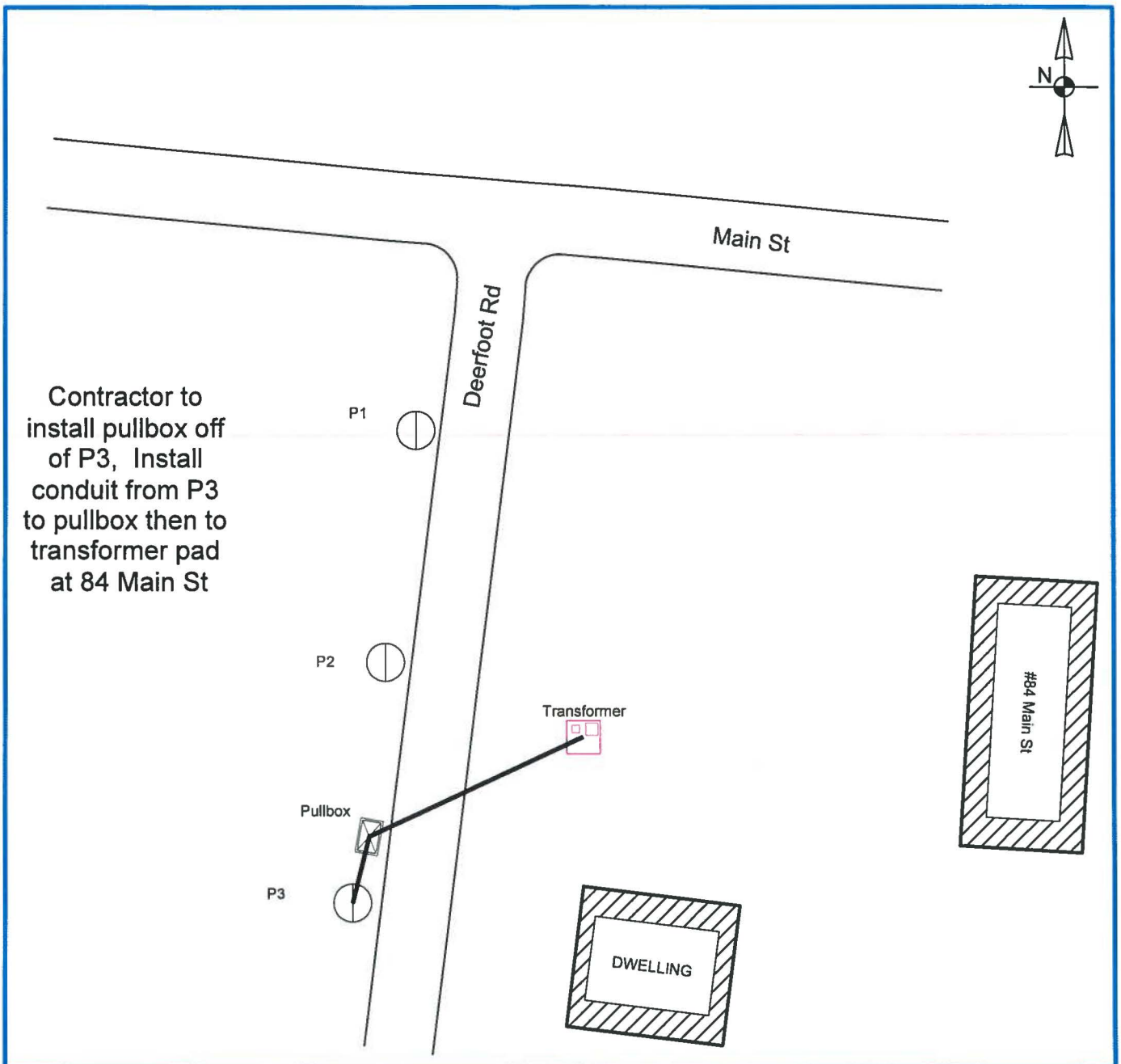
Selectmen of the Town of _____
Southborough, Massachusetts

CERTIFICATE

I hereby certify that the foregoing is a true copy of a location order and certificate of hearing with notice adopted by the Board of Selectmen of the Town of Southborough, Massachusetts, on the_____day of _____ 2020 and recorded with the records of location orders of said Town, Book _____, Page _____.

This certified copy is made under the provisions of Chapter 166 of General Laws and any additions thereto or amendments thereof.

Attest: _____
Town Clerk



UNDERGROUND PETITION

Existing Pole

Proposed Pullbox

Conduit

DISTANCES ARE APPROXIMATE

nationalgrid

Date: 2-5-20

Plan Number: 26862988

To Accompany Petition Dated:

To The: Town **Of** Southborough

For Proposed: underground conduit **Location:** Deerfoot Rd

Date Of Original Grant:

RECEIVED
TOWN CLERK'S OFFICE
2020 JUN -3 P 3:55 AMB
SOUTHBOROUGH, MA

TOWN OF SOUTHBOROUGH

BOARD OF SELECTMEN Meeting Minutes

Meeting Date: Thursday, May 14, 2020, 6:00 P.M.
Location: Virtual Meeting through Zoom
Present: Brian Shea, Marty Healey, Lisa Braccio, Daniel Kolenda, Sam Stivers and Town Administrator Mark Purple

I. Chairman Shea called the meeting to order at 6:00 P.M. Chairman Shea read the following statement:

Pursuant to Governor Baker's March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, §18, and the Governor's March 15, 2020 Order imposing strict limitation on the number of people that may gather in one place, this meeting of the Southborough Board of Selectmen will be conducted via remote participation to the greatest extent possible. Specific information and the general guidelines for remote participation by members of the public and/or parties with a right and/or requirement to attend this meeting can be found on the Town of Southborough's website, at https://www.southboroughtown.com/. For this meeting, members of the public who wish to watch or participate in the meeting may do so in the following manner by finding the meeting at: https://www.southboroughtown.com/remotemeetings. No in-person attendance of members of the public will be permitted, but every effort will be made to ensure that the public can adequately access the proceedings in real time, via technological means. In the event that we are unable to do so, despite best efforts, we will post on Southborough's website an audio or video recording, transcript, or other comprehensive record of proceedings as soon as possible after the meeting.

II. **Continued discussion of revised Fiscal Year 2021 budget**

Mr. Purple told the Board that they will need to approve or make changes to the list of exempt departments from further reductions of their budgets and review the 2% and 0% tax rate increase exercises. He added that recommendations from the Capital Committee are included in Mr. Ballantine's presentation. Mr. Purple told the Board he would like to have a revised budget approved at the meeting on May 19th.

Mr. Ballantine presented the updates to the revised budget which created a .83% tax rate increase with a levy capacity increase of about $1.1 million. He explained that local receipts and local aid were adjusted down and capital articles were adjusted. The Board would need to review and support these changes. He reviewed budget changes which included a deferment of the $70,000 DPW diesel truck to fiscal year 2022, deferment of the windows at the Town House which will be pursued another year and pointed out that the Finn boiler replacement is still included in the revised budget. He continued to list the capital items deferred to a future year and stated that the Capital Committee recommended that the hook and lift truck be taken up at the spring Town Meeting in bond form. Mr. Ballantine stated the Mr. Cimino would decide whether this could be added to the spring warrant. Chairman Shea recommended this item be included in the fall town warrant as previously decided. Mr. Purple explained that Ms. Galligan met with the Capital Committee and stated the current truck has over 120,000 miles and needed $12,000 for a new transmission. He stated she made a strong case that replacing the truck may be the wisest financial decision. He stated the new truck is $225,000 and recommended placing

this item into a capital article for the general fund. He added that $60,000 would come out of the water fund for the truck. Ms. Braccio explained if the DPW does not get the new truck, it could mean there is one less truck for snow plowing and that could create a large potential cost for the Town. Mr. Ballantine explained that another suggestion from the Capital Committee was to appropriate $25,000 from a $375,000 bond recommendation for Cordaville Hall to be used to add a bathroom at the Senior Center. The timing would be advantageous as the Senior Center is vacant during the pandemic.

Chairman Shea stated Mr. Malinowski had reached out to him to speak with the Board as a representative from the Capital Committee at the next meeting. The Board agreed. Mr. Ballantine summarized the exercise done to reach a 0% tax rate increase. He stated this is not recommended and a lot of hours and services were cut. Mr. Purple stated the .83% tax rate increase includes all the capital recommended by the Capital Committee and the 2% reductions listed in the documents included in the packet. He stated the budgets from the schools are also included and they had done the same exercise. Mr. Purple stated the only pending item not included is the National Grid parcel that the Town could purchase.

Mr. Healey stated that the decision to include new positions into the budget was done after robust discussions prior to the pandemic. He asked what the budget would look like if all new hours approved at that time were removed. Mr. Purple explained how projected benefits work within a budget and stated the tax rate increase would be .52%. Mr. Healey stated that with the private sector unemployment rate between 15% and 20% and furloughs and layoffs in the State and municipalities, he is not convinced adding new positions is in the best interest of the Town. He said all departments made strong arguments for their needs but with the extenuating circumstances and status of the economy brought on by the pandemic, he is not in support of adding any new positions without a corresponding budget cut. Mr. Stivers stated the new positions voted for approval were public safety needs and these departments are more in need of staff now than before the pandemic. He stated the addition of these positions would enable the Town to provide the right level of service to its residents. Ms. Braccio suggested job sharing. Mr. Stivers felt it was a good idea but it would not work for Southborough Youth and Family Services. Mr. Healey countered that these are important positions but the current economy is the worst its been since the Depression and he is not in support adding these positions in perpetuity when the economic future is unknown. Mr. Purple explained the onboarding process for police officers and reminded the Board that the full financial impact of these hires would not be seen until fiscal year 2023. He stated the Board could vote to freeze the new hires previously approved until January 2021 when more information may be available. Mr. Healey asked if there could be a hiring freeze on these positions in January 2021 if it was decided to be in the best interest of the Town. Mr. Purple stated it could be done and reminded the Board that due to unique onboarding of police officers, theirs is the only naturally deferred financial impact.

Mr. Kolenda stated he remains in support of public safety and he supports Mr. Purple's suggestion for freezing the hires until January 2021. Mr. Stivers suggested reviewing current staff positions and trading those that are not critical to enable the Town to provide the resources needed. Mr. Purple disagreed and stated that some departments have one or two people and added that it is very hard to replace a position once it is removed. Mr. Stivers asked if the new positions for the Technology Department are included and stated he is in support of a July 1st hire for this department. Mr. Purple stated that the ability for the staff to work from home for the past two months is a testament to bringing IT services in house. He said the department is looking for an additional part-time position and reminded the Board that there is no backup or

redundancy plan for this department. Chairman Shea stated he agreed with the approach to deffer police officer hiring until January 1, 2021 and moving forward quickly with a Youth and Family Services position. Mr. Stivers agreed.

Mr. Ballantine reviewed the list of exempt departments and asked the Board to consider including the Board of Health, Treasury Department, Recreation and Town Clerk. He reviewed the reasoning behind the request. Chairman Shea and Mr. Stivers agreed to include the Board of Health on the exemption list. Chairman Shea asked Mr. Ballantine to reach out to Assabet Valley Regional Technical School to discuss their budget and Mr. Ballantine agreed. Mr. Purple asked if there were any other departments the Board would like to add to the exemption list. Ms. Braccio stated she would like to review the Police and Fire budgets and possibly include them. Mr. Healey asked to see the exemption list again and identified others that should be contributing that are on the exemption list. He added that the Selectmen budget should be reduced to help offset the budget increase. Ms. Braccio did not agree with all of Mr. Healey's suggestions but did agree with reducing the Selectmen's budget.

Mr. Ballantine recapped the budget reductions and reminded the Board that local aid and local receipts will be set at a tax rate setting meeting and more information will be available in the fall. Mr. Purple reviewed the budget the Superintendent is presenting to the Regional School Committee and the amount the Town will receive from their proposed cuts. Mr. Healey stated that he could not support adding new positions at this time without cutting other items out of the budget unless absolutely necessary. He said he begrudgingly approves of moving the positions start dates for police to January 1, 2021. Mr. Kolenda made a motion to add two additional police officers with a hiring date of January 1, 2021. Mr. Stivers seconded. The motion passed all in favor (5-0-0) by roll call vote. Roll call: Shea, aye; Healey, aye; Braccio, aye; Kolenda, aye; Stivers, aye. Mr. Healey stated he is in favor of a position for Youth and Family Services if the cost was covered through the removal of another budget item. Mr. Kolenda spoke about the tradeoff of positions and stated he felt it was important to add the new positions without removing others. He reminded the Board that Mr. Ballantine had removed his request for a part-time employee which would cover half of the Youth and Family Services position. Mr. Kolenda made a motion to support a full-time position for Youth and Family Services. Mr. Stivers seconded. Mr. Healey stated he is not in support without corresponding budget cuts. The motion passed (4-1-0) by roll call vote. Roll call: Shea, aye; Braccio, aye; Kolenda, aye; Stivers, aye; Healey, nay. Chairman Shea stated the Zoom connection was spotty and he was having trouble hearing the rest of the Board. Mr. Kolenda and Mr. Ballantine stated the same. Mr. Kolenda made a motion to support the addition of a part-time position for the Technology Department. Ms. Braccio seconded. Mr. Healey asked the total cost of this addition and Mr. Ballantine stated $26,283. Mr. Healey stated his position to not include additional positions unless there was a corresponding cut in the budget. Mr. Purple asked the Board to consider two part-time positions for the Technology department instead of one full-time position. He said this would create full-time hours without incurring the cost of benefits. Chairman Shea made a motion to support one part-time position for the Technology Department as proposed with a start date of July 1, 2020. Mr. Kolenda withdrew his motion and seconded Chairman Shea's motion. The motion passed (4-1-0) by roll call vote. Roll call: Shea, aye; Braccio, aye; Kolenda, aye; Stivers, aye; Healey, nay.

Mr. Purple summarized the decisions made by the Board and stated he will incorporate them into the revised budget for review at the next meeting on May 19th.

III. **On a motion made by Mr. Healey, seconded by Mr. Stivers and voted by roll call all in favor, Shea, aye; Healey, aye; Braccio, aye; Kolenda, aye; Stivers, aye, the meeting was adjourned at 7:31 P.M.**

Upcoming Meetings
May 19. 2020
June 2, 2020

Respectfully submitted,

Kathleen Barry, Recording Secretary

List of Documents referred to at the May 14, 2020 BOS Meeting:

- May Budget Recap 5.14.20 BOS
- April Budget Recap with budget adjustments

BUDGET 930

FY21

ANNUAL TOWN MEETING March 2020

7/6/2020

	DESCRIPTION	REQUEST	BOS SUPPORT	CAP SUPPORT
	POLICE: TASER PROGRAM	10,857	10,857	Y
	POLICE: CHIEF VEHICLE	38,650	38,650	Y
	FIRE: CHIEF VEHICLE C20	60,000	60,000	N
	DPW: TREE MAINT FUNDING	8,850	8,850	
	DPW: REPLACE 3 PLOWS	40,000	40,000	
	DPW: EQUIPMENT TRAILER 2006 REPLACEMENT	12,000	12,000	
		170,357.00	**170,357.00**	

FY2021 - RECOMM with CAPITAL

7/6/2020	FY2018	FY2019	FY2020	FY2021			
Fiscal Year	**2018 RECAP**	**2019 RECAP**	**2020 RECAP**	**2021 RECAP**			
LEVY	39,350,305	40,989,147	42,637,551	44,598,741	4.6%	634,419.00	Avg House Value FY20
2 1/2	983,758	1,024,729	1,065,939	1,114,969	4.6%	10,569.42	FY20 Taxes
NEW GROWTH	655,085	623,675	895,251	450,000	-49.7%		
LEVY	**40,989,147**	**42,637,551**	**44,598,741**	**46,163,709**	**3.5%**	634,419.00	Avg House Value FY21
						10,657.25	FY21 Taxes
DEBT-CAP EXEMPT	3,386,612	3,525,637	2,948,030	3,242,084	10.0%		
						87.83	**Dollar increase**
SBAB PAYMENTS	(2,228,022)	(2,204,304)	(920,943)	(920,943)	0.0%	**0.83%**	**% increase**
TOTAL LEVY LIMIT	**42,147,737**	**43,958,884**	**46,625,828**	**48,484,850**	**4.0%**		
						450,000	New Growth Estimate
TAX RATE	**16.14**	**16.74**	**16.66**	**16.80**	**0.83%**	0.01666	Tax Rate
ASSESSED VALUE	2,441,258	2,517,550	2,625,449	2,652,460	1.0%	**27,011**	Value Added
CERTIFIED FREE CASH	1,553,963	1,201,684	1,489,172	1,878,069	26.1%		
LOCAL RECEIPTS	3,413,000	3,443,400	3,743,400	**3,652,900**	-2.4%	(165,500)	
COMM. PRESERV. FUNDS	979,050	1,195,559	716,474	1,100,909	53.7%		
LOCAL AID	3,423,342	3,468,768	3,520,576	**3,414,959**	-3.0%	(154,731)	
SBAB PAYMENTS	2,204,304	2,204,304	920,943	920,943	0.0%		
OTHER AVAILABLE	902,586	1,185,101	1,408,084	987,238	-29.9%		
TOTAL OTHER REVENUES	**12,476,245**	**12,698,816**	**11,798,649**	**11,955,018**	**1.3%**		
TOTAL REVENUE	**54,623,982**	**56,657,700**	**58,424,477**	**60,439,868**	**3.4%**		
	2018 RECAP	**2019 RECAP**	**2020 RECAP**	**2021 RECAP**			
OTHER	1,147,037	1,332,532	952,039	1,120,170	17.7%		
STATE & COUNTY CHARGES	197,212	195,253	258,489	206,044	-20.3%		
OVERLAY	413,362	383,086	401,991	400,000	-0.5%		
TOTAL CHARGES	**1,757,611**	**1,910,871**	**1,612,519**	**1,726,214**	**7.1%**		
TOWN							
100-299,400-699 TOWN BUDGET	10,791,100	11,208,534	11,337,797	12,111,413	6.8%		
910 EMPLOYEE BENEFITS	3,193,498	3,423,107	3,592,766	3,805,303	5.9%		
930 CAPITAL BUDGET	66,417	326,515	282,420	109,507	-61.2%		
945 GEN. LIABILITY INSURANCE	320,656	325,252	333,936	338,838	1.5%		
BUDGET ARTICLES	35,500	52,000	164,560	78,000	-52.6%		
700-799 DEBT & INTEREST	171,879	1,092,546	2,031,970	2,125,161	4.6%		
CAPITAL ARTICLES	588,400	1,130,000	987,925	707,000	-28.4%		
TOTAL TOWN	**15,167,450**	**17,557,954**	**18,731,374**	**19,275,222**	**2.9%**		
SCHOOL							
300-399 SCHOOLS BUDGET	28,062,587	28,864,812	29,205,123	29,404,784	0.7%		
910 EMPLOYEE BENEFITS	4,085,793	4,230,864	4,546,180	4,703,874	3.5%		
945 GEN. LIABILITY INSURANCE	150,984	157,879	163,404	170,757	4.5%		
700-799 DEBT & INTEREST	2,653,721	2,120,229	1,280,038	1,231,363	-3.8%		
TOTAL SCHOOL	**34,953,085**	**35,373,784**	**35,194,745**	**35,510,778**	**0.9%**		
TOTAL EXPENDITURES	**51,878,146**	**54,842,609**	**55,538,638**	**56,512,214**	**1.8%**		
WITHIN (+) OR OVER (-) CAP	**2,745,836**	**1,815,091**	**2,885,839**	**3,927,654**			

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TOWN OF SOUTHBOROUGH

BOARD OF SELECTMEN Meeting Minutes

Meeting Date: Tuesday, May 19, 2020, 6:30 P.M.
Location: Virtual Meeting through Zoom
Present: Brian Shea, Marty Healey, Lisa Braccio, Daniel Kolenda, Sam Stivers and Town Administrator Mark Purple

I. Chairman Kolenda called the meeting to order at 6:30 P.M. Chairman Shea read the following statement:

Pursuant to Governor Baker's March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, §18, and the Governor's March 15, 2020 Order imposing strict limitation on the number of people that may gather in one place, this meeting of the Southborough Board of Selectmen will be conducted via remote participation to the greatest extent possible. Specific information and the general guidelines for remote participation by members of the public and/or parties with a right and/or requirement to attend this meeting can be found on the Town of Southborough's website, at https://www.southboroughtown.com/. For this meeting, members of the public who wish to watch or participate in the meeting may do so in the following manner by finding the meeting at: https://www.southboroughtown.com/remotemeetings. No in-person attendance of members of the public will be permitted, but every effort will be made to ensure that the public can adequately access the proceedings in real time, via technological means. In the event that we are unable to do so, despite best efforts, we will post on Southborough's website an audio or video recording, transcript, or other comprehensive record of proceedings as soon as possible after the meeting.

II. **Scheduled Appointments**

James Blaschke – volunteer interview for Historical Commission appointment; term 6/30/22

Chairman Shea welcomed Mr. Blaschke and asked him for a brief background and reasons for volunteering. Mr. Blaschke said he has been a resident of Southborough for twenty years, had a forty-five-year career in technical engineering and marketing and sales and was a founding member of five startups. He stated that he has recently retired and wanted to volunteer. He had recently joined the Historical Society. Chairman Shea asked if he had attended any meetings yet and he said he joined one meeting. Mr. Stivers asked if there were any projects he was focused on and Mr. Blaschke replied there was not. Mr. Kolenda asked how he would balance the needs and wants of property owners and those of the Historical Commission. Mr. Blaschke responded that as a philosophy he believes in the principle of tradeoffs between what the homeowner wants and the bylaws. He added that he is a believer in communication and negotiations to come to a fair conclusion for all involved. He said the structure would have to be historically meaningful in some way for him to move forward. Ms. Braccio asked if there was a letter of recommendation from the Commission and Mr. Purple stated Mr. Mauro had sent one but it cannot be found. Mr. Healey stated that as a founder of five businesses, he has the skills to creatively suggest projects and initiatives for the Town. Chairman Shea made a motion to appoint Mr. Blaschke to the Historical Commission; term 6/30/22. Mr. Stivers seconded. The motion passed all in favor (5-0-0) by roll call vote, Braccio, aye; Healey, aye; Kolenda, aye; Shea, aye; Stivers, aye.

Brian Stearns, Veterans' Agent – Memorial Day observance update

Mr. Stearns listed the events scheduled for Memorial Day weekend which include a flag ceremony this Saturday, flags will be placed on the veteran's graves and Representative Dykema produced a Memorial Day message that will be shown on Southborough Access Media. He added that Ms. Hale coordinated with the churches and there will be twenty-one bell rings at 10:30 A.M. instead of a twenty-one-gun salute. He added that there will be a small contingent of veterans that will march and perform a ceremony while maintaining social distancing. Mr. Stearns stated that the event is not public but will be viewable on SAM. Ms. Braccio thanked him for his work and reiterated that the public should not attend. Mr. Kolenda agreed and thanked Vanessa for organizing the bell ringing. Mr. Kolenda thanked Mr. Stearns for coordinating with the State and other towns to create an appropriate event. Chairman Shea stated the event will be viewable on Verizon channel 37.

Mark Pietrewicz, Assabet School Committee Rep. – update to the Board

Mr. Pietrewicz explained he joined the Assabet School Committee in August to fill a vacancy and he will be running a write-in campaign to be full term member for the June election. He summarized the challenges the school is facing which include difficulties with remote learning as most is hands-on and ensuring the senior class receives the rest of their hours in order to graduate. He stated that the 2021 budget was finalized and that a five-year bus contract was agreed upon with NRT. Mr. Pietrewicz stated his main goal is to bring more visibility to the school and inform Southborough residents the school is a viable option for students. He said that Assabet has all sports with high engagement and graduates have the requirements needed to attend a two- or four-year college. He broke down the number of Southborough students currently enrolled which total twenty-one.

Ms. Braccio asked Mr. Pietrewicz to thank the students for their work on the deck at the golf course club house. She asked what the plans were for graduation. Mr. Pietrewicz stated they are planning a summer graduation at the DCU Center for the 1,200 graduating seniors.

Brian Ballantine, Finance Director – Continued discussion of revised FY2021 Budget

Mr. Purple walked the Board through the PowerPoint presentation included in the packet. He showed the Board the changes made and voted on recently to adjust the budget due to the pandemic. Chairman Shea asked to review and discuss the next steps slide. Mr. Healey stated he would like to hear from Advisory before making any more budgetary decisions. He asked that Advisory discuss the items the Board has already addressed. Mr. Stivers agreed. Ms. Braccio stated that after reviewing other towns' budgets and noting the number of layoffs and furloughs, she would like to revisit the new hires approved for July 1, 2020. She suggested the Youth and Family Service position become a job share with other employees who may not be busy at this time. Mr. Kolenda stated he is comfortable with the vote from the previous meeting and supports filling the open positions at Youth and Family Services and the Technology Department July 1, 2020. Mr. Healey restated his previous position to postpone all but the Police Department positions until January 1, 2021. Chairman Shea stated he felt it were more prudent to hold off on all hiring until January 1st when more information is available from the State and Local levels.

Mr. Kolenda asked the dollar savings from deferring the Youth and Family Services position. He noted his concerns about a lack of resources for public health issues stemming from the pandemic. Ms. Braccio stated it was not a matter of money but sustainability. Mr. Kolenda respectfully disagreed. Mr. Stivers stated he is willing to take the risk to provide Youth and

Family Services with the resources they need in order to support the residents starting July 1, 2020. Ms. Braccio stated her stance does not reflect non-support of Youth and Family Services. Mr. Healey made a motion to delay all hiring until January 1, 2021. Ms. Braccio seconded. Mr. Kolenda asked for clarification on the motion and Chairman Shea stated this motion will impact Youth and Family Services and the Technology Department. Mr. Kolenda said he will not support a motion that impacts Youth and Family Services. The motion passed (3-2-0) by roll call vote, Braccio, aye; Healey, aye; Kolenda, nay; Shea, aye; Stivers, nay. Chairman Shea made a motion to approve the amended 2% budget as prepared by Mr. Purple and Mr. Ballantine. Mr. Kolenda seconded. The motion passed (3-2-0) by roll call vote, Braccio, aye; Healey, nay; Kolenda, aye; Shea, aye; Stivers, nay.

Ms. Cook stated she supports the hiring freeze for flexibility. She stated that she believes there are people who have the time and ability to fill the Youth and Family Services position due to the impact of the virus. She added that Advisory is not worried about just this year's budget, but the budget for the next five years.

Continued discussion about Open Space & Recreation Plan

Mr. Kolenda stated the document is a solid product that took a lot of time, effort, and research to create. He stated that he felt there is commentary in the document that could be read as anti-building or anti-development and this should be stripped out. He said he sent a redlined version to Mr. Purple and felt that the commentary regarding an explosion of population in Southborough is no longer an accurate description. Mr. Kolenda added he would like to see the document in a more neutral fashion that still advocates for need and want for open space in Town while respecting other aspects of tax relief.

Mr. Healey spoke about his concern over the lack of timing for the Board's approval and the inability for the Board to give feedback on the document. He described the process he took to research who owned and how the document was developed which included reading many board and committee meeting minutes. Chairman Shea invited Ms. Danza to speak. Ms. Danza explained the document was created from surveys from the public and all boards and citizens were invited to take part. She stated that it is not bias towards Open Space or any other entity and the parcels listed are those the Town would like review if they happened become for sale. She explained her predecessor Ms. Rosenbloom and Ms. Ferguson from Recreation were highly involved in this process. She added that Ms. Cryan from the EEA had a lot of feedback for updates and changes to the document. Ms. Braccio added that the document was generated by surveys and public outreach. She said two consultants worked to create the majority of the document which was funded by the Recreation Committee and CPA funds.

Mr. Healey stated he compared this document with other community's and this document is much different. He added that the Town is receiving numerous OML complaints and he would like a timeline put together of how this was created as he had not found any minutes to reflect this. He also requested to know what group is responsible for this document. Mr. Stivers stated this document has had a long and difficult past and suggested the Board should approve this in order to move it forward. Mr. Kolenda stated he had responsibility to entire Town and if he were to sign off on it, he would like the anti-development rhetoric removed. Chairman She stated that this should be an agenda item at a future date to address the questions regarding the history of the document and process that was followed. Mr. Healey asked for a timeline, what committees or boards were appointed to work on this, when and where meetings were held and any minutes reflecting vote taken.

Ms. Gillespie stated that this is not an Open Space Preservation Commission document and explained some of the history of its origin. She added that discussions related to this document are not included in any minutes because it was created by Town employees. She stated that if the Board is finding fault with the document, it is not the fault of the OSPC as they did not write or edit the document. Ms. Gillespie stated that the Board can choose to support the 2019 document and it will move forward or not support and it would have to be recreated from scratch. She said there is no going back to edit it. Chairman Shea asked Mr. Purple and Ms. Danza to work on producing a timeline for the origination of this document and answers to the questions provided by the Board. Mr. Purple agreed.

III. Reports

Chairman's Report

Chairman Shea reminded the public that the town election is June 16, 2020 from 8:00 A.M to 4:00 P.M. at the Trottier School. He encouraged people to vote early and vote for contested and uncontested races.

Chairman Shea stated that documents were distributed in early winter for performance reviews for the Town Administrator and due to personal issues and the pandemic, the completion of the forms fell in the priority list. He asked the Board for a consensus on schedules. Mr. Shea asked to move as quickly as possible as the renewal of Mr. Purple's contract is soon. The Board agreed to have comments complete and submitted through emails to Ms. Hale by June 2, 2020.

Members' Reports

Ms. Braccio praised the Police and Fire Departments for their work coordinating the successful search and rescue of a missing 86-year-old woman. She listed and gave thanks to the units that worked together which included Police and Fire Duty Crews, Fire Recall, Southborough CERT, Department of Fire Services, Special Operations Drum Unit, and the Grafton and Weston K-9 Units.

Mr. Healey thanked Ms. Hale, Ms. LeFrancois and Southborough Youth and Family Services for sending the town-wide mailer with updated information regarding available resources for those in need. Mr. Healey stated that the Main Street Project has begun work and he has heard feedback from affected residents that they would like improved communications and updates from MASS DOT. He and Ms. Galligan are attempting to work with MASSDOT on this but because it is a State project, they are having difficulties. They will continue to push the issue.

Town Administrator Report

Mr. Purple updated the Board on the current status of COVID-19 in Southborough. He stated there have been 38 positive cases and 34 have been released from isolation. The Public Health Nurse is monitoring four cases currently. He praised the work of the Board of Health and the Public Health Nurse for the contact tracing they have been doing.

He stated that he is coordinating with Ms. Hale, the Public Health Nurse and Chief Achilles to formulate a phasing plan to bring employees back to work that follows the guidelines from the Governor. Mr. Purple stated that currently the date to open buildings to employees may be June 1st or June 8th.

Mr. Purple stated Ms. Hale has been leading the interview team for the Town Accountant position as Ms. Kriger is retiring at the end of June. Two finalists will be invited for in person meetings with Mr. Purple. He hopes to have a recommendation for appointment in the beginning of June.

IV. Consent Agenda

Chairman Shea asked to hold agenda items b, c and d. Chairman Shea made a motion to approve agenda items a, f, g, h and i. Mr. Healey seconded. The motion passed all in favor (5-0-0) by roll call vote, Braccio, aye; Healey, aye; Kolenda, aye; Shea, aye; Stivers, aye.

a. Approve Open Session Minutes: May 5, 2020

b. Reappointments of staff positions for Fiscal Year 2021
Chairman Shea stated that the Board committed to review the list of municipal employees yearly and pointed out that the Tree Warden and Special Counsel Talerman have been added to this list. Chairman Shea made a motion to approve the staff appointments for fiscal year 2021. Ms. Braccio seconded. Mr. Stivers said he would like to review legal services provided to the Town and proposed a 90-day approval to put out a bid for alternative legal service options. Chairman Shea stated that the appointments are set to take effect July 1, 2020 and this process can take time. He listed the advantages and disadvantages of regularly submitting RFPs. Mr. Healey stated he was in support of reviewing all contractual services on a more global level. Ms. Braccio agreed and stated she was not in support of this review so late in the year. Mr. Kolenda stated he was having trouble hearing Mr. Healey and Ms. Braccio but stated this topic should have been brought up months ago and he felt submitting RFPs and not acting on them could be dangerous. He added that if the Town were to approve the lowest bidder, service could suffer. Mr. Kolenda stated he supports the approval of legal services for the next year. Mr. Healey made a motion to approve the reappointments of staff positions for Fiscal Year 2021. Ms. Braccio seconded. Chairman Shea wanted clarification on Special Legal Counsel Lacey and Mr. Purple stated that the Law Firm should be listed and not the individual lawyers. Mr. Healey stated his motion stands as amended. The motion passed (4-1-0) by roll call vote, Braccio, aye; Healey, aye; Kolenda, aye; Shea, aye; Stivers, nay.

c. Assignment of 5/13/2020 OML Complaint from Ginny Kremer to counsel for response
Chairman Shea asked which counsel was appropriate to provide a response and Mr. Purple stated Town Counsel. Chairman Shea made a motion to assigned the 5/13/2020 OML Complaint from Ginny Kremer to Town Counsel. Mr. Healey seconded. Mr. Kolenda stated that OML complaints are free to the tax payer to pursue and it is their right but there is a cost to the Town. He said there have been many filed from the same people and many of theirs have lost but still a cost to the Town. Mr. Kolenda asked Mr. Purple to find out how much money has been spent on these OML Complaints from these individuals. Mr. Purple agreed to do so. The motion passed all in favor (5-0-0) by roll call vote, Braccio, aye; Healey, aye; Kolenda, aye; Shea, aye; Stivers, aye.

d. Town Administrator to sign Cemetery deeds on behalf of Board of Selectmen
Chairman Shea stated that because the Board is unable to meet in the Meeting Room and there are a number of documents requiring signatures. He said allowing the Town Administrator to sign cemetery deeds on behalf of the Board saves time and resources. Chairman Shea made a motion to allow the Town Administrator to sign Cemetery deeds on behalf of the Board of Selectmen. Mr. Stivers seconded. The motion passed all in favor (5-0-0) by roll call vote, Braccio, aye; Healey, aye; Kolenda, aye; Shea, aye; Stivers, aye.

e. Approve successor contract for Finance Director

Mr. Healey summarized the agreement already approved in Executive Session which approved a first-year salary increase of 2.25%, a second-year salary increase of 2.5% and a third-year salary increase of 2.75%. He added the Board agreed to create a 457 deferred compensation plan for three years annually representing 3% of Mr. Ballantine's pay for each year. Mr. Healey reviewed the additional item in paragraph eleven to buy back unused vacation time up to five days or forty hours at the end of the vacation year. Mr. Healey made a motion to approve the agreement described. Chairman Shea seconded. The motion passed all in favor (5-0-0) by roll call vote, Braccio, aye; Healey, aye; Kolenda, aye; Shea, aye; Stivers, aye.

f. Approve side letter for DPW Union, RE: Supervisor stipend
g. Authorize support for Capital Committee to file CPA applications for Town House improvements
h. Approve Executive Session Minutes: May 5, 2020
i. Accept donations totaling $100.00 for Fire Department Ambulance Fund

c. Update on impact of COVID-19

Mr. Purple suggested inviting the Recreation Director to the June 2nd meeting to give an update as to the status of their programs. He said the Recreation Commission made the decision to cancel summer camps this year and it would be beneficial to have him explain what they are working on and their plans moving forward. Chairman Shea agreed.

d. Other Matters Properly Before the Board

List of Board/Committee reappointment requests for Fiscal Year 2021

Chairman Shea stated that there were members of the Golf Course Committee that do not want to be reappointed. He said they have requested to dissolve the Committee or reconsider a new charge. Mr. Stivers said the Committee spoke about a refocus from design and construction to marketing and better utilization of the course at their last meeting. He said there is value in having strong citizen input in doing this. Mr. Purple stated this was always the intention for the Committee and once the Public Safety Building was complete, they would pivot to a conduit role between the Town and management company. Chairman Shea stated this will be considered at the next meeting.

Mr. Healey gave his reasons for not requesting reappointment to the Main Street Working Group which included the fact that they had not been utilized in years. Chairman Shea stated he was in support of dissolving the Group. Mr. Stivers noted a conditional request for reappointment from Mr. Geyer of the Conservation Commission. Chairman Shea stated that a licensed site professional engaged by the Board is working on this issue and the Town is following their recommendations completely. He said he is not interested in providing a conditional approval for Mr. Geyer but acknowledged his tremendous work on the Conservation Commission. Chairman Shea added he would welcome him back but without any conditions. Mr. Kolenda agreed and stated Mr. Geyer is a great advocate for Conservation but he would not support any person who provided conditions to their reappointment. Mr. Healey asked Mr. Geyer to reach out to any Board member to discuss further.

Chairman Shea stated the PILOT Committee is vacant and asked that it be removed from the list. Mr. Purple agreed. Chairman Shea stated the charge of Public Safety Building Committee is complete. Mr. Purple agreed and said Mr. Malinowski has given authority to both him and Mr. Purple to close out the project. He added that Mr. Malinowski forwarded the final meeting minutes for Board approval. Chairman Shea stated Mr. Purple suggested dissolving the Town

Property Review Committee as it has been vacant for some time. He said unless there are residents interested in joining this committee, it is best to dissolve it. Chairman She stated this item will be on the Consent Agenda for the next meeting.

e. **Public Comment**

Sue Butka (8 Hubley Lane) stated she is Chair of Southborough Youth and Family Services and does not believe they can wait until January for the addition of their new position. She said she spoke with Ms. Cassell recently and this is a crisis situation that will get worse before it gets better. She added there have been serious domestic abuse situations prior to the lockdown and the pandemic has created more need for the services they provide.

Mr. Purple asked the Board if the vote to delay any new hires until January 1, 2021 does not include additional hours for the Fire Department or Council on Aging. Mr. Healey stated his motion was focused on new hires and not additional hours.

f. On a motion made by Mr. Stivers, seconded by Chairman Shea and voted all in favor by roll call, Shea, aye; Healey, aye; Braccio, aye; Kolenda, aye; Stivers, aye, the meeting was adjourned at 9:10 P.M.

Upcoming Meetings
June 2, 2020
June 13, 2020 – Annual Town Meeting

Respectfully submitted,

Kathleen Barry, Recording Secretary

List of Documents referred to at the May 19, 2020 BOS Meeting:

- Citizen Activity Form, James Blaschke
- Draft Meeting Minutes, May 5, 2020
- BOS Appointments FY21
- OML Complaint Form dated May 5, 2020
- Letter from Jason Malinowski to Brian Shea re: Capital Planning Committee Request dated May 15, 2020
- Letter from Chief Achilles to BOS dated May 14, 2020
- Board and Committee volunteer status as of May 15, 2020
- Open Space and Recreation Plan Update 2019

Board and Committee volunteer status as of 5-15-20

Committee Name	First Name	MI	Last Name	Title	Term Expires	Term Length	Response/Action Requested
ADA Committee							
	Vincent	P.	Acampora		6/30/20	1	reappoint
	Heidi	M	Davis		6/30/20	1	No
	Bonnie	J.	Phaneuf		6/30/20	1	reappoint
	William	W.	Sines		6/30/20	1	No response
	William	B.	Warren		6/30/20	1	reappoint
ADA Coordinator							
	Mark	J.	Purple		6/30/20	1	reappoint
Cable Television Committee							
	Barry	J.	Rubenstein		6/30/20	3	reappoint
	VACANCY				6/30/20		
	VACANCY				6/30/20	3	
Community Preservation Committee							
	Mark	W.	Murphy	Citizen-at-large	6/30/20	3	No response
	VACANCY			Housing Authority Rep.	6/30/20	3	
	VACANCY			Citizen-at-large	6/30/20	3	
Conservation Commission							
	Carl	C.	Guyer		6/30/20	3	conditional
	Mark	S.	Possemato		6/30/20	3	reappoint
	Benjamin	B.	Smith		6/30/20	3	reappoint
Constable							
	Paul		Tavalone		6/30/20	1	reappoint
	William	E.	Pickett, Jr.		6/30/20	1	No
Council on Aging							
(Special Municipal Employees)	Vincent	P.	Acampora		6/30/20	3	reappoint
	Douglas	C.	Peck		6/30/20	3	No response
	Judith	B.	Boland	Alternate Member	6/30/20	1	No
	Arthur	K.	Holmes	Alternate Member	6/30/20	1	No
	VACANCY			Alternate Member	6/30/20	1	
Cultural Arts Council							
	Kerry		Trippi		3/14/20	2	reappoint
Economic Development Committee [EDC]							
(Special Municipal Employees)	Julie	W.	Connelly		6/30/20	3	reappoint
	John	M.	Wood		6/30/20	3	reappoint
Golf Course Committee							
? Dissolve/reconsider charge/eliminate PSBC rep.	Kevin	J.	Battles		6/30/20	1	No response
	John	W.	Boland, Jr.		6/30/20	1	reappoint
	Andre	R.	Fortin		6/30/20	1	reappoint

Board and Committee volunteer status as of 5-15-20

Committee Name	First Name	MI	Last Name	Title	Term Expires	Term Length	Response/Action Requested
	Joyce		Macknauskas		6/30/20	1	No
	Sheila	M.	Monterastelli		6/30/20	1	No
	VACANCY				6/30/20	1	
	Gordon	E.	Guss		6/30/20	1	reappoint
	Mark	J.	Purple	(ex-officio)	6/30/20	1	reappoint
	John	M.	Wood	PSBC Rep (ex-officio)	6/30/20	1	No
	VACANCY				6/30/20		
Historical Commission							
	VACANCY				6/30/22	3	
	VACANCY				6/30/20	3	
	VACANCY				6/30/20	3	
Main Street Working Group							
?Dissolve?	Susan	G.	Baust		6/30/20	1	reappoint
	John	W.	Boland, Jr.		6/30/20	1	reappoint
	Martin	F.	Healey		6/30/20	1	No
	Brian	E.	Shea		6/30/20	1	reappoint
	VACANCY				6/30/20	1	
	VACANCY				6/30/20	1	
	VACANCY				6/30/20	1	
Master Plan Committee							
	Lisa	M	Braccio		6/30/20	1	reappoint
	Sam		Stivers		6/30/20	1	reappoint
Metropolitan Area Planning Council							
	VACANCY				6/20/22	3	
	VACANCY			Alternate member	6/20/22	3	
MetroWest Regional Collaborative							
	Meme		Lutrell	Planning Board Rep	6/30/20	1	Pending PB vote
	Brian	E.	Shea	Selectmen Rep	6/30/20	1	No
MetroWest Regional Transit Authority							
	Kathleen	B.	Bartolini		6/30/20	1	No response
Municipal Technology Committee							
	VACANCY				6/30/22	3	
Open Space Preservation Commission							
	Karen		Sorine Cvitkovich		6/30/20		No response
	VACANCY				6/30/24		
Phase II Stormwater Committee							
	Karen	M.	Galligan	Public Works Rep	6/30/20	1	reappoint

Board and Committee volunteer status as of 5-15-20

Committee Name	First Name	MI	Last Name	Title	Term Expires	Term Length	Response/Action Requested
	Paul	C.	Pisinski	Board of Health Rep	6/30/20	1	reappoint
	VACANCY			Administration Rep	6/30/20	1	
	VACANCY			Con Comm Rep	6/30/20	1	
	VACANCY			Citizen-at-large	6/30/20	1	
PILOT Committee							
?Dissolve?	VACANCY				6/30/20	1	
	VACANCY				6/30/20	1	
	VACANCY				6/30/20	1	
Public Safety Building Committee							
? Dissolve?	Brennan	R.	Barry		6/30/20	1	
	Peter	J.	Goodney		6/30/20	1	
	John	F.	Lyons		6/30/20	1	
	Jason	W.	Malinowski		6/30/20	1	
	Michael	D.	Moorehead		6/30/20	1	
	John	M.	Wood		6/30/20	1	
	John	F.	Rooney,III		6/30/20	1	
	Kathryn	M.	Cook	Advisory Comm. Rep.	6/30/20	1	
	David	J.	Officer		6/30/20	1	
Recreation Commission							
	David	J.	Candela		6/30/20	3	No response
	Donald	P.	Dumont		6/30/20	3	reappoint
Registrar of Voters							
(Special Municipal Employees)	Keith	L.	Ackley		6/30/20	3	No response
Sboro Housing Opp Partnership Comm- SHOPC							
	Alexander	S.	Frisch	Housing Authority Rep.	6/30/20	3	No response
Southborough Scholarship Advisory Committee							
	Sarah	C.	Hegarty		6/30/20	3	No
	VACANCY				6/30/20	3	
	VACANCY				6/30/21	3	
	VACANCY				6/30/21	3	
Southborough Stewardship Committee							
	Frederica	J.	Gillespie	OSPC Rep	6/30/20	1	reappoint
	James	F.	Gorss	Citizen-at-large	6/30/20	1	reappoint
	Joyce	M.	Greenleaf	Citizen-at-large	6/30/20	1	reappoint
	Kathryn		McKee	Citizen-at-large	6/30/20	1	reappoint
	Jenny	S.	Peet	Citizen-at-large	6/30/20	1	reappoint
	VACANCY			Con Comm Rep	6/30/20	1	

Board and Committee volunteer status as of 5-15-20

Committee Name	First Name	MI	Last Name	Title	Term Expires	Term Length	Response/Action Requested
	VACANCY			Recreation Comm Rep	6/30/20	1	
Southborough Trails Committee							
	Kathryn		McKee		6/30/20	1	reappoint
	Satyendra		Sharma		6/30/20	1	reappoint
	Luisa		Vargas		6/30/20	1	reappoint
	Isabelle	Q.	Murphy		6/30/20	1	reappoint
	Thomas	L.	Marcoulier		6/30/20	1	reappoint
Taxation Aid Committee							
	Brian	P.	Ballantine	Treasurer/Collector	6/30/20	1	reappoint
	VACANCY				6/30/20	1	
	Elizabeth	S.	Kesselman	Citizen-at-large	6/30/20	1	reappoint
	Jeffrey		Klein	Bd of Assessors Chair	6/30/20	1	reappoint
	Harold	O.	Kiess	Citizen-at-large	6/30/20	1	reappoint
Town Property Review Committee							
? Dissolve?	VACANCY			Representative	6/30/20	1	
	VACANCY			Facilities Representative	6/30/20	1	
	VACANCY			Citizen-at-large	6/30/20	1	
	VACANCY			Citizen-at-large	6/30/20	1	
	VACANCY			Citizen-at-large	6/30/20	1	
Youth Commission							
	Nital		Gandhi		6/30/20	3	No response
	Sara	B.	Michas		6/30/20	3	reappoint
Zoning Board of Appeals							
	Paul	N.	Drepanos		6/30/20	5	No response
	Doris	M.	Cahill	Alternate Member	6/30/20	1	reappoint
	Jamie		Mieth	Alternate Member	6/30/20	1	reappoint
		= Action Requested					
		= Volunteer response: does NOT wish to be reappointed					
		= Efforts to reach volunteer will continue					
		= New, not reappointment; experienced volunteer					

Board of Selectmen Appointments FY21

May 19, 2020

Position	First Name	MI	Last Name	Title	Term Expires	Term length	
Alternate Building Inspector	Peter	N.	Tartakoff		6/30/20	1	
Animal Control Officer/Animal Inspector	Jennifer	A.	Condon		6/30/20	1	
Assistant Electrical Inspector	Stephen	A.	Curtis		6/30/20	1	
Assistant Electrical Inspector	John	F.	Nemensky		6/30/20	1	
Assistant Town Accountant	Heidi		Lindsey		6/30/20	1	
Assistant Town Administrator	Vanessa	D.	Hale		6/30/20	1	
Assistant Treasurer/Collector	David	J.	Birri		6/30/20	1	
Building Commissioner	Laurie		Livoli		6/30/20	1	
Central Mass. Resource Recovery Committee	Karen	M.	Galligan	Town Representative	6/30/20	1	
Economic Development Coordinator	Marijke	V.	Munsiff		6/30/20	1	
Electrical Inspector	James	J.	Colleary		6/30/20	1	
Ethics Commission Liaison	James		Hegarty		6/30/20	1	
Director of Facilities	John	A.	Parent		6/30/20	1	
Fence Viewer	Paul	O.	Smith		6/30/20	1	
Field Driver	Robert	C.	Lagasse		6/30/20	1	
Fire Warden	Steven	E.	Achilles		6/30/20	1	
Grant Coordinator	Heidi	A.	Kriger		6/30/20	1	
HIPPA Privacy Officer	Vanessa	D.	Hale		6/30/20	1	
Municipal Coordinator (Right-to-Know Law)	Steven	E.	Achilles		6/30/20	1	
Municipal Hearing Officer	John	E.	Thorburn		6/30/20	1	
Parking Clerk	Brian	P.	Ballantine		6/30/20	1	
Phase II Stormwater Committee	Karen	M.	Galligan	Public Works Representative	6/30/20	1	
Phase II Stormwater Committee	Paul	C.	Pisinski	Board of Health Representative	6/30/20	1	
Police Department	Kenneth	M.	Paulhus	Chief of Police	6/30/20	1	
Police Department	Kenneth	M.	Paulhus	Constable	6/30/20	1	
Police Department	Kenneth	M.	Paulhus	Jail Keeper	6/30/20	1	
Police Department	Ryan		Newell	Lieutenant	6/30/20	1	
Police Department	Cindy		McLeod	Police Business Administrator	6/30/20	1	
Police Department	Kyle	M.	DeVincent	Communications Officer	6/30/20	1	
Police Department	David	J.	Maida	Communications Officer	6/30/20	1	
Police Department	Brittney		Remillard	Communications Officer	6/30/20	1	
Police Department	Robyn	E.	Richards	Communications Officer	6/30/20	1	
Police Department	Charles	R.	Goodwin	Part-time Dispatcher	6/30/20	1	
Police Department	Emily		Brogie	Part-time Dispatcher	6/30/20	1	
Police Department	Stephanie		Fontaine	Part-time Dispatcher	6/30/20	1	

Board of Selectmen Appointments FY21

May 19, 2020

Police Department	John		Terranova	Part-time Dispatcher	6/30/20	1
Police Department	David		Hagen	Reserve Officer	6/30/20	1
Police Department	Jennifer	A.	Condon	Special Officer	6/30/20	1
Police Department	Kyle	M.	DeVincent	Special Officer	6/30/20	1
Police Department	Richard	L.	Mattioli	Special Officer	6/30/20	1
Police Department	David	J.	Maida	Special Officer	6/30/20	1
Police Department	Jane	T.	Moran	Special Officer	6/30/20	1
Police Department	Rev. James	B.	Flynn	Chaplain	6/30/20	1
Police Department	Jeffrey		Norton	Student Officer	6/30/20	1
Procurement Officer	Mark	J	Purple		No Exp.	1
Sexual Harassment Officer	Gregory	A.	Manousos		6/30/20	1
Special Legal Counsel	Tim		Norris		6/30/20	1
Special Legal Counsel	Lisa	L.	Mead		6/30/20	1
Superintendent of Public Works	Karen	M.	Galligan		6/30/20	1
Town Counsel	Aldo	A.	Cipriano		6/30/20	1
Tree Warden (*Special Municipal Employee*)	Christopher	B.	Leroy		6/30/20	1
Veterans' Grave Officer	Stephen	W.	Whynot		6/30/20	1

Southborough, MA
17 Common Street

Phone: 508-485-0710

Citizen Activity Form

Good Government Starts with You

Date Submitted:	April 28, 2020
Name:	James C Blaschke
Home Address:	69 Sears Road, Sears Road Southborough
Mailing Address:	69 Sears Road Southborough
Phone Number(s):	(508)-330-3763 - Cell
Email Address:	jim@blaschke.org
Current Occupation/Employer:	Retired
Narrative:	I have been participating / volunteering with the Southborough Historical Society for the past year, have a 45-year technology business background, and have been a founding member of five startup companies.
Board(s) / Committee(s):	___HISTORICAL COMMISSION

TOWN OF SOUTHBOROUGH

BOARD OF SELECTMEN Meeting Minutes

Meeting Date: Tuesday, May 5, 2020, 6:30 P.M.
Location: Virtual meeting through Zoom
Present: Brian Shea, Marty Healey, Lisa Braccio, Daniel Kolenda, Sam Stivers and Town Administrator Mark Purple

I. Chairman Shea called the meeting to order at 6:32 P.M. Chairman Shea read the following statement:

Pursuant to Governor Baker's March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, §18, and the Governor's March 15, 2020 Order imposing strict limitation on the number of people that may gather in one place, this meeting of the Southborough Board of Selectmen will be conducted via remote participation to the greatest extent possible. Specific information and the general guidelines for remote participation by members of the public and/or parties with a right and/or requirement to attend this meeting can be found on the Town of Southborough's website, at https://www.southboroughtown.com/. For this meeting, members of the public who wish to watch or participate in the meeting may do so in the following manner by finding the meeting at: https://www.southboroughtown.com/remotemeetings. No in-person attendance of members of the public will be permitted, but every effort will be made to ensure that the public can adequately access the proceedings in real time, via technological means. In the event that we are unable to do so, despite best efforts, we will post on Southborough's website an audio or video recording, transcript, or other comprehensive record of proceedings as soon as possible after the meeting.

II. **Scheduled Appointments**

6:30 P.M. HEARING: BKP Inc., d/b/a Fitzgerald's General Store application for multiple amendments to Annual Package Store/Beer & Wine license

Mr. Purple read the public hearing notice into the record. At 6:35 P.M. Mr. Healey joined the meeting. Attorney Arthur Pearlman introduced himself and explained the sole owner, officer, director and manager of BKP inc., d/b/a Ftizgerald's General Store, Ramanbhati Patel is passing on the business to his son, Hitendra Patel and his nephew Darshak Patel. He explained both Hitendra and Darshak's experience managing liquor stores and that each would be 50% shareholders of the business. He added that there will be no changes regarding the operation of the business and requested the amendments to the Annual Package Store/Beer & Wine licenses be approved as provided in the packet.

Chairman Shea asked about the past experience with other stores with respect to sales and the consequences of not complying with the law. Attorney Pearlman described their experience and agreed that they understand and intend to comply with all laws and regulations. Mr. Stivers asked if Mr. Darhsak Patel had experience in managing liquor stores and if there would be any change in management. Attorney Pearlman explained his experience and stated that there would be no change. Chairman Shea asked for public comment and there was none. Chairman Shea made a motion to close the public hearing at 6:41 P.M. Mr. Stivers seconded. The motion passed all in favor (5-0-0) by roll call vote, Shea, aye; Healey, aye; Braccio, aye; Kolenda, aye; Stivers, aye. Mr. Healey made a motion to approve the application submitted by DBK Inc. as

written. Mr. Kolenda seconded. The motion passed all in favor (5-0-0) by roll call vote, Shea, aye; Healey, aye; Braccio, aye; Kolenda, aye; Stivers, aye.

Brian Stearns, Veterans Agent – Discussion of Memorial

Mr. Stearns stated he met with the Secretary of the Department of Veteran's Services on April 23, 2020 to ask for statewide guidance on Memorial Day services. He said there will not be traditional services due to social distancing restrictions enacted by the Governor. He stated both Marlboro and Ashland have cancelled all services and suggested a small non-public ceremony at the All Wars Memorial to be recorded by SAM. Mr. Stearns added that he spoke with Mr. Whynot and they are coordinating with adult volunteers to place flags at the graves of deceased veterans. Chairman Shea stated that Memorial Day deserves an observance and told Mr. Stearns the Board will support the ceremony. Mr. Kolenda thanked Mr. Stearns for his work and asked if there was a State prohibition from veterans gathering socially distant to march from the Town House to the All Wars Memorial. Mr. Stearns said he felt that could be hard to manage and may encourage people to gather. Mr. Healey stated that given the circumstances, no more than ten people should gather and no parade should take place. Mr. Stivers agreed. Mr. Kolenda stated that the veterans would follow the guidance of the Commonwealth and elected Town leaders to hold an event that is appropriate. Chairman Shea stated the Governor's order stands through May 18th and recommended the Board wait to make an official decision until their next meeting on May 19th. The Board agreed and Mr. Stearns stated he will have more suggestions on the 19th.

6:45 P.M. HEARING: National Grid petition for manhole and duct locations, Deerfoot Rd. and 84 Main St.

Mr. Purple read the public hearing notice into the record. Christopher DiFazio from National Grid explained the work planned for 84 Main Street at Deerfoot Road. Chairman Shea asked when the work is anticipated to begin and requested that National Grid coordinate with the DPW Superintendent so the work does not interfere with the Main Street project. Mr. DiFazio agreed to do so and stated there was no timeframe to begin work. Mr. Stivers asked about the repairs made after digging and how big the trench would be. Mr. DiFazio explained the process and stated the repairs would be done according to DPW guidance. Chairman Shea invited the public to speak. Edward Webb of 1 Deerfoot Road stated he is an abutter to 84 Main Street and asked what type of pull box will be installed and if it would impact his property. He described the location of his fence and Mr. DiFazio explained the pull box and their location. He added that he did not believe the work would impact Mr. Webb's property and he would contact him when the work will begin. Chairman Shea asked for additional public comment and there was none. Chairman Shea made a motion to close the public hearing at 7:05 P.M. Mr. Healey seconded. The motion passed all in favor (5-0-0) by roll call vote, Shea, aye; Healey, aye; Braccio, aye; Kolenda, aye; Stivers, aye. Mr. Healey made a motion to approve the petition from National Grid as submitted. Mr. Stivers seconded. The motion passed all in favor (5-0-0) by roll call vote, Shea, aye; Healey, aye; Braccio, aye; Kolenda, aye; Stivers, aye.

Brian Ballantine, Finance Director – Fiscal Year 2021 budget update

Mr. Ballantine provided an updated status for the budget which included the Town collecting $8.5 million of real estate taxes, the Town receiving escrow services earlier than normal and departments reducing their budgets for the exercise of demonstrating a 2% and 0% tax increase for fiscal year 2021. The results should be out next week; he is waiting for the school budget and the Capital Committee to make their recommendations. He added that the department adjustments reduced services and staff. Mr. Purple stated that a 2% tax increase includes a

reduction of 1100 staff hours and a 0% tax increase leads to a reduction of 6600 staff hours across all departments. Mr. Ballantine stated that there is consideration to move capital items to next year and the two to three items considered could save the Town $130,000 in the budget.

Ms. Braccio asked when the results of the exercise could be expected. Mr. Ballantine replied within the next week but would like the School Committee to have time to respond. Mr. Stivers asked how the pandemic has affected the school expenses. Mr. Purple stated that they are being asked to do the same exercise and there are budgetary positives and negatives from school running remotely. He added that the State does not have definite numbers and the budget may have to be adjusted after Town Meeting approval. Mr. Healey suggested to be as minimalist as possible and to put off personnel items. He asked if it were possible to remove personnel related budgets that may be travel or educational and address it at fall town meeting when there is a better understanding of local aid. Mr. Ballantine said it was probably feasible to do but reviewing the items would need to be done before removal. Chairman Shea asked that this information be provided to the Board and Advisory Committee as soon as it is available. Mr. Purple agreed.

Chelsea Malinowski (1 William Colleary Lane) asked if the funds saved from freezing items would go into free cash and therefore tied up for the next year. Mr. Ballantine stated that funds would be added to free cash or there could be a revote of the budget at a lower amount. Mr. Purple suggested if this were to happen, to lower the budget.

<u>Paul Cimino, Moderator – Discussion of critical articles and date for Spring Town Meeting</u>
Chairman Shea stated Mr. Purple had created a list of critical articles for Town Meeting that he had distributed to the Board and Mr. Cimino. Mr. Cimino stated that the new date for Town Meeting is Saturday, June 13, 2020 beginning at 1:00 P.M. He said he is collaborating with the Town Clerk to conduct Town Meeting with the appropriate protocols that can be achieved in the Trottier Gym. He added that a quorum of 100 people, the Board of Selectmen, Advisory Committee and Town Clerk can safely fit. Mr. Cimino said he agrees with the list of suggested critical articles provided by Mr. Purple. He added that if the town meeting voters agree to pass the list of consent agenda items and indefinitely postpone the suggested list, there will be seven critical articles to address one at a time. Mr. Purple added that there are 18 articles he recommended as critical in order to begin the fiscal year on July 1st and seven of those will not be on the consent agenda.

Mr. Kolenda raised the concern that articles such as citizens petitions would not be voted to indefinitely postpone and a large number of proponents and those in opposition will attend. He asked if the Board could vote to indefinitely postpone in order to postpone to a fall town meeting. Mr. Cimino replied that it would have to be a vote at Town Meeting. Chairman Shea said the unanimous support of the Board to indefinitely postpone the list provided by Mr. Purple should be publicized to send a message to voters. Mr. Kolenda asked Mr. Purple to speak with the owners of these articles to ask for their agreement to indefinitely postpone to the fall in order to avoid a large crowd who may attend to support or oppose an article deemed not critical. Mr. Purple agreed. Mr. Cimino reminded the Board that any motions to indefinitely postpone could be defeated by town meeting vote. He explained that town meeting voters have the power to dictate how the meeting will go and explained his three-part sequence to conduct the meeting. He said eleven of the eighteen critical articles will be on the consent agenda. He said articles in need of discussion are 5, 6, 7, 8, 9, 10 and 14. He said articles 5-10 and 14 will be suggested to indefinitely postpone until the fall. The critical articles that will be included on the

consent agenda are 2, 3, 4, 11, 12, 13, 15, 16, 17, 18 and 21. Chairman Shea asked if the Board was in favor of the list of critical articles identified by Mr. Purple. The Board agreed.

Jim Hegarty, Town Clerk/Board of Registrars of Voters – Recommendation for postponed Town Election date

Ms. Braccio recused herself and left the meeting at 8:52 P.M. The Board of Registrars of Voters called their meeting into session and asked Mr. Hegarty to share the recommendation for Town Election on behalf of the Board of Registrars of Voters. Mr. Hegarty explained that Town Election will be Tuesday, June 16th at Trottier School. He explained the change in location and the process to vote in person following social distance guidelines. Mr. Hegarty estimated he had received about 100 applications for mail in ballots and said he posted the directions to submit a mail in ballot request. He added the owner of the blog recommended people wait to request an early voting ballot and he reminded the public that there is about a week turnaround from requesting a ballot to voting and return. Mr. Hegarty added that the election is mandated to be done by June 30th and explained his social distance process for swearing in those newly elected. He stated that in terms of Town Meeting, he reviewed the seating at Trottier Auditorium and said for safe social distancing, only 60 people could attend in that location. Mr. Kolenda asked about the process for requesting an early ballot and Mr. Hegarty explained it would have to be printed, signed and emailed to him. Chair of the Board of Registrars of Voters, Tomasz Kierul made a motion to hold the Town Election on June 16th from 8A.M. to 4 P.M. in the Trottier Band Room. Mr. Hegarty seconded and the motion passed all in favor by roll call. Chairman Shea made a motion to recommend the Town Election date of Tuesday June 16th from 8:00 A.M. to 4:00 P.M. Mr. Stivers seconded. The motion passed all in favor (4-0-0) by roll call vote, Shea, aye; Healey, aye; Kolenda, aye; Stivers, aye.

III. Reports

Chairman's Report

Chairman Shea told the public that the food pantry is available for those in need and encouraged residents to donate.

Member's Reports

Mr. Stivers stated he attended the MTC meeting and encouraged the Town to continue using Zoom as a resource for meetings to solve for quorum issues. He added that public comment capabilities would need to be enhanced.

Town Administrator Report

Mr. Purple stated he has been working with Ms. Hale to create a working group to focus on the process for Town employees to return to work once the Governor's orders change. He asked if any Board member would like to join these discussions. Ms. Braccio volunteered.

Mr. Purple reminded the public on behalf of Mr. Davis that social distancing is required when using the Trottier Track and to respect the areas that are closed. He stated the skate park and tennis courts are closed and the chains have needed to be replaced multiple times due to people cutting them to gain access. He asked the public to please respect the closures.

IV. Consent Agenda

a. Approve Open Session Minutes: April 22, 2020

Chairman Shea made a motion to approve the Open Session Minutes dated April 22, 2020. Mr. Stivers seconded. The motion passed all in favor (5-0-0) by roll call vote, Shea, aye; Healey, aye; Braccio, aye; Kolenda, aye; Stivers, aye.

b. Approval of the 2019 Open Space & Recreation Plan

Chairman Shea made a motion to approve the 2019 Open Space & Recreation Plan for discussion. Mr. Stivers seconded. Chairman Shea referenced section nine of the report and stated he asked Ms. Danza about the 100 parcels listed in the addendum. He stated he did not want the perception that the Board's support of this document meant the support for the Town to acquire or protect all 100 parcels. He added that if all the parcels were acquired, $100,000 would be added to the tax base. Chairman Shea stated he was in support of the discussion for the Town prioritizing the parcels but not a blanket approval to attempt to acquire them all. Mr. Healey stated that the memo specifically read that no revisions or edits were wanted and this was the final product. He voiced his concern of approving a document without review and feedback and asked why it was not provided to the Board for feedback. Mr. Kolenda agreed and explained the normal process that included the ability for editing by the Board. He added that he would like to see an editable version and the opportunity to ask questions to the stakeholders. Mr. Stivers stated there is pressure for approval now due to time sensitive grant opportunities. Ms. Braccio stated that not all the parcels on the list are a top priority but it is necessary for Open Space to list every potential opportunity. Chairman Shea suggested this agenda item be added to the May 19, 2020 meeting and invite Ms. Danza and other stakeholders to join and answer questions. Mr. Purple stated he will put this item on the agenda for the May 19th meeting.

V. Update on Impact of COVID-19

Discussion of revisions to Selectmen policy on Working Remotely during COVID-19

Mr. Purple stated that the current policy did not address a return to work piece and Mr. Stivers and Ms. Hale incorporated language to include this process. He added that Labor Counsel had reviewed it and made some changes that were included. Mr. Stivers stated the document is representative of what other towns are doing and is driven by current CDC regulations. He added that once serum testing is more available it will be added to the policy. Ms. Braccio raised multiple concerns regarding vacation time carryover, working from home when asymptomatic and the fact that the Personnel Board had not reviewed it. Mr. Purple stated he feels the policy reflects current language and provisions the SAP allows. Ms. Braccio requested the Personnel Board review the document and provide feedback. Mr. Purple agreed to do so.

Discussion of Town-wide mailing, RE: Resources available to residents/businesses during COVID-19

Mr. Healey stated a member of the Community Fund reached out to a number of Town government entities to ensure the needs by residents were not underestimated. He had multiple meetings with representatives from the Food Pantry, Senior Center, Board of Health, Community Fund, Southborough Youth and Family Services and the Town Administrator. There is concern that a segment of the population may be currently in need without access to internet to understand where to get help. They agreed to create a town-wide mailing with a summary of services and how to get them from these agencies. The Community Fund indicated they would fund it. Ms. Braccio thanked Mr. Healey and asked that the printing be done in Town to support a local business. Mr. Healey agreed. Mr. Stivers asked if there was discussion to include the ways to donate in the flyer. Mr. Healey said there was and they would be including it. Mr. Healey made a motion to approve the Town sending a mailing to each resident as described.

Chairman Shea seconded. Mr. Kolenda stated they have not seen or reviewed the mailing but trusts Mr. Healey's judgement. Mr. Healey stated it will be sent to the Board to review prior to mailing. The motion passed all in favor (5-0-0) by roll call vote, Shea, aye; Healey, aye; Braccio, aye; Kolenda, aye; Stivers, aye.

VI. Other Matters Properly Before the Board

Assignment of Board member for negotiation of successor contract for Finance Director

Chairman Shea stated Mr. Ballantine's contract is expiring and asked for a volunteer to meet with him to discuss. Mr. Healey volunteered. The Board agreed with Mr. Healey participating in these discussions.

Discussion of use of Town emails for officials conducting Town business; Email Use Policy

Mr. Purple stated that the MTC discussed updating the email policy at their last meeting. He added there was concern raised by the Planning Board that people were not using their town email to conduct town business. Mr. LaFlamme stated that the contents of emails are subject to the same retention policies as physical memos. He said when he started his job in Southborough he suggested town emails be created for all employees and board and committee members. Mr. LaFlamme added that it would protect the town and the employee or volunteer from opening up their personal accounts for discovery if a public records request was submitted. He reviewed the updates made to the current policy. Mr. Healey stated that he would like to see language that states that those using their personal email for town business is not in compliance. Mr. LaFlamme agreed and stated he does not have the capacity to manage people's requests for emails to go to their personal account. Chairman Shea replied that all correspondence from him, through the Board or a Board appointed committee should be done solely through town email. Mr. Healey made a motion to approve the email use policy with the revisions to include any person not using town email for town business is not in compliance and a change is section three for clarity. Ms. Braccio seconded. The motion passed all in favor (5-0-0) by roll call vote, Shea, aye; Healey, aye; Braccio, aye; Kolenda, aye; Stivers, aye.

List of reappointments of staff positions for Fiscal Year 2021

Chairman Shea stated the list included in the packet is for review and inclusion on the consent agenda for the May 19th meeting. Mr. Stivers stated it is worthwhile to look at how the Town buys legal services and look at other potential opportunities. He added that he is not saying Special and Town Counsel are not doing a good job. Mr. Kolenda stated that Town Counsel was being singled out and shared his opinion about how well the Town has been served by him. He stated that all consulting services should be looked into if the Board decided to do this for Town Counsel. He added that he does not support Mr. Stivers' request. Mr. Healey stated it is a worthy topic for discussion.

VII. Public Comment

None

VIII. On a motion made by Mr. Kolenda, seconded by Mr. Stivers and voted by roll call all in favor (4-0-0), Shea, aye; Healey, aye; Kolenda, aye; Stivers, aye, the meeting was adjourned at 9:11 P.M.

Upcoming Meetings
May 19, 2020
June 2, 2020

Respectfully submitted,

Kathleen Barry, Recording Secretary

List of Documents referred to at the May 5, 2020 BOS Meeting:

- Metrowest Daily News Listing of Liquor License Multiple Amendments Public Hearing Notice
- Letter from Arthur Pearlman to BOS re: B.K.P., Inc dated 3.31.20
- Application for Multiple Amendments, Alcoholic Beverages Control Commission
- Metrowest Daily News Listing of Public Hearing Notice dated 4.21.20
- Letter from Robert Leonida, National Grid to BOS dated 2.7.20
- Petition for Manhole and Duct Locations dated 2.7.20
- June 13, 2020 Annual Town Meeting Record
- Draft Regular Session Minutes, April 21, 2020
- Draft Board of Selectmen COVID-19 Pandemic Policies: Facilities, Staffing, Leave and Return to Work
- Memorandum from Melissa Danza to BOS and Mark Purple re: 2019 Open Space and Recreation Plan Approval dated 4.23.20
- Letter to MA Executive Office of Energy and Environmental Affairs Federica Gillespie to re: Open Space and Recreation Plan dated 3.18.20
- Letter from Karin Quinn to Mark Purple re: Use of Town email addresses and Email Policy dated 4.28.20
- Letter from Tom Laflamme to Karina Quinn and Sarah Hoecker re: Invitation Sent by Error dated 4.17.20
- 2018 Email Use Policy
- Board of Selectmen Appointments FY21, May 5, 2020

DRAFT

TOWN OF SOUTHBOROUGH
FIRE DEPARTMENT
32 CORDAVILLE ROAD
SOUTHBOROUGH, MA 01772
(508) 485-3235 (508) 485-3887 (FAX)

Thursday, May 14, 2020

Board of Selectmen
Town of Southborough
17 Common Street
Southborough, MA 01772

Dear Town of Southborough Board of Selectmen,

Enclosed, please find the following donation made to the Town of Southborough for your acceptance.

RECEIVED FROM:	**AMOUNT:**	**ACCOUNT SPECIFIED:**
Fadi El-Massih	$50	Ambulance Fund (2659-4-220-483-48310)
Natalie Fantony	$50	Ambulance Fund (2659-4-220-483-48310)

Thank you for your consideration in this request.

Sincerely,

Steven Achilles
Southborough Fire Chief

Lori Esposito

From: Jason W. Malinowski
Sent: Friday, May 15, 2020 7:44 AM
To: Brian Shea
Cc: Mark Purple; John Parent
Subject: Capital Planning Committee Request

Follow Up Flag: Follow up
Flag Status: Flagged

Hi Brian,

As you know, the Capital Committee kicked off in early April and had the chance to meet with every department head, other than schools, in reviewing the FY21 capital article requests (and beyond).

In discussing the Town House, it became apparent that there is a significant amount of exterior work needed over the next few years. Coupled with the fact that this building is likely to be part of the town's facility inventory for as long as we can see, the Capital Planning Committee voted unanimously to approach the Board of Selectmen to explore a CPA Funding application for either the Fall Town Meeting or 2021 Annual Town Meeting, depending on how the application process comes together.

Therefore, we are requesting a vote from the Board of Selectmen to authorize the Town Administrator, Facilities Director, and Capital Committee to complete the necessary steps to submit an application on behalf of the Board to the Community Preservation Committee.

Before submitting, we will present a copy to the Board for their approval, as well.

Thanks for your consideration.

Jason Malinowski
Chair, Capital Planning Committee

OPEN MEETING LAW COMPLAINT FORM

Office of the Attorney General
One Ashburton Place
Boston, MA 02108

Please note that all fields are required unless otherwise noted.

Your Contact Information:

First Name: Ginny Last Name: Kremer

Address: 9 Damonmill Road Suite 4A4

City: Concord State: MA Zip Code: 01742

Phone Number: 978.371.2226 Ext. _____

Email: ginny@bbhlaw.net

Organization or Media Affiliation (if any): _____

Are you filing the complaint in your capacity as an individual, representative of an organization, or media?
(For statistical purposes only)

☒ Individual ☐ Organization ☐ Media

Public Body that is the subject of this complaint:

☒ City/Town ☐ County ☐ Regional/District ☐ State

Name of Public Body (including city/ town, county or region, if applicable): Southborough Board of Selectmen

Specific person(s), if any, you allege committed the violation: _____

Date of alleged violation: May 5, 2020

Description of alleged violation:

Describe the alleged violation that this complaint is about. If you believe the alleged violation was intentional, please say so and include the reasons supporting your belief.

Note: This text field has a maximum of 3000 characters.

The Southborough Board of Selectmen held an executive session under "Exemption 3" "to discuss strategy as it relates to litigation."

The Agenda further states that the Chair would declare that "an open meeting may have a detrimental effect on the bargaining or litigating position" of the Board. See attached Agenda.

No minutes of this meeting have yet been posted.

The Open Meeting Law requires that the topics to be discussed at any meeting must be sufficiently specific to reasonably inform the public of the issues to be discussed at the meeting. For an executive session, the notice must state all subjects that may be revealed without compromising the purpose of the executive session. While it may be allowable in some situations for a public body to omit the name of the particular litigation it is going to discuss, there must be some justification; the name can only be omitted if revealing it would somehow compromise the purpose of the exective session. This is especially true where the public body is discussing a recently filed civil action against it, and assigning legal counsel to defend it, as is likely the case here. Southborough citizens are entitled to know that their Town Government is being sued, the reasons it is being sued, and the defense counsel who will be paid for by Southborough taxpayers.

What action do you want the public body to take in response to your complaint?

Note: This text field has a maximum of 500 characters.

I would like to Board to amend its Agenda to include the name of the litigation(s) for which it went into exectutive session. I would like the minutes to include the name of the litigation and include all persons that joined in the executive session, including any legal counsel.

Review, sign, and submit your complaint

I. Disclosure of Your Complaint.

Public Record. Under most circumstances, your complaint, and any documents submitted with your complaint, is considered a public record and will be available to any member of the public upon request.

Publication to Website. As part of the Open Data Initiative, the AGO will publish to its website certain information regarding your complaint, including your name and the name of the public body. The AGO will not publish your contact information.

II. Consulting With a Private Attorney.

The AGO cannot give you legal advice and is not able to be your private attorney, but represents the public interest. If you have any questions concerning your individual legal rights or responsibilities you should contact a private attorney.

III. Submit Your Complaint to the Public Body.

The complaint must be filed first with the public body. If you have any questions, please contact the Division of Open Government by calling (617) 963-2540 or by email to openmeeting@state.ma.us.

By signing below, I acknowledge that I have read and understood the provisions above and certify that the information I have provided is true and correct to the best of my knowledge.

Signed: _____ **Date:** 5/13/20

For Use By Public Body
Date Received by Public Body:

For Use By AGO
Date Received by AGO:

Town of Southborough, MA
Executive Session Meeting of the Board of Selectmen
May 5, 2020, 5:30 P.M.

RECEIVED
TOWN CLERK'S OFFICE
2020 MAY -1 P 12:14
SOUTHBOROUGH, MA

Pursuant to Governor Baker's March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, §18, and the Governor's March 15, 2020 Order imposing strict limitation on the number of people that may gather in one place, this meeting of the Southborough Board of Selectmen will be conducted via remote participation to the greatest extent possible. Specific information and the general guidelines for remote participation by members of the public and/or parties with a right and/or requirement to attend this meeting can be found on the Town of Southborough's website, at https://www.southboroughtown.com/.

I. Call Meeting to Order

II. Executive Session

The Board will be entering into Executive Session per M.G.L. Chapter 30A §21 (Exemption 3) to discuss strategy as it relates to litigation, as the Chair has declared an open meeting may have a detrimental effect on the bargaining or litigating position of the public body; Board will not be returning to Open Session at the conclusion of Executive Session.

III. Adjournment

Brian E. Shea, Chairman

UPCOMING MEETINGS
May 19, 2020
June 2, 2020

Note - this is the last document of the BOS 5-19-20 meeting packet, and is 227 pages in length

Open Space and Recreation Plan Update
Southborough, Massachusetts
2019

The Conway School, Winter 2016
Allison Gramolini | Helmi Hunin

ADA Assessment done by Gino Carlucci,
PGC Associates

Edits & Revisions done by:
Melissa Danza, Freddie Gillespie, &
Meme Luttrell

Contents

Section 1: Executive Summary 1

Section 2: Introduction 4
A. STATEMENT OF PURPOSE 4
B. PLANNING PROCESS AND PUBLIC PARTICIPATION 6

Section 3: Community Setting 7
A. REGIONAL CONTEXT 7
B. HISTORY OF THE COMMUNITY 11
C. POPULATION CHARACTERISTICS 13
D. GROWTH AND DEVELOPMENT PATTERNS 14
E. RECREATION 22

Section 4: Environmental Inventory and Analysis 24
A. GEOLOGY, TOPOGRAPHY, SOILS 24
B. LANDSCAPE CHARACTER 33
C. WATER RESOURCES 34
D. VEGETATION 41
E. FISHERIES AND WILDLIFE 46
F. SCENIC RESOURCES AND UNIQUE ENVIRONMENTS 54
G. ENVIRONMENTAL CHALLENGES 58

Section 5: Inventory of Lands of Conservation and Recreation Interest 63
A. PROTECTED OPEN SPACE 65
B. PUBLIC AND PRIVATE RECREATION FACILITIES 80
C. POTENTIAL INEQUITIES 84
D. CHAPTER 61, 61A, & 61B LANDS 84

Section 6: Community Vision 87
A. DESCRIPTION OF PROCESS 87
B. STATEMENT OF GOALS 87

Section 7: Analysis of Needs 88

Section 8: Goals and Objectives 92

Section 9: Seven Year Action Plan 94

Section 10: Public Comment 112

Appendix #1: 2019 Open Space and Recreation Plan Survey Results 117

Appendix 2: Report of the Sidewalk Construction Recommendation Committee 123

Appendix #3: BioMap 2 Southborough Town Report 130

Appendix #4: NHESP Southborough Letter 147

Appendix #5: Mass Audubon Southborough Study 152

Appendix #6: ADA Self-Evaluation and Transition Plan 191

A. ADMINISTRATIVE REQUIREMENTS 191

B. PROGRAM ASSESSBILITY 196

Section 1: Executive Summary

In the spring of 2015 at the Breakneck Hill Conservation Land in Southborough, Massachusetts, Robert Gegear, Assistant Professor of Biology and Biotechnology at the Worcester Polytechnic Institute, was out walking the trails. He was heading back to his car to escape the falling rain when out of the corner of his eye he spotted a small bumblebee, which turned out to be *Bombus fervidus*, also known as the yellow bumblebee. The bee was thought to no longer exist in the Commonwealth, and so began his research at Breakneck Hill.

Two other bees listed in the 2015 conservation action plan as no longer existing in Massachusetts (*Bombus perplexus* and *Bombus vagans*) have since been identified on the property. Gegear is studying the interrelationships between pollinators and the plants they feed on, and the project has just secured funding for its second year of study (Barnes, 2015).

Breakneck Hill is one of the many conserved open spaces in Southborough that are so valued by the town. It's a place where many people go to enjoy the views, walk through the buzzing pollinator garden, hike the trails, and eat their lunch with views of the reservoir. Preserving open space such as Breakneck Hill for residents to enjoy while providing valuable habitat for wildlife is one of the goals of this OSRP Update.

HISTORY OF THE TOWN

Remnants of Southborough's agrarian past remain in its stone walls and small-town atmosphere. After adapting to the industrial age and ultimately becoming a residential community, it has proven itself to be a resilient town. As Southborough passes through a period of rapid population growth and faces the challenges of global climate change, this resilience may allow the town to adapt to new challenges. Today, the small suburban town in eastern Massachusetts is within a convenient commuting distance to both Worcester and Boston. Despite the rapid growth and development that its location has prompted in the last two decades, it has managed to maintain many of its rural characteristics, which are highly valued by the people who live there.

Yellow bumblebee (Bombus fervidus)

In the 1990s and early 2000s, Southborough experienced a population explosion whose momentum has continued through the present day with continued construction of new development. According to regional population projections, this growth will continue as the millennial generation ages and begins to settle down. This influx of young families could make preservation of open space even more challenging. Concerns have increased about strains on town resources and threats to ecological integrity from land fragmentation.

Humans settled in Southborough in part because of its fertile soils. Today, the same qualities that make the soil excellent for agriculture and healthy natural communities make it attractive to development. Soil also serves the important ecological functions of filtering water, sequestering carbon, regulating streamflow, and providing nutrients to plants that form the basis of human and terrestrial ecosystems. The community has stated that it would like to

protect prime farm soil in town, and this report will identify where the unprotected farm soil is and suggest strategies for its protection.

EXISTING CONDITIONS

Southborough's landscape typifies the Southern New England Coastal Plains and Hills Ecoregion with its plains and low hills. As with many other areas of New England, the forests were cleared for agriculture and grazing. A variety of successional oak and oak-pine forests cover the town, along with some elm, ash, and red maple that are typical of southern New England's forested wetlands. Although attempts were made to farm much of the Northeastern Coastal Zone during European settlement, land use now consists mainly of forests, woodlands, and urban and suburban development, with a few areas of pasture and cropland. The town's undeveloped land is largely forested. Some forests grew in abandoned farm fields, while some were planted by the DCR for protection of the reservoir (Scannell and Zimmerman, 2010). Forests deliver a wide variety of ecosystem services for humans and wildlife, such as provision of habitat, purification of air and water, moderation of stream flow, and sequestration of carbon (EOEEA, 2011). In Massachusetts, forests sequester approximately 10% of the carbon we emit (EOEEA, 2011).

Many of Southborough's open spaces are well connected to each other and to open spaces in adjacent towns. Continuing to preserve land near or adjacent to existing open space would strengthen the ecological integrity of the area, provide habitat for a wider variety of species, and promote genetic diversity among species by connecting isolated populations.
Southborough shares many resources with its six adjacent towns, from drinking water sources to protected open space to schools and recreational facilities. Regional goals for protected land are important in protecting shared natural resources and may help to mitigate the impacts of development and foster quality of life in this fast-growing region.

Southborough is a water-rich town with many resources from the Sudbury Reservoir to wetlands, vernal pools, and the Sudbury River. It is one of the thirty-six towns in the SuAsCo watershed (for Sudbury, Assabet, and Concord Rivers). The water quality of these rivers is impacted by the land use within the watershed. It is important to protect land, such as areas containing wetland systems, that provide valuable ecological services that maintain clean water, and also to effectively address aspects of development that threaten water quality. As the flow of the rivers continue on their paths to the sea, the actions of one town have effects on water quality far beyond its borders. Efforts towards water quality protection can be strengthened by regional partnerships, to protect the natural resources that keep drinking water clean for the residents of the region.

The Recreation Commission offers programs for various ages and many interests, giving individuals the opportunity to develop a sense of community and improve their physical and mental health. The town is awaiting the completion of a Recreational Facilities Study that will help determine the specific needs of the community, and ways to meet them.

The Trails Committee is now working to promote the goals of the community in strengthening and expanding the trails networks in Southborough and its regional connections. Established as a result of the action plan from the 2009 OSRP, the Committee has made progress towards connecting Southborough with regional trail networks such as the Bay Circuit Trail, the Boroughs Loop Trail, and developing a website that lists the available trail resources in Southborough. Its next step is to develop a single document that contains all of these trail resources.

MOVING FORWARD: GOALS & ACTIONS

A summary of the Town's needs outlines the elements of resource protection and recreation and served as the basis for determining the goals and objectives of the community, from which actions were identified.

The open space parcels and recreation facilities already in place are maintained and/or improved as needed, and when applicable they are expanded. Southborough aims to take the proper steps to meet the community's growing needs for sufficient recreation facilities and infrastructure. Results of the OSRP survey indicate that residents are interested in expanded recreational facilities, particularly trails for either multi-use or passive recreation, and a new indoor recreation and community center. With this strong local interest in trails, the work of the Trails Committee will continue to be vital in supporting the town's needs.

Parcels of priority conservation interest are identified and protected to support ecological integrity and connectivity of open space for people and wildlife. Protecting land adjacent to already protected contiguous open areas around the reservoir and undeveloped land in the southeastern corner of town could provide an important connection for wildlife between large open spaces in neighboring Hopkinton and Ashland. These lands are vital for the survival and migration of plant and animal communities in the town and the region and should be prioritized for protection.

Agriculture is preserved and promoted as an important aspect of community character. Interest in local agriculture has been growing in Southborough, with the expansion of the community gardens and the first season of the Chestnut Hill CSA. If this trend continues, it will be important to Southborough to preserve soils suitable for agriculture. Preserving these soils can also help the town adapt to the impacts on food systems that is forecasted with climate change. Food prices are projected to rise over the long term due to the extreme weather patterns caused by climate change. By reducing the distance food travels from farm to table which reduces carbon emissions, Southborough could simultaneously be helping to mitigate the effects posed by climate change. Protecting prime farmland soil is also valuable from a conservation standpoint, as fertile conditions may improve the quality of habitat for plants and wildlife.

Groundwater and surface water are protected as clean and abundant resources. Water resources are some of Southborough's most visible and celebrated natural resources, and also some of its most endangered. These important natural resources must be better protected with larger wetland buffers and stricter enforcement of local wetland bylaws in order to protect water quality in local rivers and streams and the habitat of local wildlife. Southborough's valuable natural resources are increasingly under pressure from development, making conserving Southborough's crucial remaining open spaces more difficult.
Prioritizing conservation efforts based on the analyses of the landscape across town and regional scales can help effectively channel the work of the town's residents and committees.

Section 2: Introduction

A. STATEMENT OF PURPOSE

This Open Space and Recreation Plan (OSRP) is based on a comprehensive analysis of Southborough. The recommendations that are presented in the concluding sections are derived from the analysis, input from residents, and review and suggestions from the OSRP Working Group. Through the next seven years, this document can guide committees through structured steps to fulfill the community's goals and objectives.

OUTLINE OF PURPOSE

Southborough has experienced rapid population growth, increasing by 32% percent between 1990 and 2000, and an additional 11% between 2000 and 2010, with close to a thousand new residents over that time, all drawn to its convenient location close to Boston and Worcester and its scenic rural landscapes. Increasing development has caught the attention of Southborough residents, and concern for the protection of the remaining open space is now more evident than ever.

This planning document summarizes the town's natural and cultural resources, open space and recreation goals, and a plan to meet them. It includes a narrative of the community setting, environmental analysis and an inventory of currently protected open space lands and a priority list for future protection. The process of identifying conservation priorities also provides the community with an opportunity to engage in a conversation about development, conservation, and recreation, and can make the Town eligible for various state-funded grants.

COMPLETED GOALS

Many of the goals that the community identified in the last OSRP have been met. These include creating additional conservation areas and recreational facilities, expanding trail and sidewalk systems, creating partnerships and agreements with private landowners for conservation and recreation lands, and providing outreach and education programs. Since the publication of the last OSRP in 2009, the community has:

Added recreational and open spaces, and extended existing ones:

- ☐ Completed construction at Triangle Park
- ☐ Explored the possibility of leasing land for athletic fields
- ☐ Located areas for creating small "tot lots"
- ☐ Expanded the Southborough Community Gardens
- ☐ Explored the possibility of lighting additional fields for nighttime use

Engaged in research and restoration:

- ☐ Encouraged flora and fauna inventories and research on open spaces

Facilitated educational and outreach programs:

- ☐ Hired a naturalist to host nature walks
- ☐ Offered workshops on identifying, monitoring, and controlling invasive species
- ☐ Held nature-based recreational activities
- ☐ Promoted and led "Big Night" vernal pool amphibian crossings
- ☐ Worked with local land trusts, Southborough Open Land Foundation (SOLF) and The Trustees of Reservations (TTOR), to expand recreational opportunities and educate the public
- ☐ Participated in the SuAsCo Cooperative Invasive Species Management Area (CISMA) partnership in a science class at a local school
- ☐ Included trail maps and information on the town website
- ☐ Continued stewardship program of Breakneck Hill

Improved organization and partnership:

☐Working with abutting communities, developed a MetroWest Regional Open Space Plan to identify valuable parcels of mutual interest to create interconnected trail networks and preserve wildlife corridors.

☐ Established a "Friends Of" recreation group

☐ Formed a Trails Committee

☐ Formed a Town Forest Stewardship Sub-committee

☐ Created a database of subdivision open space

☐ Researched and identified open space set- asides within approved subdivisions

LOST OPPORTUNITIES

Although there were many accomplishments, there have also been many missed opportunities since 2009:

☐ No priority parcels have been protected.

☐A few hundred acres of land prioritized for recreation potential or priority habitat have been developed or slated for development.

☐ Prime wildlife habitat has been lost

☐ Prime farm soils have been lost

LOOKING TO THE FUTURE

Following a process of public participation with the efforts of OSRP Working Group, this document summarizes what Southborough wants to accomplish and outlines the necessary actions to take in the next seven years. It serves as a guide to meet the open space and recreational needs of the community, and to preserve what residents love most about their town.

B. PLANNING PROCESS AND PUBLIC PARTICIPATION

This Open Space and Recreation Plan is designed to serve the community of Southborough, and should reflect the wishes of its many and diverse constituents.

This report represents a collaborative effort. The town of Southborough assembled an OSRP Working Group consisting of two graduate students from the Conway School, who worked alongside a group of Town employees and volunteers engaged in various stakeholder groups within the community.
This group consisted of:

- ☐ Beth Rosenblum, *Conservation Administrator*
- ☐ Doreen Ferguson, *Recreation Director*
- ☐ Meme Luttrell, *Open Space and Preservation Commission*
- ☐ Freddie Gillespie, *Open Space and Preservation Commission; Stewardship Committee*
- ☐ Sally Watters, *Southborough Open Land Foundation*
- ☐ Dan Guilford, *Trails Committee*
- ☐ Dan Frank, *Trails Committee*
- ☐ Bob Sykes, *Town Engineer*
- ☐ Allison Gramolini, *The Conway School*
- ☐ Helmi Hunin, *The Conway School*

The committee met three times to discuss the needs of the community, the goals of the plan and the process it would follow. The group also communicated through phone and email.

OPEN SPACE AND RECREATION SURVEY

The Town created and distributed an online survey. It was made available on the town website, and distributed through the Southborough Recreation Department, Southborough K-8 Public Schools, and the Southborough Council on Aging list serves. The survey received 207 responses. It is attached in full in Appendix #2.

PUBLIC FORUM #1:

Data Gathering

The first public forum was held at Cordaville Town Hall/Southborough Senior Center on February 3, 2016. Thirty participants attended. At the first meeting, the Working Group gave a presentation outlining the purpose and utility of the OSRP, as well as accomplishments since the last update, published in 2009. Participants also worked together in breakout groups to identify the places in town most valued, and to identify their recreation and open space goals.

PUBLIC FORUM #2:

Responses to Draft Goals and Objectives

The second forum, also held at Cordaville Town Hall, occurred March 4, 2016. The seven participants evaluated the goals and objectives the students and Working Group had identified, and proposed actions to achieve these goals.

The results of both forums were incorporated into the goals, objectives, and seven-year action plan delineated at the end of this report.

ENVIRONMENTAL JUSTICE POPULATIONS

There are no state-recognized Environmental Justice Populations in Southborough, and thus, no enhanced outreach to such a community was made in creating this plan.

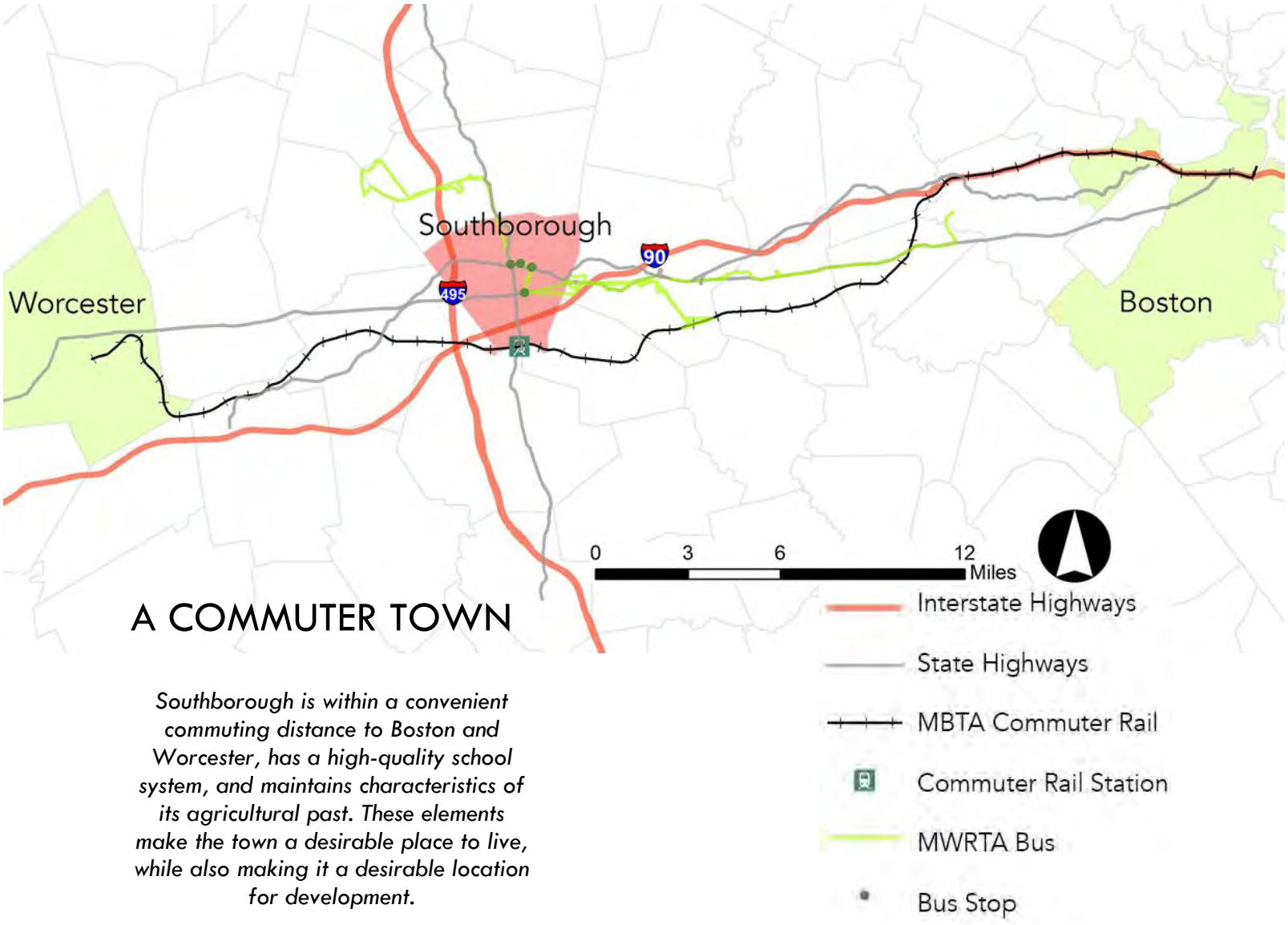
PUBLIC COMMENT

The public forums and online surveys helped to identify the needs and desires within the Town of Southborough and help us enhance and improve upon our recreational areas.

Section 3: Community Setting

A. REGIONAL CONTEXT

Southborough is a small suburban town in eastern Massachusetts with a convenient commuting location fifteen miles east of Worcester, and twenty-five miles west of Boston. Southborough is a member of the Metro West Regional Collaborative (MWRC), one of the eight subregions of the Metropolitan Area Planning Council (MAPC) of greater Boston. Despite its rapid growth in the last two decades, it has managed to maintain many of its rural characteristics, which are highly valued by the people who live there. The town shares many resources with its six adjacent towns, from drinking water sources to protected open space to schools and recreational facilities. Regional goals for protected land are important in protecting shared natural resources. Working with regional partnerships to create these goals may help to mitigate the impacts of development and foster quality of life in this fast-growing region.



A COMMUTER TOWN

Southborough is within a convenient commuting distance to Boston and Worcester, has a high-quality school system, and maintains characteristics of its agricultural past. These elements make the town a desirable place to live, while also making it a desirable location for development.

LOCATION

Southborough is at the eastern edge of Worcester County, and is also one of the westernmost 101 towns of greater Boston. Southborough covers 15.7 square miles and has six adjacent towns of Marlborough to the north, Framingham and Ashland to the east, Westborough and Northborough to the west and Hopkinton to the south. Two of the top reasons why many residents now move to Southborough are at odds: they like it because of its great commuting location as well as the rural character that it has retained (according to the OSRP Survey). Both qualities make the town a very desirable place to live. It is a challenge to retain the rural characteristics of a town with this kind of development pressure.

Because of the limited number of stores and restaurants in Southborough, residents mostly shop and dine in the surrounding communities. There is no supermarket in town.

WATER RESOURCES

Southborough is in the SuAsCo Watershed (for the Sudbury, Assabet and Concord Rivers). The watershed encompasses 377 square miles and includes thirty-six Massachusetts towns. Portions of the three rivers have been federally designated as "wild and scenic rivers" based on their free-flowing condition and outstanding scenic, recreational, historical, cultural, and wildlife values. Due to rapid growth and development of the area and its proximity to Metropolitan Boston, retaining the natural beauty and rural character of the watershed is a challenge.

RECREATION AND SCHOOLS

The public-school system of Southborough is highly ranked. Boston Magazine's 2011 ranking of the best schools in Massachusetts put the Northborough-Southborough district in eighth (Fitzgerald, 2011). According to the OSRP survey, one of the top reasons that residents now move to Southborough is for its excellent public schools. Three private schools are also located in Southborough. The schools are not only an important asset to the community for their quality, but also because they share their physical resources with the community, such as ball fields and playground equipment, providing the community with areas of open space and recreation. In addition, many residents use the school facilities in adjacent towns for recreational purposes.

Residents of Southborough attend Algonquin Regional High School in Northborough, which recently finished an expansion in 2006 to make room for the growing number of incoming students.

Table 1: Public and Private Schools in Southborough

Mary Finn School	Pre K-1	Public
Albert S. Woodward School	2-3	Public
Margaret A. Neary School	4-5	Public
P. Brent Trottier Middle School	6-8	Public
Algonquin Regional High School (located in Northborough)	9-12	Public
Fay School	1-9	Private
St. Mark's School	9-12	Private
New England Center for Children	Special Needs	Private

REGIONAL OPEN SPACE & RECREATION

There are many scenic open space and recreational opportunities surrounding Southborough including Hopkinton State Park, located less than a mile south of town; Cedar Swamp, near the southwestern edge of Town in Westborough whose trail system extends into Southborough; Marlborough State Forest to the north; Ashland Town Forest to the east; and Richard Callahan State Park to the northeast in Marlborough.

REGIONAL PLANNING AND PARTNERSHIPS

The Metropolitan Area Planning Council (MAPC) is the regional planning agency that serves the 101 municipalities of Metropolitan Boston. The council promotes Smart Growth and regional collaboration and provides technical assistance and policy guidance on a range of environmental issues to promote sustainable land use and protection of natural resources (www.mapc.org/environment). MAPC works with its cities and towns through eight sub regional committees, including Southborough's committee, the MetroWest Regional Collaborative (MWRC). It serves as a think tank and advocate for locally initiated regional solutions to policy and planning challenges shared by the nine MetroWest municipalities which run from I-95 to I-495 along the Route 9 Corridor: Ashland, Framingham, Holliston, Marlborough, Southborough, Natick, Wayland, Wellesley, and Weston. It facilitates

inter-local collaborative planning and problem solving to enhance the quality of life and economic competitiveness of the MetroWest region, promoting inter-municipal cooperation and guiding regional growth and change.
MWRC focuses on issues such as land use, transportation, municipal governance, mitigation of development impacts, and coordination of municipal services.

Local representatives of MetroWest meet monthly to address growth management, traffic, and regional open space issues. In 2011, the MWRC received funds through the Sustainable Communities grant program to create a Smart Growth plan for future development along the Route 9 MetroWest Corridor. The towns included were Southborough, Framingham, Natick, and Wellesley. The study aimed to provide alternative development scenarios to prevent traffic congestion from worsening along Route 9. A summary report by MAPC in June 2010 concluded that if the region were to continue building to the maximum extent allowed by current zoning regulations, the resulting traffic could eventually exceed the remaining capacity on Route 9, leading to gridlock and adversely impacting businesses.

Route 9 MetroWest Corridor Study

The MetroWest Regional Open Space Connectivity Plan was initiated by Southborough with funding from the District Local Technical Assistance Program. It is a collaborative effort between the MWRC, the MAPC, and representatives from the nine member municipalities of the MWRC. The first phase of the plan was completed in 2010.

The plan illustrates how the open space and trails in each town can become linked into an interconnected regional network, crossing municipal boundaries and connecting to other trails and open space in the surrounding communities. The plan also identifies unprotected land of potential conservation interest that would enhance the connectivity and conservation value of the existing open space. Phase II was completed in December 2011. With input from the municipalities, MAPC has updated its open space database to better define ownership and level of protection of existing open space.

The Boroughs Loop Trail is one of the major projects that has come out of the MetroWest

Regional Open Space connectivity plan. It connects the hiking trail networks of Marlborough, Northborough, Southborough, and Westborough to create a regional trail that encourages the exploration and protection of these towns' natural resources. In 2013, a plan was put together to provide a roughly thirty- mile loop that links these communities together. Most of the trail segments within Southborough already exist, but not all.

The Bay Circuit Alliance is a coalition of state, town, and federal agencies, non-profit organizations, and individuals whose primary endeavor is overseeing the Bay Circuit Trail, a 230-mile multi-use route that links parks, open spaces and communities in 37 outer-Boston towns.

In the fall of 2012, the Appalachian Mountain Club (AMC) and The Trustees of Reservations (TTOR), two of Massachusetts' largest and oldest conservation organizations, began working together to lead the Bay Circuit Alliance in the completion, enhancement, and long-term protection of this recreational trail and greenway. The Southborough Trails Committee has been working diligently with the Bay Circuit Alliance towards the official completion of the segment of the Bay Circuit Trail that intersects the northeast corner of the town. The trail is now open for use.

Utilizing the many available regional partnerships and organizations to work towards conservation of open space and recreational areas can help Southborough to collectively determine the future of their town's valued resources. More information about different organizations that Southborough is working with to conserve parcels in town can be found in Section 5.

B. HISTORY OF THE COMMUNITY

Southborough has historically been an agricultural community, and remnants of that history remain in its stone walls and small-town feel. Through adaptation to the industrial age and ultimately becoming a residential community, it has proven itself to be a resilient town. As Southborough passes through a period of rapid population growth and global climate change, this resilience may allow the town to adapt to new challenges.

NIPMUC SETTLEMENT

Prior to European settlement of the area now known as Southborough, members of the Nipmuc tribe had established planting fields to the west of an old trail in approximately the same location as Route 85 today. To the south, they made their homes in the meadows on both sides of the trail. Their burial ground was west of the principal trail (Noble 1990, 19).

By the early 1600s, European settlement had spread through much of what is now eastern Massachusetts. With it came new diseases that ravaged the Native Americans. In 1616, an outbreak of what was probably measles devastated many tribes, killing nearly all the Nipmucs. Those who did survive called the area Whipsuppenikie, "the place of sudden death" (7).

EARLY EUROPEAN SETTLEMENT

In 1643, native tribes were forced to submit to English authority, and inland expansion by Europeans increased. The English government restricted colonies from printing money, and corn became the only legal tender. Thus, there was an emphasis on agriculture in the new settlement as the early farmers were among those who could afford to buy land, and settlements far from Boston were forced to be self-sufficient (13).

The region between the Nipmuc burial ground and the Sudbury River was named Stony Brook because of the rocky nature of Stony Brook's shoreline. The new settlers built in many of the same places as the Nipmucs had, including establishing their burial grounds on the same hill. This settlement was incorporated as Marlborough in 1660 (22).

In 1726, landowners of the Stony Brook region petitioned at the Marlborough Town Meeting to allow them to become a separate town, with its own church. The legislature consented in 1727.

FIRST YEARS AS SOUTHBOROUGH

Among Southborough's first town officials were David Fay and Isaac Amsden, who were elected Fence Viewers— "responsible for the miles of stone wall and fence which ran through the area. A breach of fallen stone might mean a wandering animal, resulting in unnecessary damage and a needless dispute" (41). Southborough still has Fence Viewers today. The Meeting House was built on a hill facing south, overlooking Main Street. Just east of the church was the burial ground, surrounded by its stone wall. Behind the church was an open meadow—the town's training field for the militia, as well as public grazing land for livestock (47).

GROWTH OF TRANSPORTATION AND INDUSTRY

In 1805, construction of the Worcester Turnpike began and in 1835, the Boston & Albany Railroad brought rail service, running north and south through the eastern sector of town. The Southborough Jail was built in the town's southern section, near the railroad line (136).
The railroad also made possible the emergence of small factories in Southborough. The period between 1845 and 1850 saw a tremendous increase in industrial enterprises. In Southville, there was a boot and shoe factory. Farther to the east was a large factory for processing cotton and woolen goods, along with houses for the factory owner and workers. In little more than a year, it was a self-sustaining village named Cordaville. This little village along the Sudbury River and the Boston & Worcester railroad attracted growth. By the end of this decade there were thirty-one different industries within Southborough (147-148).

It was during this time that the population of the town had grown to the point that it needed a new cemetery. The Rural Cemetery, which still defines the approach to the town center from Route 9, was established (145).

In 1850, the Agricultural Branch Railroad became the third railroad in town, and there were four stations: Southborough, Fayville, Southville and Cordaville. Those same areas were the focal points for the town's burgeoning industrial enterprises, including five grist mills, three saw mills, six boot and shoe factories, three cotton and wool factories, three tanneries, two sash and blind factories, two brick kilns, a brush factory, a wire factory, a peg mill, a flour mill, a currier shop, a bonnet factory, a carriage factory, and a cordage factory (153).

SOUTHBOROUGH'S DEFINING FEATURES

1892 saw the beginning of what was easily the most significant event to affect Southborough as the nineteenth century wound down to a close. That year, the Boston Water Supply Department bought part of Fayville and flooded it to create a reservoir. The advent of the reservoir system brought many changes to Southborough.

The Water Supply Department later claimed 2,000 acres of prime farmland by eminent domain. Sixty homes were displaced or destroyed and twenty were moved to new locations. During this time, Southborough citizens took the City of Boston to court over a number of conflicts arising from the eminent domain takings. Part of the settlement required Boston to pay for any and all road modifications and maintenance directly resulting from the reservoir project. The settlement also required the creation of and payment for Southborough's first-ever police department to deal with the influx of outside workers into the community (242). The Sudbury Reservoir was completed in 1897.

GROWTH AS A RESIDENTIAL COMMUNITY

In 1903, passenger trolley service came to town, with a station stop at Whites Corner. By 1925, Southborough was turning its back on the industrial boom of the previous decades. Growth after this time consisted of small businesses and residences. In 1928 the railroad from Fitchburg was stopped and in 1931, the electric trolley was phased out. In the early 1940s, the Southborough railroad station was closed. It was razed in 1977. During the 1950s, the station in Cordaville stopped being used, and in 1970, it was dismantled and moved to Dublin, N.H., where it became the public library (253-336).

Also, during the 1940s, the Sudbury Reservoir system became the backup water supply for the city of Boston, after the construction of the Quabbin Reservoir.

The new transportation of this era, interstate highways, cut through the town, the Mass Turnpike in the 1950s and Interstate 495 in the 1960s.

In 1973, the MDC talked about building a 200-million-gallon-per-day water treatment plant for Southborough and reactivating the Sudbury Reservoir system. In 1984 the idea was dropped but a hydro-electric plant was built in Fayville in 1988 (338, 343).

C. POPULATION CHARACTERISTICS

In the 1990s and early 2000s, Southborough experienced a population explosion whose momentum has continued through the present day, with continued construction of new development. According to regional population projections, this growth will continue as the millennial generation ages and begins to settle down. This influx of new residents could make preservation of open space even more challenging.

POPULATION DENSITY

With a total land mass of nearly 13.9 square miles (excluding the 15.4 square miles the Sudbury Reservoir occupies), the population density is 696 people per square mile according to the 2010 US Census. The total population is 10,169 according to population estimates from the 2018 Census with a change of 4.1% in overall population from 2010.

INCOME & LABOR FORCE

The median household income in 2017 was $142,426 with 69.5% of the residents, ages 16+, are in the labor force. In 2016 almost all of the industries within Southborough were able to reach the historic highs as seen in 2009. According to the Executive Office of Labor and Workforce Development (EOLWD) employment in each industry has begun to decrease since 2016.

POPULATION TRENDS

Southborough is part of MetroWest, a region of 45 communities in east-central Massachusetts on the outskirts of Boston. Southborough's population has experienced rapid growth in recent decades, particularly in the 1990s and early 2000s. Its population grew 32% between 1990 and 2000 (from 8,781 to 9,767) and the town added an additional 986 residents between 2000 and 2010, a growth of 11%. The population increase between 2010 and 2014 estimated by the American Community Survey was 102 residents, an increase of about 1%. The population boom has slowed somewhat, although Southborough's population continues to grow.

This may continue, according to predictions offered by UMass' Donahue Institute of Economic and Public Policy Research, which predicts steady population growth between 2015 and 2035 in MetroWest (Renski and Strate, 2015). Because MetroWest tends to attract young adults beginning to buy homes and start families, the report projects a regional increase in population beginning in 2015 as the millennial generation reaches their late 20s and 30s, increased further by anticipated births to these couples. This gain is offset by the out- migration of college students and adults in their early 20s, as well as the aging of the baby boomer generation, as retirees often move out of MetroWest. However, the region is likely to have a net population increase: in the 2030- 2035 period, the Donahue Institute predicts "there will be an estimated 4,088 more people coming into the region than leaving it" (49).

The projected gain in the population of young adults, many of whom will likely begin families, suggests there will be an increase in the demand for recreational programs and facilities in Southborough. While recreation programs serve the entire community, the town's programming tailored to school-aged children and teenagers is particularly robust. According to the Recreation Department, during the 2014- 2015 school year, 2,069 public school students participated in the recreation department's after-school programs, and an additional 1,516 community members of all ages participated in its town-wide programs. Southborough also has numerous volunteer-run youth sports leagues. If the projected population gains are realized, these programs will likely expand, suggesting that investment in recreational facilities is a forward-thinking decision.

ENVIRONMENTAL JUSTICE POPULATION

There is no Environmental Justice population mapped in Southborough. They do exist in the surrounding towns of Westborough, Marlborough, Framingham, and Ashland.

EMPLOYMENT TRENDS

Southborough enjoys a low unemployment rate and high median income, and its residents are primarily employed in professional and management positions. Between 2010 and 2014, the average unemployment rate was

3.8%, compared to 5.7% in Massachusetts and 5.8% nationwide. Median household income in Southborough during the same time period was $149,375, compared to the state's median income of $67,846 and the nation's $53,482 (US Census Bureau).

D. GROWTH AND DEVELOPMENT PATTERNS

In recent decades, Southborough's excellent commuting location relative to Boston and Worcester has attracted hundreds of new residents, and many new homes have been built to accommodate them. Population growth has expanded the community, but residents have raised concerns about strains on town resources and the threat to ecological integrity from the increased fragmentation of open space.

OVERVIEW

Since 1990, Southborough has faced intense growth and development pressure. During the period from 1990-2000, its population increased 32% (Census, 2010, 2000). Since 2000, development has steadily continued. The Town issued an average of 31 building permits per year between 2000 and 2012 (Goldson, 2015). The year of greatest development was 2002, with 86 permits issued, and the slowest was 2009, during the economic recession, when only 6 permits were issued (Goldson, 2015). Recent residential development has almost exclusively taken the form of single-family homes.

However, there have been a few notable exceptions, namely, two large developments constructed under Massachusetts' Chapter 40B. Madison Place was completed in 2014 and was largely supported by the community (Petrishen, 2013). However, a second, larger development, still in the permitting process, has faced much greater public scrutiny. The Residences at Park Central has caused controversy within the town due to anticipated strains on municipal services and an increase in traffic.

DEVELOPMENT TRENDS

In recent years, large developments built under Massachusetts' affordable-housing program have led to concerns about strains on the town's resources and the area's ecological integrity. Massachusetts' Comprehensive Permit Act, known as Chapter 40B, applies to cities and towns whose current affordable-housing stock comprises less than 10% of its total. Under the law, a municipality's Zoning Board of Appeals may approve a development under a single comprehensive permit if at least 25% of the new units meet state affordable housing guidelines. The law is controversial because allowing a developer to file one single comprehensive permit often means the project can bypass local zoning regulations, or that it is not subject to the same environmental-stewardship scrutiny that it otherwise would be. As of March 2014, 286 of Southborough's 3,433 housing units were subsidized to be affordable, a total of 8.33%. To meet Chapter 40B's goal of 10%, an additional 58 affordable units would be needed.

One recent 40B development in Southborough was built with virtually no opposition from the community, while a second has proved highly controversial. The Residences at Madison Place, completed in 2014, contributed 140 apartments and 28 townhouses for rent to Southborough's affordable-housing stock. Southborough residents largely supported its construction. Madison Place does not disrupt local wildlife corridors or wetland areas, and does not abut any other residential neighborhoods. However, a second development has met strong opposition, with residents citing both social and ecological concerns. The Residences at Park Central has not yet been constructed as of this writing, but will consist of 180 apartments and 150 townhouses. The large development would create a substantial increase in population, and residents are concerned about the impact on local services such as schools and public safety. Traffic from the development would also flow exclusively onto one residential street, Flagg Road (Phelps, 2015). The site is also ecologically valuable: it contains 5.7 acres of wetlands and five potential vernal pools (MassGIS), and was identified in a 2007 Mass Audubon report commissioned by the

town as crucial to local wildlife because it provides wildlife with a critical buffer from nearby I-495. However, the contribution of both developments does bring Southborough closer to the Commonwealth's 10% guideline.

THE COSTS OF DEVELOPMENT

Some in Southborough support increased development, and one argument often made is that development results in reduced property taxes. However, extensive research into the economic benefits of open space as compared to development has concluded that preservation of farmland, forest land, and open space has numerous positive impacts on a municipality's tax base.

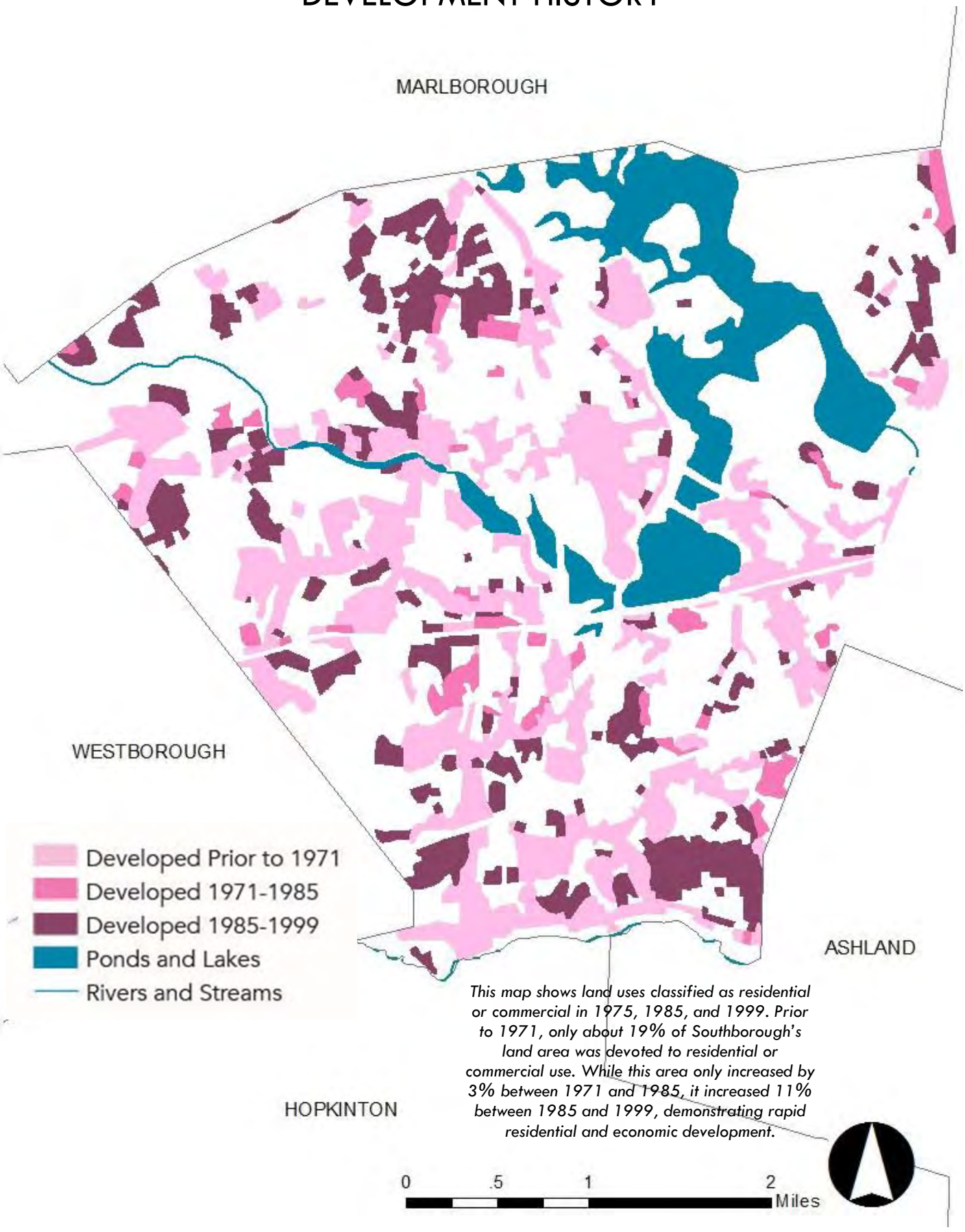
For example, the presence of open space may substantially increase home property values. Studies in diverse locations including Boulder, CO; Portland, OR; Howard County, MD; Austin, TX; Minneapolis-St. Paul, MN; and others have concluded that proximity to preserved natural land or park land has substantial positive impact on home property values (Active Living Research, 2010). The gains are substantial: in Portland in 2001, for example, buyers were willing to pay between $845 and $2,662 more for a home within 1,500 feet of a park than a home further away (Active Living Research 2010, 3). In three Boulder neighborhoods, properties within 3,200 walking feet of a greenway were worth an average of 32% more than properties further away. In fact, in one neighborhood, the presence of the greenway raised the neighborhood's combined property value by $5.4 million in 1978, which would be substantially more in today's dollars (Correll et al. 1978). The act of protection itself may be important: one Maryland study found that homes near land protected in perpetuity were worth an average of $3,307 more than homes near unprotected pasture, since potential buyers feared the land could potentially be developed in the future (Shoup and Ewing, 2010). In order to reap the full financial benefits of open space, Southborough should move to protect land in perpetuity.

Studies also show that larger parcels of protected space are more highly valued by homeowners, which has a positive impact on nearby home prices. Larger open spaces also improve ecological integrity; provide more public goods, such as air and water filtration; support wildlife habitat; create opportunities for education and spiritual reflection; and have numerous other intangible benefits (Faulsold and Lilieholm, 1996).

Unlike residential or commercial development, preserved open space actually generates a fiscal surplus because very little is needed in infrastructure and community services (Fausold and Lilieholm, 1996). The American Farmland Trust has created case studies of at least 151 communities nationally to analyze the fiscal contributions of various land use types. These are presented as revenue-to-expenditure ratios in dollars (American Farmland Trust, 2010). In 1997, Southborough became one of thirteen Massachusetts towns studied. That analysis found that residential development costs more in municipal services than its tax revenues provide, while both commercial development and farm, forest, or open space contribute more in taxes than they consume (American Farmland Trust, 2010, Faushold and Lilieholm, 1996).

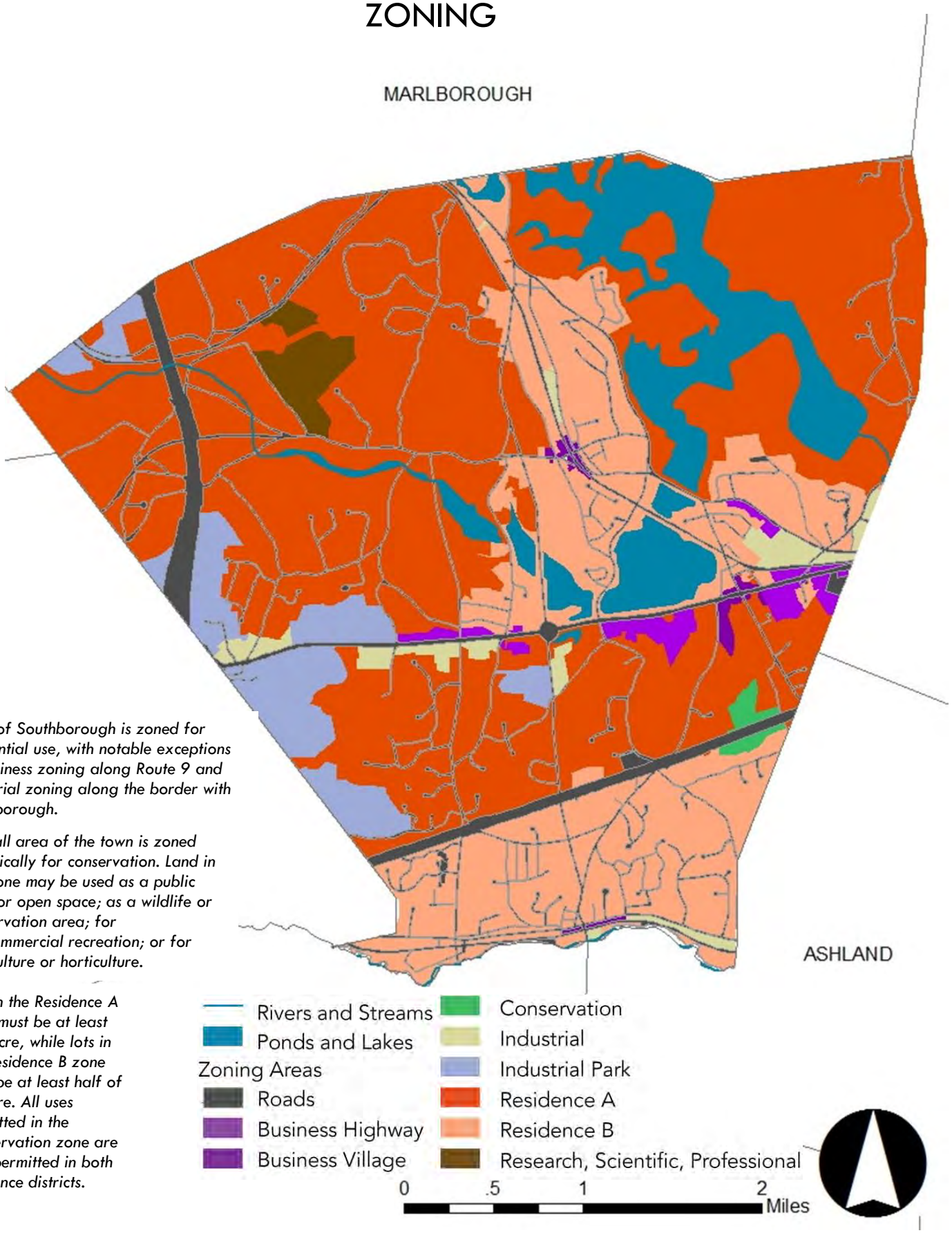
However, a review conducted by Active Living Research of numerous fiscal impact studies found that some commercial development attracts further residential development, which may ultimately result in a net fiscal deficit (Shoup and Ewing, 2010). In order to provide maximum ecological benefits to a growing population, it is in Southborough's best interest to preserve as much land as possible.

DEVELOPMENT HISTORY



This map shows land uses classified as residential or commercial in 1975, 1985, and 1999. Prior to 1971, only about 19% of Southborough's land area was devoted to residential or commercial use. While this area only increased by 3% between 1971 and 1985, it increased 11% between 1985 and 1999, demonstrating rapid residential and economic development.

ZONING



Most of Southborough is zoned for residential use, with notable exceptions of business zoning along Route 9 and industrial zoning along the border with Westborough.

A small area of the town is zoned specifically for conservation. Land in this zone may be used as a public park or open space; as a wildlife or conservation area; for noncommercial recreation; or for agriculture or horticulture.

Lots in the Residence A zone must be at least one acre, while lots in the Residence B zone must be at least half of an acre. All uses permitted in the Conservation zone are also permitted in both residence districts.

INFRASTRUCTURE

Transportation

Within Southborough three types of roadways can be found: regional and interstate highways, old town roads, and new subdivision roads. The highways include Interstate 495, the Mass Turnpike (I-90), and Routes 9 and 85. The old town roads are often narrow and winding, and usually lined with shade trees and stone walls. These roads give the town much of the rural character that residents want to preserve. Many of the new subdivision roads have stone walls built along them in an attempt to match the character of the old town roads. The major roads carry high volumes of traffic and separate the town into segments that wildlife cannot safely cross. Route 495 and the Mass Turnpike are uncrossable for pedestrians. Route 9 essentially cuts the town into northern and southern sections with very limited opportunity for safe pedestrian crossing. There is a desire among residents expressed at the second public forum on March 4, 2015 to address this issue, perhaps by creating some type of bridge or raised crossing.

There are two active railroads in town. A diesel freight line owned and operated by CSX runs only occasionally through the grade-crossing in the center of town. The MBTA Framingham/Worcester line runs along the Sudbury River at the southern edge of town on the border of Hopkinton and Ashland. This busy rail line is shared by CSX (carrying freight), Amtrak and MBTA commuter trains, operating throughout the day and night.

The MBTA Commuter Rail's Framingham/ Worcester Line train stops at Southborough Station, which opened to commuters on June 22, 2002, and is heavily used. The station has parking for 364 spaces and is consistently full. A new private pay lot with 74 spaces received approval from the Planning Board in September 2015 and is not yet constructed. Although the station lot is often filled, many residents also choose to commute by car for many reasons. Southborough to Boston by train takes over an hour and costs between $19 and $25 (and an additional $4 in parking at the Southborough T). By car the trip takes around 33 minutes and $3 to $4 in gas. It is not surprising that the 2014 American Community Survey (Census) found that 87% of Southborough residents drive alone to work. The 2008 Southborough Master Plan Survey found that only 1% commute by rail.

There are three bus stops along the MWRTA line which connect Southborough to adjacent towns, but the scope of travel connections is limited.

Water Supply Systems

Besides several private wells in town, most of the residents of Southborough depend on the drinking water supplied by the Massachusetts Water Resources Authority (MWRA). The water originates from the Quabbin Reservoir via an aqueduct to the Wachusett Reservoir and is treated at the John J. Carroll Treatment Plant in Marlborough. In operation since 2005, it also treats the water for forty other Metro West Boston communities via the MetroWest Tunnel, an aqueduct completed in 2004 that runs beneath Southborough. The plant has the capacity to treat up to 405 million gallons of water from the Wachusett Reservoir each day, though 270 million gallons per day is the average. Protecting the Quabbin's watershed is in the interest of not only Southborough, but for most of eastern Massachusetts.

The Quabbin and Wachusett watersheds are protected naturally with over 85% of the watersheds covered in forest and wetlands (MWRA, 2015). The entire eastern third of the Commonwealth depends on this system for its drinking water. Additionally, the Sudbury and Foss Reservoirs in Southborough and adjacent Framingham provide the only emergency drinking water source supply for over two million residents of eastern Massachusetts. The Department of Conservation Resources (DCR) owns and maintains the land around the Sudbury and Foss Reservoirs. To protect

water quality the DCR's 2008 *Watershed Protection Plan Update* identified the 2,000 acres of DCR property that surround these two water bodies over several towns as "a crucial buffer to water quality degradation in the reservoirs." The quality of water in the reservoirs has historically been below minimum standards, which is why these reservoirs have not been used as primary drinking water sources since 1976. Threats to the quality of water continue. Precipitation run-off from over a quarter of Marlborough, the most urbanized area of the watershed, drains into the Sudbury Reservoir (DCR, 2008).

Waste Water

The Town of Southborough relies almost solely on septic systems, with no plans to add sewers. The only exceptions are the several homes on Pine Hill Road which tie into the sewer system in Framingham. The 2009 Town of Southborough Open Space Plan notes: "A vote to install sewers has always been rejected because of concerns over the increase in development density that sewers historically bring." While relying on individual septic systems may decrease population density, it can also contribute to suburban sprawl.

Solid Waste Disposal

There is an inactive landfill in Southborough, which is a capped yet unlined municipal solid waste site. What was the Southborough Landfill is located on Parkerville Road, near the intersection with General Henry Knox Road? This is now a town soccer field and the town is required to perform annual testing at the site. Currently, residents can either opt to hire private companies to take care of their household waste and recycling, or they can purchase an access permit to use the transfer station located at the John Boland Public Works Facility on Cordaville Road for recycling and/or trash disposal. Recyclables are sent from the transfer station to E.L. Harvey & Sons Waste and Recycling Services in Westborough. Trash is transported for processing to the Wheelabrator Millbury energy-from-waste facility that uses up to 1,500 tons of waste from homes and businesses each day to produce electricity, reducing the regions' dependence on landfills ("Wheelabrator Millbury", 2016).

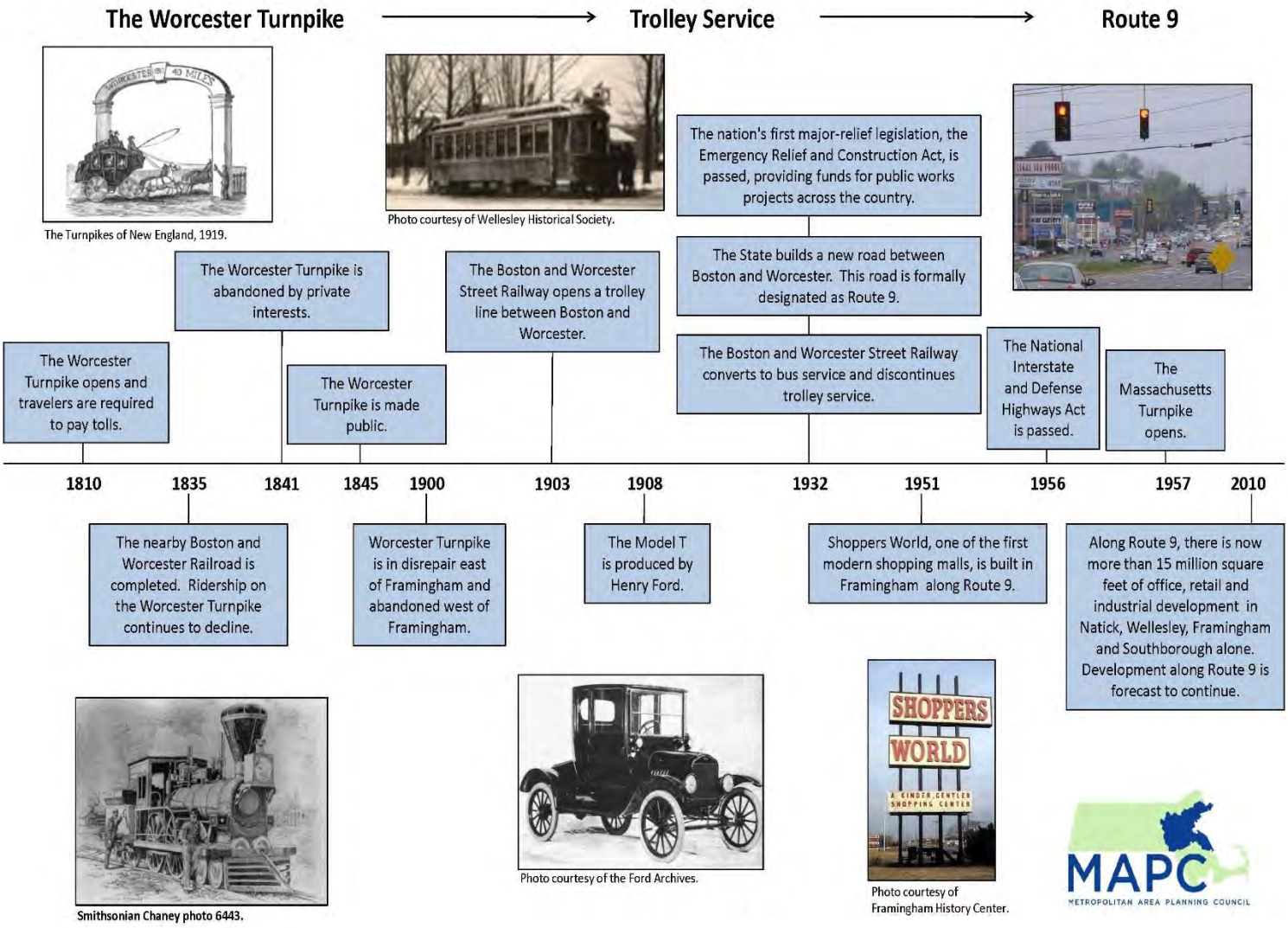
PEDESSTRIAN AND CYCLING OPTIONS

In 2015 the Southborough Sidewalk Construction Recommendation Committee was formed to develop an impartial review and evaluate streets that have a need for the construction of new sidewalks. The Committee created an evaluation matrix with ten categories: traffic volumes, pedestrian activity, safety, available right-of-way, connects to destination, connectivity, environmental impacts, construction challenges, conforms to town goals, and future needs.

From this study, the Committee identified the top 10 streets and recommended that the matrix be used in the future to rank and evaluate sidewalk construction for the optimization in use of tax dollars. The full report can be seen in Appendix #2.

The Trails Committee has been diligently working on the Boroughs Loop Trail (BLT) that connects Marlborough, Northborough, Southborough, and Westborough to create a 33-mile regional trail that has both walking and cycling options. The Grand Opening was on for October 5, 2019 and maps can be found at www.svtweb.org/blt.

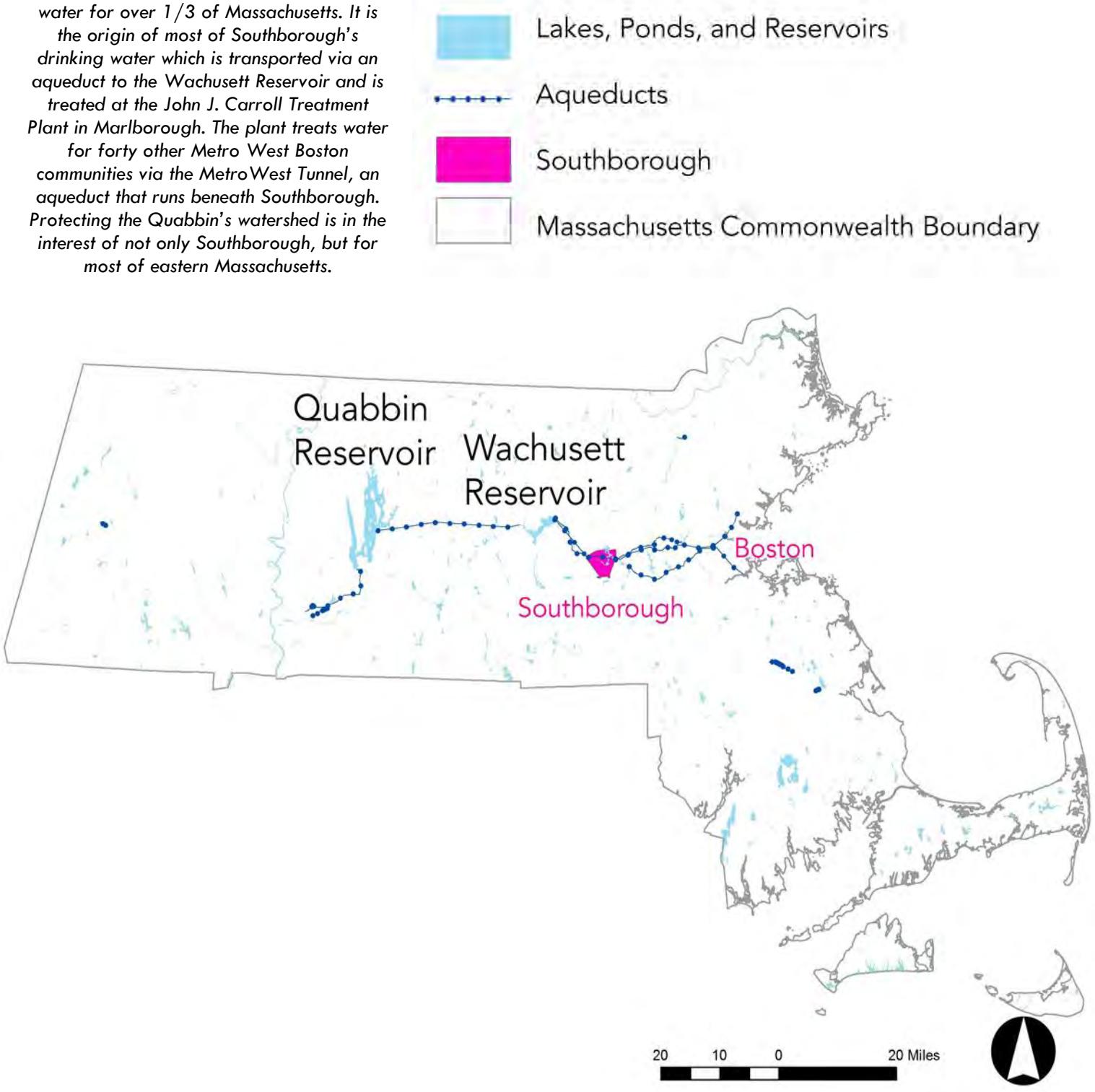
The 200 Year History of Route 9



In 2010, Route 9 turned 200 years old. For two centuries, this important east-west highway has brought development, transportation, and people from Metro Boston through the western suburbs, to the Worcester foothills, and beyond (Source: http://web.archive.org/web/20170817170241/http:/www.mapc.org/route-9)

WATER SUPPLY SYSTEMS

The Quabbin Reservoir provides drinking water for over 1/3 of Massachusetts. It is the origin of most of Southborough's drinking water which is transported via an aqueduct to the Wachusett Reservoir and is treated at the John J. Carroll Treatment Plant in Marlborough. The plant treats water for forty other Metro West Boston communities via the MetroWest Tunnel, an aqueduct that runs beneath Southborough. Protecting the Quabbin's watershed is in the interest of not only Southborough, but for most of eastern Massachusetts.



E. RECREATION

Written by the Southborough Recreation Commission

The mission of the Recreation Commission is to offer programs for all ages and interests, giving everyone the opportunity to engage in a variety of activities. Through these activities, participants will be able to make constructive use of leisure time and develop a sense of community, contribute to positive physical and mental health, and good sportsmanship. The Recreation Commission has developed an extension of the Open Space and Recreation Plan that is more directed to active and organized recreation itself and yet still supportive of the open space elements. There are several factors the Recreation Commission considers important in order to support our mission, Health and Safety, Community, Partnership and Facilities all of which overlap in many ways.

Health and safety are imperative in recreation. Offering programs that not only provide mental and physical health but take place in a safe environment is vital. Therefore, our existing facilities, including fields, playgrounds, and gyms, must be supported financially and well maintained. While Southborough does offer a host of facilities, there is room for growth, and it is paramount that the Recreation Commission strives to develop additional recreational facilities in Town.

The Town of Southborough's last comprehensive facilities plan was done in 1999 by the Ad Hoc Facilities Committee. That plan assessed the Town's fields, and it was thorough and accurate. This document, recently reviewed by the Recreation Commission, serves as a foundation for the establishment of new facilities and continuing the maintenance of existing ones. In April of 2016, the 2016 Recreation Facilities Study was completed and can be found on the Recreation website.

Activities which require indoor facilities are limited in Southborough. Securing indoor space in Southborough can be a challenge due to the number of organizations and the events and programs each offer. Recreation offers a wide range of programs, of which several are outsourced to other organizations or business locations in surrounding towns. This decreases the choice of program availability and the added burden of travel for residents. It is imperative that the Recreation Commission and the Town capture any opportunities that arise so that Recreation can rise to the growing demand of its residents.

Recreation reaches a large population and can foster a sense of community. The Commission views recreation as a host to many other committees and organizations within the Town. Creating a connection or partnership builds a sense of community and strength.

The Recreation Department publishes two seasonal brochures; spring/summer and fall/winter that offers programming for all ages. Also, after school programs are offered at all schools for grades PK-8. The department is also responsible for year-round scheduling of gyms and fields. The Recreation Department also works with the Southborough Trails Committee (STC) to oversee volunteers to create, monitor and maintain town resource trails in Southborough in coordination with both private and public entities, and will coordinate with the regional trail organizations. Additionally, the STC shall be responsible for oversight of all required monitoring and maintenance obligations under the Town's trail licensing agreements with the DCR and MWRA.

CURRENT RECREATION FACILITIES IN SOUTHBOROUGH	
Name	Facilities and Activities Available
9/11 Memorial Field	Multi-purpose field
Choate Field (lighted)	Baseball/softball, basketball, multi-purpose fields
Finn School	Playground, baseball, basketball, pavilion, gym
Harold Fay Memorial Playground	Playground, basketball, baseball, pavilion
Kallander Field	Multi-purpose field
Liberty Estate Field	Multi-purpose field
Mooney Complex	Multi-purpose field
Neary School	Playground, baseball, basketball, pavilion, gym, multi-purpose fields, outdoor volleyball, tennis
South Union	Recreation office, playground
Trottier Middle School	Track and field, baseball/softball, basketball, multi-purpose field, gym
Woodward School	Playground, wall ball, gym

The Recreation Commission has accomplished the following over the last six years:

- ☐ Improved communication
- ☐ Established a Trails Committee
- ☐ Completed the 1999 Facilities Plan with the installation of the skate park
- ☐ Established a summer concert series through partnership with Youth & Family Services
- ☐ Installed recreational features through Eagle Scout projects: outdoor volleyball court, platform and storage for community events, wall ball, obstacle course
- ☐ Installed new playground at South Union building
- ☐ Replaced lights at Choate Field
- ☐ Overseen major community events, Heritage Day, Gobble Wobble Road Race, and Summer Nights

The Recreation Commission has established goals and objectives to guide our efforts over the next three to five years which are outlined below. The 2016 Recreation Facilities Study, scheduled for completion in April, will help to narrow down more detailed goals.

2016 RECREATION GOALS	
1	Improve and maintain quality and safety of all recreational facilities
2	Provide high quality recreation programs and activities that meet the needs of residents of diverse ages to build a stronger community
3	Seek opportunities to expand recreational facilities
4	Maintain strong partnerships with committees and organizations throughout the town
5	Fulfill responsibility to maintain a budget that supports programming and facilities
6	Provide ongoing communication and education to end users
7	Build an indoor community center

Section 4: Environmental Inventory and Analysis

A. GEOLOGY, TOPOGRAPHY, SOILS

Southborough's fertile soils and gentle topography can be attributed to its glaciated past. Soil is an important natural resource that filters water, sequesters carbon, helps to regulate streamflow, and provides nutrients to plants that form the basis of human and terrestrial ecosystems. As a historically agricultural community, Southborough was founded on fertile soil. Today, the same qualities that make the soil excellent for agriculture and healthy natural communities make it attractive and vulnerable to development.

GEOLOGY AND TOPOGRAPHY

Southborough's geology provides clues to its glaciated past. Around 25,000 years ago, glaciers that covered what is now northern North America reached their fullest extent, submerging land as far south as Southern New England (Flory and Neel, 1975). The glaciers retreated and advanced several times between then and their final retreat from the region about 13,000 years ago, leaving behind weathered surface deposits composed of sand, silt, gravel, and boulders.

Southborough's surficial geology is dominated by two types of glacial deposits: stratified and unstratified deposits.

Stratified deposits are those that were transported from their original location, often by water. When sand, rocks, gravel, and other materials are transported by water, they are sorted by size, since the water is able to carry smaller particles further. This makes them excellent for water retention, meaning that there is less runoff and erosion that flows across the ground's surface into local water bodies. They are also excellent for groundwater filtration, since water passes through the ground slowly. They are therefore excellent for septic system installation (Flory and Neel, 1975). In Southborough, since many of the stratified deposits are located near the Sudbury Reservoir, caution should be taken when building very close to the reservoir itself.

Glacial till is an example of an unstratified deposit. Till is deposited in place, often as a glacier melts, and is not transported and therefore not sorted. This creates unsorted deposits composed of a random assortment of sand, silt, gravel, and larger rocks. Till tends to be compact, so it is difficult for water to pass through. Therefore, water passes quickly over the surface, often eroding the soil and carrying surface particles with it to local water bodies. These particles often contain fertilizer, gasoline, or other pollutants that can harm water quality. For these reasons, glacial till is not an especially good material in which to build septic systems, and extensive disruption of the soil can impact local water bodies (Flory and Neel, 1975).

Southborough's topographic variation is gentle. Much of the town's slopes are between 0 and 5%, which is nearly completely flat. There are few steep slopes and they are small in extent.

Exposed glacial stratified deposits at Breakneck Hill

SOIL IN SOUTHBOROUGH

Soil acts as a living filter that serves to protect and enhance our entire ecosystem; it is a dynamic and important natural resource that provides ecosystem services crucial to natural and social systems. The NRCS lists them as such:

Soil supports the growth and diversity of plants and animals by providing a physical, chemical, and biological environment where the exchange of water, nutrients, energy and air occurs. Soil regulates and partitions rainfall, regulates flow

and storage of water and solutes, including nitrogen, phosphorus, pesticides and other nutrients and compounds that are in dissolved water. Soil stores, moderates the release of, and cycles plant nutrients and other elements. (NRCS, 2011).

Southborough's soils can be grouped into eight major classifications: fine sandy loam, mucky fine sandy loam, sandy loam, silt loam, loam, loamy sand, Chatfield-Hollis rock outcrop complex, and udorthents. Of these, by far the most abundant type in Southborough is fine sandy loam. Fine sandy loam is a well-drained, deep soil formed in a loamy mantle. It is often considered Prime Farmland by the Natural Resources Conservation Service, although there are other areas of Southborough of the same soil type that are not considered prime farmland due to steep slopes or other physical characteristics. Fine sandy loam is also considered highly erodible, so if not managed carefully, it can be lost as sediment in runoff to nearby water bodies.

SOIL AND AGRICULTURE

About 48% of Southborough's soils are classified by the NRCS as Prime Farmland, Farmland of Statewide Importance, or Farmland of Unique Importance. Prime Farmland soils are those that are especially good for producing high yields of food, fiber, and other crops (SSURGO). The NRCS' Farmland of Statewide Importance classification is a secondary tier considered slightly lesser quality than Prime Farmland, although still high-yield enough to be economically productive. Farmland of Unique Importance is suitable for growing niche or specialty crops such as cranberries (MassGIS SSURGO). Prime Farmland is also an important natural resource that can shelter wildlife, supply scenic open space, and help filter impurities from our air and water (American Farmland Trust, 2002).

While Southborough was historically a farming community, today it is primarily residential. However, a recent demonstrated interest in local agriculture suggests that farming may again become more prominent. In 2006, a conservation restriction on the 109-acre Chestnut Hill Farm was purchased by the Town of Southborough. The property is now owned by The Trustees of Reservations. In 2015, a community-supported agriculture farm growing fruits and vegetables was established on part of the property. Members receive a box of fresh produce weekly from June to October, as well as access to the farm's Pick Your Own gardens, which grow flowers, peas, and beans. Chestnut Hill also runs a seasonal farm stand that offers both its own produce and products from other local vendors, and often donates excess vegetables to Southborough's food pantry. In the 2016 growing season, the farm's operators hope to expand Pick Your Own offerings (The Trustees, 2015). They'd also like to increase their CSA's membership substantially—having set a goal of 200 shares in 2016 and 350 in 2017. If these goals are met, the farm will quickly be pressed for space. Chestnut Hill will also soon be joined by a new farm in town: in March of 2016, Southborough Wicked Local reported that the 16.5-acre Stonybrook Golf Course, which has recently closed, will be converted to an organic farm. The news indicates growing local interest in expanding agricultural output.

Southborough's Community Gardens have also grown substantially in recent years and are popular among community members. The garden was initially established on a town- owned parcel off Middle Road. Because that site was difficult to access and had no water source, it remained small. However, once the garden was moved to Breakneck Hill in 2008, it quickly expanded from four plots to more than twenty. It grew again to fifty plots in 2009, once water spigots were installed. In 2012, donated topsoil from a construction project at St. Mark's School allowed the garden to expand to its current size of over sixty plots. Today, the town's volunteer Garden Coordinator helps to manage the garden by laying out the plots and collecting rental fees. By all accounts, it has been a huge success.

The upsurge in interest corresponds to a national conversation about threats to food security from changing temperature and precipitation patterns. Currently, New England produces only about 12% of the food it consumes (Donahue et al., 2014). The remainder is imported from abroad and from more farm-rich areas of the country, such as California and the Midwest. The USDA's 2012 report Climate Change and Agriculture in the United States: Effects and Adaptation outlines anticipated changes to the food system in future years due to climate change. For

example, California's produce-growing Central Valley's water stores are threatened by drought and a lessening snowpack (Walthall et al., 2012).

Reduced availability of water resources will likely result in reduced outputs, which will raise food prices, making local production more attractive (Donahue et al., 2014). In such a case, prime farmland will become a crucial resource for the region's food security.

SOILS AND DEVELOPMENT

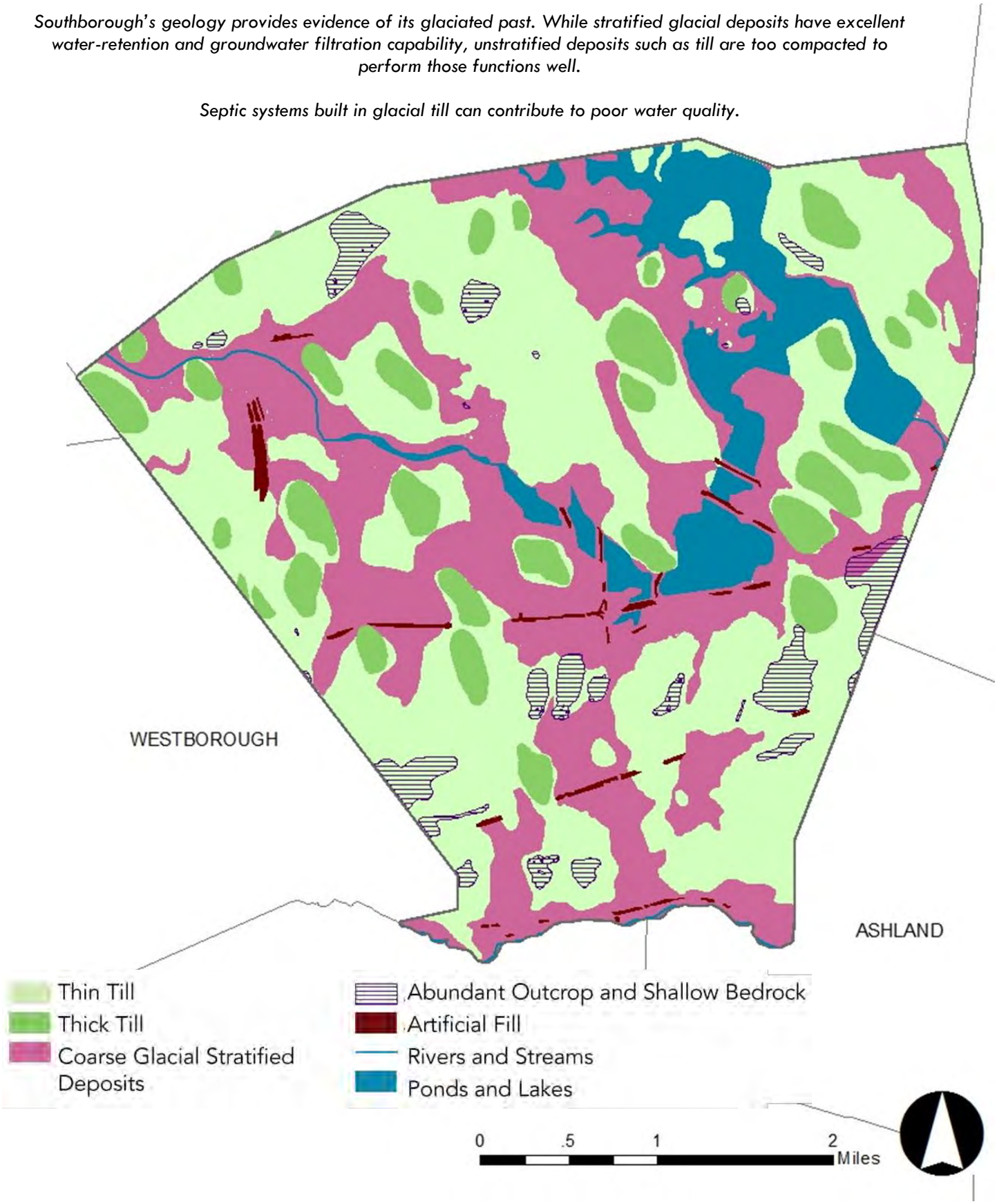
Prime farmland soils are also especially desirable for development. Their gentle slopes and good drainage make them appropriate for septic-system installation and makes them attractive places to build homes. This trend is widespread; nationwide, between 1992 and 1997, prime farm soils were developed at a 30% higher rate than less-fertile lands (American Farmland Trust, 2002). The development process can have deleterious effects on soil productivity that are not easily remedied.

Compaction of the soil by heavy equipment and building materials reduces the ability of air, water, and plant roots to move through the matrix, which increases stormwater runoff and reduces water holding capacity. Erosion is common at construction sites, since they are often left without vegetation for long periods of time (Mangiafico, 2011). While residential development is often necessary and important, development of prime farm soils forces agricultural production onto more marginal, less-appropriate land that is not as productive (American Farmland Trust, 2002). Soil–especially prime farm soil–is a valuable, but fragile resource, and care must be taken to preserve it for the future.

SURFICIAL GEOLOGY

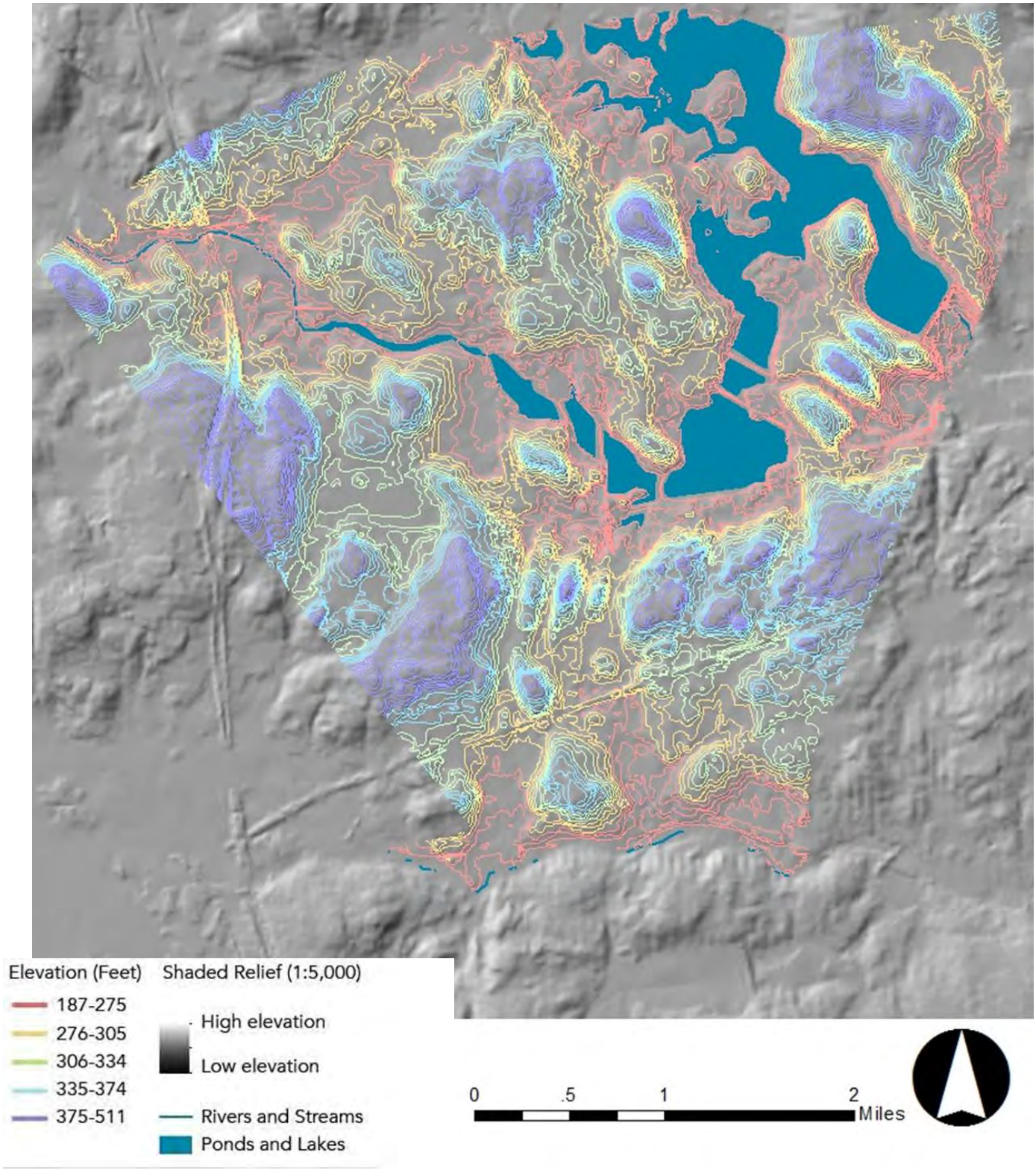
Southborough's geology provides evidence of its glaciated past. While stratified glacial deposits have excellent water-retention and groundwater filtration capability, unstratified deposits such as till are too compacted to perform those functions well.

Septic systems built in glacial till can contribute to poor water quality.



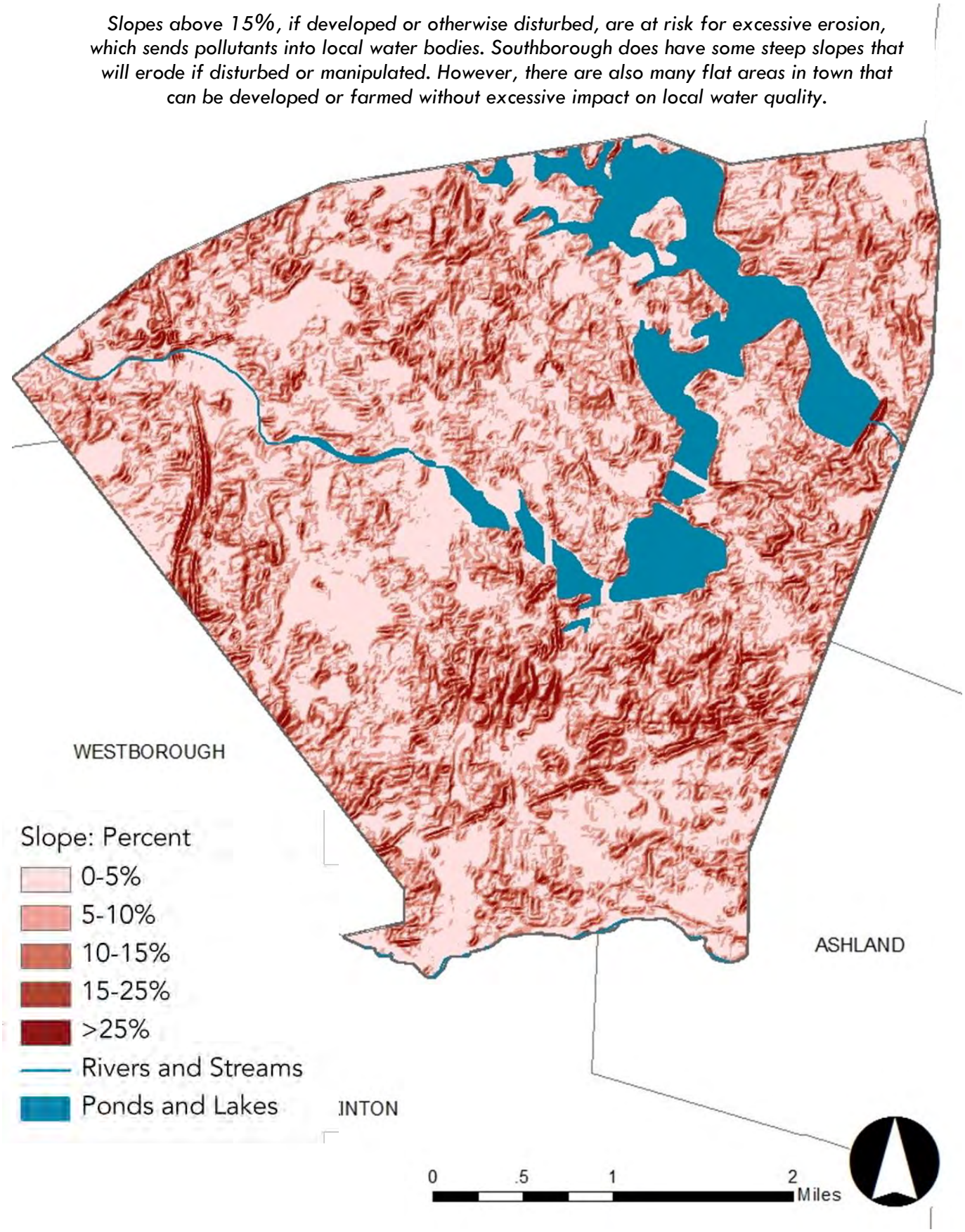
CONTOURS

Overall, Southborough's slopes are relatively gentle, with an elevation difference of only about 200 feet. The flattest areas are located around the Sudbury Reservoir and the Sudbury River. The generally shallow slopes once made the area attractive for agriculture, and now make it attractive for development.



TOPOGRAPHY

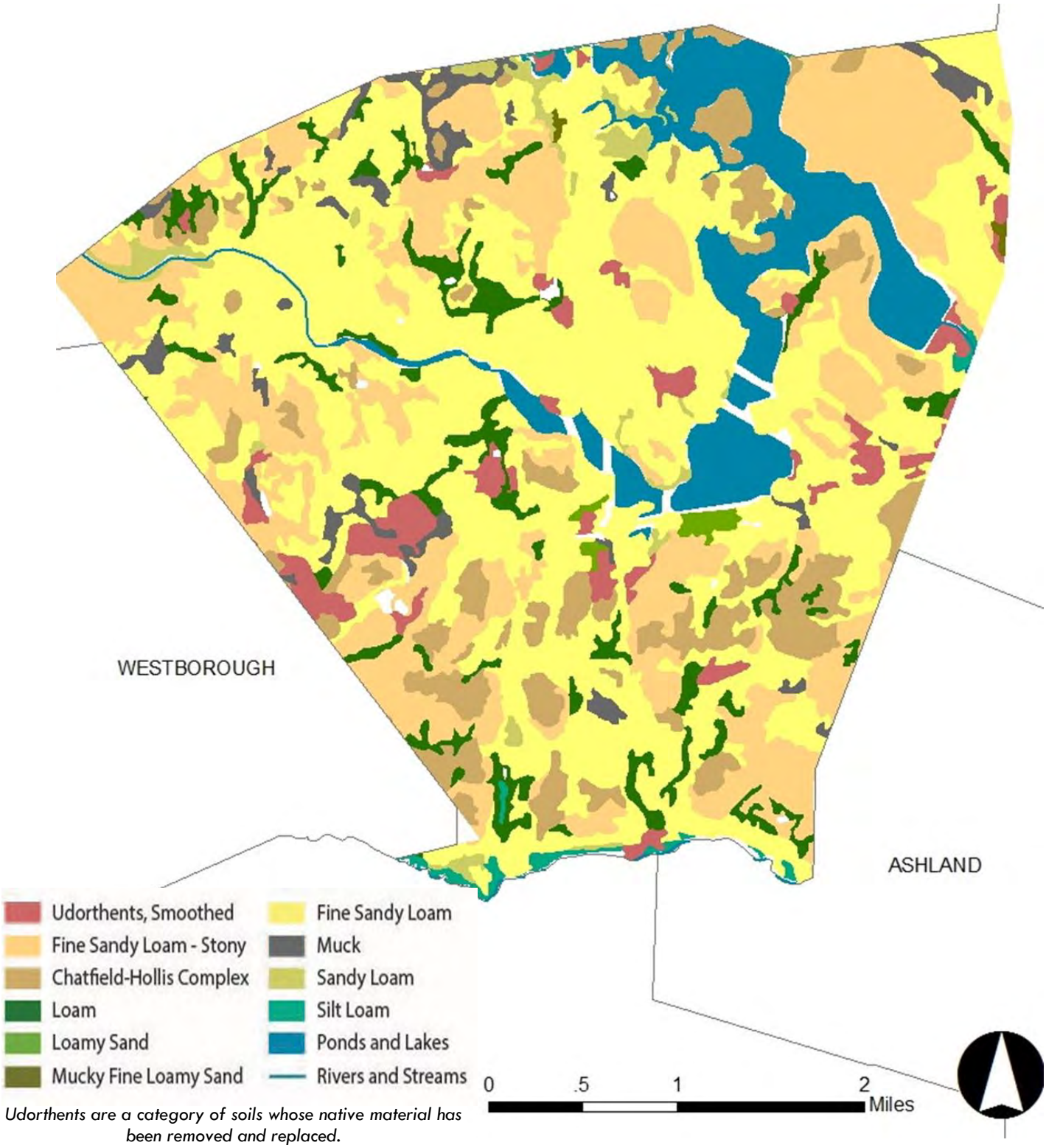
Slopes above 15%, if developed or otherwise disturbed, are at risk for excessive erosion, which sends pollutants into local water bodies. Southborough does have some steep slopes that will erode if disturbed or manipulated. However, there are also many flat areas in town that can be developed or farmed without excessive impact on local water quality.



SOIL FORMATIONS

Most of the soils in Southborough are fine sandy loam, which is a well-drained soil formed in a loamy mantle, common in areas that were once glaciated. It is considered fertile and is frequently classified as Prime Farmland by the National Resources Conservation Service.

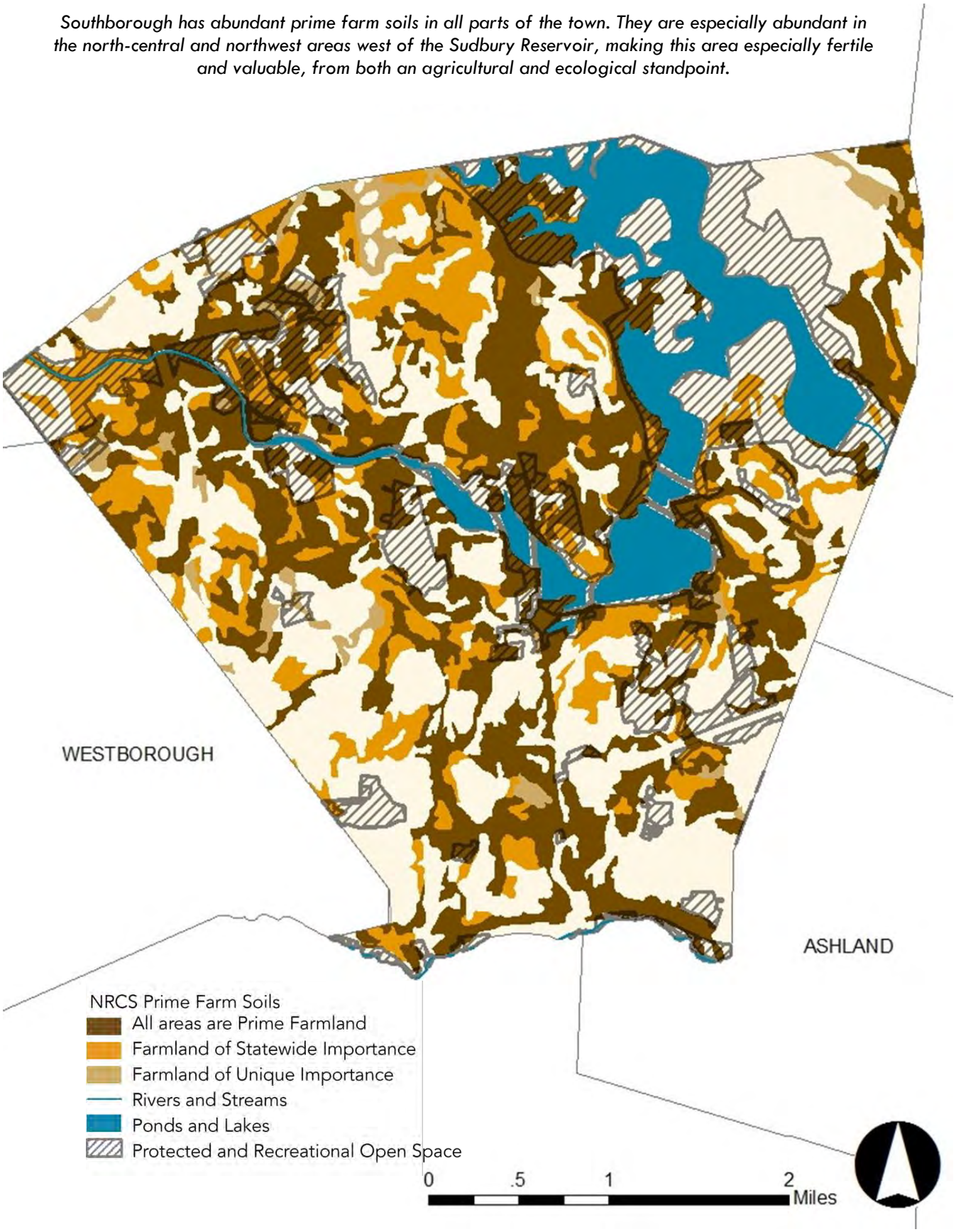
Another prominent soil formation in Southborough is Chatfield-Hollis complex. Chatfield soils are loamy and deep to bedrock, while Hollis soils are shallow to bedrock. Both are moderately to steeply sloped and are formed on bedrock hills and ridges.



Udorthents are a category of soils whose native material has been removed and replaced.

PRIME FARM SOILS

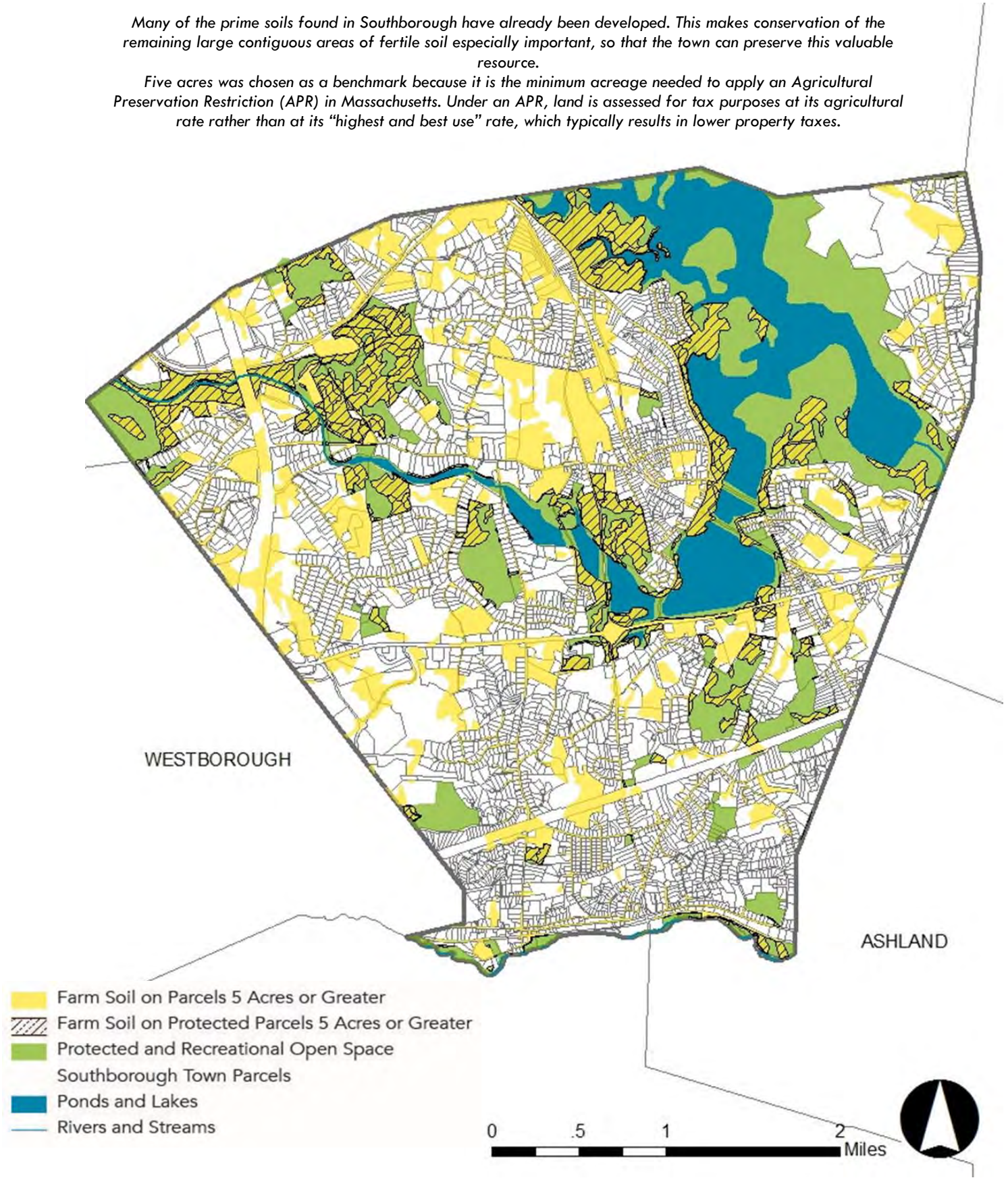
Southborough has abundant prime farm soils in all parts of the town. They are especially abundant in the north-central and northwest areas west of the Sudbury Reservoir, making this area especially fertile and valuable, from both an agricultural and ecological standpoint.



PRIME FARM SOILS ABOVE FIVE ACRES

Many of the prime soils found in Southborough have already been developed. This makes conservation of the remaining large contiguous areas of fertile soil especially important, so that the town can preserve this valuable resource.

Five acres was chosen as a benchmark because it is the minimum acreage needed to apply an Agricultural Preservation Restriction (APR) in Massachusetts. Under an APR, land is assessed for tax purposes at its agricultural rate rather than at its "highest and best use" rate, which typically results in lower property taxes.



B. LANDSCAPE CHARACTER

Southborough's landscape of plains and low hills typifies the Southern New England Coastal Plains and Hills Ecoregion (which is a subset of the larger Northeastern Coastal Zone Ecoregion). As with many other areas of New England, the forests were cleared for growing crops and grazing cattle. The town's undeveloped land is largely forested. A variety of successional oak and oak-pine forests, along with some elm, ash, and red maple that are typical of southern New England's forested wetlands. Some forests grew in abandoned farm fields, while some were planted by the DCR for protection of the reservoir. Although attempts were made to farm much of the Northeastern Coastal Zone during European settlement, land use now consists mainly of forests, woodlands, and urban and suburban development, with only some minor areas of pasture and cropland. This trend continues within the town of Southborough. Farmhouses punctuate Southborough's landscape while stone walls line the narrow and winding residential streets. Open tracts of land offer glimpses of the town's past as an agricultural community. Newer developments in the town are now attempting to match the rural character that is treasured by Southborough's residents by constructing stone walls that mimic these relics.

The most distinctive element of the town is the Sudbury Reservoir, which takes up almost a quarter of the town's acreage. Residents enjoy the passive recreation opportunities that the reservoir provides. It is the largest contiguous parcel of open space in town.

There are many other places of unique interest including Breakneck Hill Conservation Land (BHCL), the Town Forest, and Beals Preserve; all three have their own walking trails. The regional trails that pass through town include the Bay Circuit Trail and the Boroughs Loop Trail. There are many recreational fields used by the community as well, including the 9/11 Memorial Field and Mooney Field.

The three major causeways that run through town have heavy and fast-moving traffic (Route 9, I-495 and the Mass Turnpike), making crossing difficult for bikers, pedestrians and wildlife.

There are only three places to cross through town from north to south (Middle Road, White Bagley Road to Breakneck Hill Road, and Central Street to Oak Hill Road), and only two places to cross town from east to west as a pedestrian (Route 30, which is dangerous, and Southville Road along the southern edge of town). Kids are unable to cross Route 9 safely to their recreational fields. One solution to this problem could be bridges that cross these roads.

Any future development in Southborough (including Park Central, which has yet to break ground), has the opportunity to add to the quality of life and the ecological health of the landscape. Municipal officials have the responsibility to work with future developers to implement conservation restrictions on a percentage of the land and include greenway planning to create linkages between existing open spaces in Southborough to ensure that the town's goals for open space and recreation are met.

C. WATER RESOURCES

Southborough is a water-rich town with many resources, from the Sudbury Reservoir to wetlands, vernal pools, and the Sudbury River. It is one of the thirty-six towns in the SuAsCo watershed (Sudbury, Assabet, and Concord Rivers). Because the water quality of these rivers is impacted by the land use within the watershed, it is important to protect land, such as areas containing wetland systems, that provide valuable ecological services that maintain clean water, and also to effectively address aspects of development that threaten water quality. Since the flow of water does not stop at a political boundary, these efforts can be strengthened by regional partnerships. Strengthening the health and resilience of ecosystems within this watershed can help protect the natural resources that keep drinking water clean for the residents of the region. As the rivers continue on their paths to the sea, the actions of one town have effects on water quality far beyond its borders.

WATERSHED

Southborough is in the SuAsCo watershed (Sudbury, Assabet and Concord Rivers). It includes thirty-six towns and a large network of tributaries that ultimately flow into the Merrimack River, which empties into the Atlantic Ocean in Newburyport, Massachusetts. The watershed has a total drainage area of approximately 377 square miles. Twenty-nine miles of the three rivers were designated by the Commonwealth as Wild and Scenic for their outstanding ecological, historical, scenic, and recreational values on April 9, 1999 (NPS, 2006).

The 2005 SuAsCo Watershed Action Plan recognizes the resource challenges faced by the towns within the SuAsCo Watershed because of the impacts of the rapid growth of the region. They state that many stretches of the three rivers routinely fail water quality standards due to the stress of non-point stormwater sources and wastewater treatment plant discharges, and also experience both severe flooding, and low flow. All three rivers have been impounded by dams, creating systems with rapidly moving headwaters and slowly moving impounded sections (Ambient Engineering, 2005). Because of this, all aquifers within the watershed are no longer used as primary sources of drinking water. The two subwatersheds in Southborough that are critical to groundwater quality include those where surface water has already been impaired. These two areas drain into the Sudbury Reservoir and the Sudbury River. These subwatersheds encompass all of Southborough; the 2003 Southborough Stormwater Management Plan advises that activities to ameliorate the water quality should be implemented town wide. Many organizations are working at the SuAsCo watershed level to protect the natural resources needed to sustain wildlife, keep beautiful places accessible for recreation, and maintain water quality. Two of these organizations include:

The Sudbury Valley Trustees (SVT), a regional land trust that conserves land and protects wildlife habitat; and The SuAsCo Cooperative Invasive Species Management Area (CISMA), a partnership of organizations whose goal is to manage and control invasive species in the watershed in order to protect the biological, aesthetic, cultural, historical, and recreational values of natural areas, farmland, water resources, and scenic vistas of the region. The Southborough Stewardship Committee voted to join CISMA in 2016.

The Sudbury Reservoir, Southborough

SURFACE WATER

The Sudbury Reservoir is a defining feature of Southborough, extending into neighboring Marlborough to the north. It is an Outstanding Resource Water as defined in the Commonwealth of Massachusetts 1995 Surface Water Quality Standards and is afforded special protections under the Massachusetts Water Quality Standards (314 CMR 4.04) The reservoir is an emergency back-up water supply source for over two million residents of eastern Massachusetts. The reservoir and its surrounding land is owned and managed by the Department of Conservation and Recreation (DCR). Together they cover 24.6 percent of the town's total area. The land surrounding the reservoir provides a place for passive recreation and wildlife habitat. Recreational activities in and around the reservoir are limited in order to protect the quality of the water. Only passive recreational activities, such as bank fishing, hiking, walking, nature study, bird watching, and snowshoeing, are allowed, and only in designated areas.

The major hydrologic inputs to the Sudbury Reservoir are the natural watershed drainage and the flow from the final portion of the Wachusett Aqueduct, an open channel running from near the treatment facility to Sudbury Reservoir.

Wachusett Aqueduct, Southborough

Rivers, streams, and wetlands serve many functions, such as providing habitat and corridors for wildlife, linking ecological communities, transporting nutrients and sediments, and contributing to the town's scenic, recreational, and educational qualities. According to the 1999 OSRP, the town has forty-two ponds, streams and brooks, but no natural lakes (the Sudbury Reservoir being man- made). The Sudbury River runs east along the southern boundary of Southborough in a series of oxbows, separating the town from Hopkinton and Ashland and is about 41 miles in total.

The headwaters of the river are in the Commonwealth's first designated Area of Critical Environmental Concern: The Great Cedar Swamp in neighboring Westborough, MA. The swamp is one of the largest wetlands in Central

Massachusetts (EOEEA, 2005). The river continues to Concord, where it merges with the Assabet River at Egg Rock to form the Concord River (OARS). Mercury contamination was discovered in the 1970s from the Nyanza plant in neighboring Ashland. The EPA subsequently listed the town as a toxic site and led a cleanup effort to repair the damage, and they recommended that fish caught downriver not be eaten. The SuAsCo River Stewardship Council is just one of the many organizations that help to manage and maintain the condition of the river.

One of the recommended actions from the EEA's 2005 SuAsCo Watershed Action Plan was to perform stream team surveys and notify property owners and local conservation commissions of infractions of wetlands and river regulations. The Sudbury Watershed Monitoring Program (SWAMP) was the stream team for Southborough, made up of residents and volunteers who cared for the section of the river between the Fruit Street Bridge and the Chattanooga Mill Site. It helped protect the watershed by noting pollution incidents and watershed activities that lead to pollution. SWAMP was discontinued in 2012. If this group were revived, it could contribute to remediating non-point source pollution, educate and involve citizens, and identify future grant opportunities.

Forested wetlands, Beals Preserve

WETLANDS

Wetlands are scattered throughout the town of Southborough, and play a crucial role in maintaining the quality of groundwater, providing groundwater and aquifer recharge, helping to control seasonal flooding, preventing pollution by filtering contaminants that enter the system, and providing habitat for a variety of wildlife species. Wetlands also add to the natural beauty of the landscape and provide opportunities for recreation such as bird watching or scenic photography.

According to the 2003 Southborough Storm-Water Management Plan, there are approximately 850 acres of wetlands in Southborough, covering approximately 8.5% of the town's area. Many of these wetland areas are classified as wooded swamp deciduous. Other wetland types in Southborough include shallow marsh meadows and shrub swamps. The UN Millennium Ecosystem Assessment states that wetlands are considered the most biodiverse of all ecosystems, and that environmental degradation is more prominent within wetland systems than any other ecosystem on earth (Finlayson, D'Cruz, Davidson, et al, 2005).

The Wetlands Protection Act provides the Department of Environmental Protection and the local conservation commissions with the authority to enforce the regulations of the Act. The Town's local wetlands regulations are in place to protect waterways and wetlands from activities that may have a "significant or cumulative effect" upon the value of these and other resources. Unless permitted by the Southborough Conservation Commission, no alteration of resource areas, or of areas within twenty feet of resource areas, is allowed. The Commission must approve any work within 100 feet of a resource area and 200 feet from a perennial stream.

Limited uses on wetlands are regulated under Section 170 of the Town of Southborough Wetlands By-laws. The goals and objectives of the Massachusetts Wetland Protection Act (amended by the 1996 Rivers Act) are to "preserve the quality of water, maintain quality and quantity of drinking water, provide recharge through infiltration of water into the

ground, retain the natural flood storage capacity, sustain fisheries, and protect wildlife habitat." The Army Corps of Engineers "believes that establishing or maintaining existing vegetated buffers to open waters is critical to overall protection of the nation's aquatic ecosystems" (Army Corps of Engineers WRAP, 2002). The minimum recommended width of buffers for most studies on avian populations is 300 feet. Although these widths are not always possible, the wider the strip adjacent to a water body, the greater the potential for providing for more ecological functions (Army Corps of Engineers WRAP, 2002).

VERNAL POOLS

Vernal pools typically fill with water in the autumn or winter from rainfall and rising groundwater and remain ponded through the spring and into summer. They dry completely by the middle or end of summer each year, or at least every few years. There are currently eight certified vernal pools in Southborough, all found in the southern part of town (three of which are on the Breakneck Hill Conservation Land). Another fifty-six potential vernal pools, scattered extensively throughout the town, have not yet gone through the official certification process. This certification process relies largely on volunteers to survey possible vernal pools and to submit documentation of certain biological and physical evidence of vernal pool habitat. The National Heritage and Endangered Species Program (NHESP) then reviews the documentation and makes a determination whether the wetland basin in question meets the biological and physical criteria necessary for status as a certified vernal pool. Important to consider is that many of the potential vernal pools are located on private land, which may prove to be an obstacle in obtaining certification. Certifying these potential pools can help limit development in these highly sensitive areas. Official certification provides a vernal pool, and up to 100 feet beyond its boundary in some cases, certain protections under several state and federal laws.

Originally defined and protected under the Massachusetts Wetlands Protection Act regulations, certified vernal pools now also receive protection under Title 5 of the Massachusetts Environmental Code, Section 401 of the Federal Clean Water Act, the Massachusetts Surface Water Quality Standards which relate to Section 401, and the Massachusetts Forest Cutting Practices Act. These regulations help to prevent direct impacts on certified vernal pools and to minimize indirect impacts. The Department of Environmental Protection (DEP) is responsible for the implementation of these regulations (except for the Forest Cutting Practices Act, administered by the Department of Conservation and Recreation) and has designated specific staff as vernal pool liaisons (EOEEA, 2016). Updating zoning laws, creating conservation restrictions, direct land acquisition, and vernal pool certification are all important actions to take towards their conservation.

AQUIFER RECHARGE AREAS

An aquifer is an underground reservoir that supplies public or private drinking water. The town does not have any public water supply wells that draw from aquifers, but some private homes do. An aquifer's water storage capacity ranges from low to high yield. A high-yield aquifer stores greater than 300 gallons of water per minute, medium yields 100 to 300 gallons per minute, and low yielding aquifers store less than 50 gallons per minute. There is one low-yielding aquifer in Southborough located in glacial sand and gravel deposits, whose recharge area is beneath the Sudbury River.

FLOOD HAZARD AREAS

A floodplain is low land adjacent to streams and rivers. The floodplain holds water during times of increased flow, usually occurring in early spring when the snow is melting or during times of heavy concentrated rainfall. Disturbance within the floodplain, such as filling, earth relocating, or development, can result in diminished water-holding capacity. Disruption of the holding capacity can cause flooding beyond the boundary of the floodplain, resulting in possible damage to roads and buildings, and potentially redirecting the course of the rivers and streams. The 100-year floodplain is determined by the edge of the water level of a flood that has a one percent chance of occurring each year. Within Article III of Southborough's Zoning Bylaws, the Wetland and Floodplain District requires a special building permit to protect floodplain areas.

These restrictions help reduce the negative impacts that displacing flood waters in a flood zone could have. Sections of Route 9, Route 85, and I-90 are located within the floodplain area. Low impact recreation and agriculture are potentially appropriate uses for these areas.

The looming threat of climate change is bringing more severe and frequent flooding throughout the world. For planning purposes, it may be advisable to consider the potentiality of a 500-year flood, in order to be better prepared for more and more frequent extreme weather events.

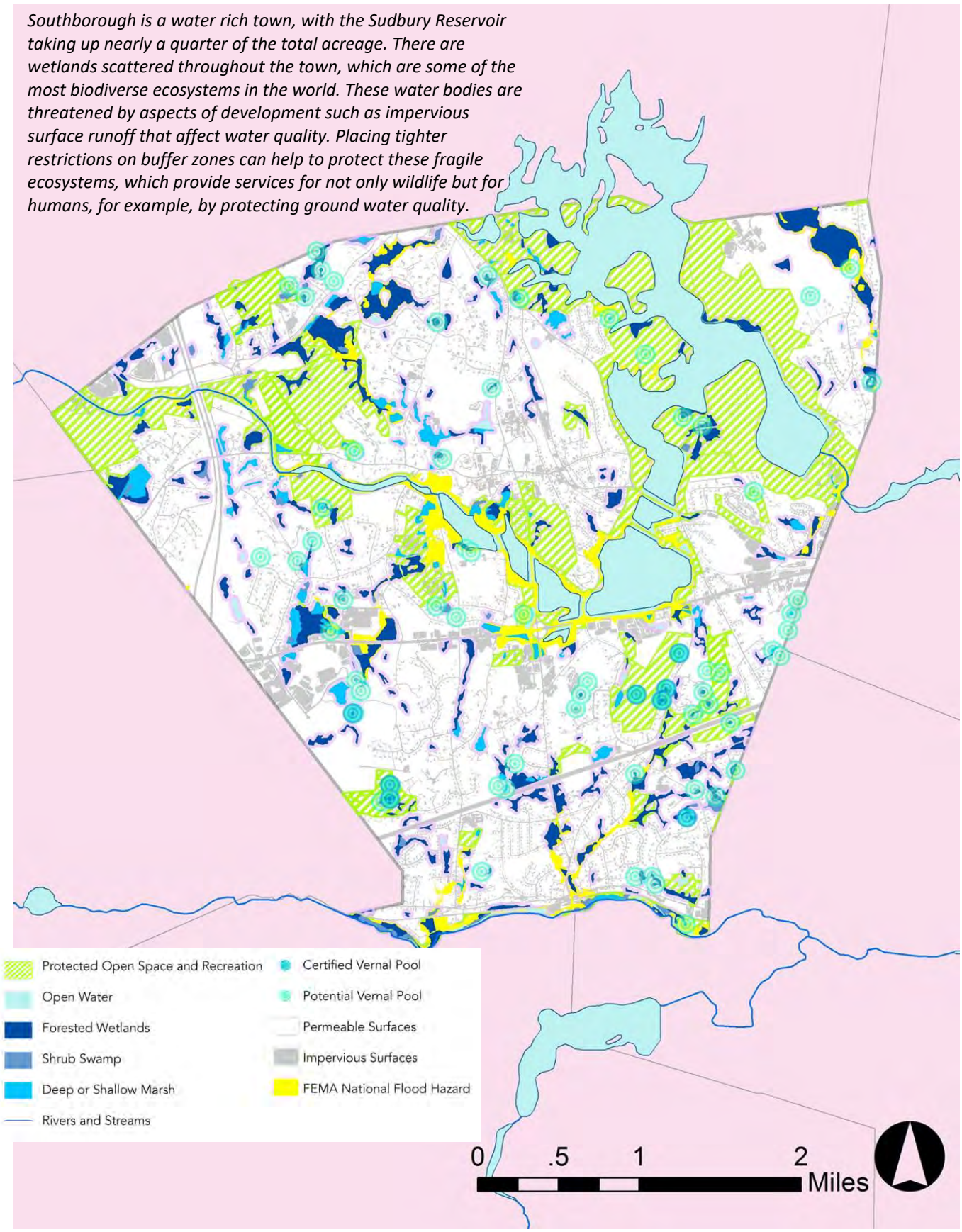
STORMWATER

Stormwater is the natural result of rain storms and other wet weather events. As more of the landscape is covered with impervious surfaces, stormwater runoff becomes an issue that increasingly affects human and natural systems. If stormwater is not directed to natural or man-made facilities designed to treat it, water bodies within the watershed can be adversely impacted by chemical and biological materials carried in the runoff. For example, oils, pesticides and animal waste can be picked up by water flowing across developed sites and deposited into nearby water bodies. Due to these potential impacts, stormwater has come under more scrutiny and regulation. The Environmental Protection Agency (EPA) is enforcing the Stormwater Permitting Program through its National Pollutant Discharge Elimination System (NPDES) to mitigate these impacts. The program has set a series of regulatory requirements for stormwater which first applied to large cities and then to smaller cities and towns.

Southborough last updated its Stormwater Master Plan in 2003, providing a long list of resources and recommendations to protect the town's water. The EPA will be issuing an updated NPDES permit for towns in Massachusetts. Southborough will be required to meet new standards for stormwater management including efforts to reduce impervious coverage and promoting the implementation of Green Infrastructure techniques to treat and infiltrate stormwater in more naturalized systems close to its source.

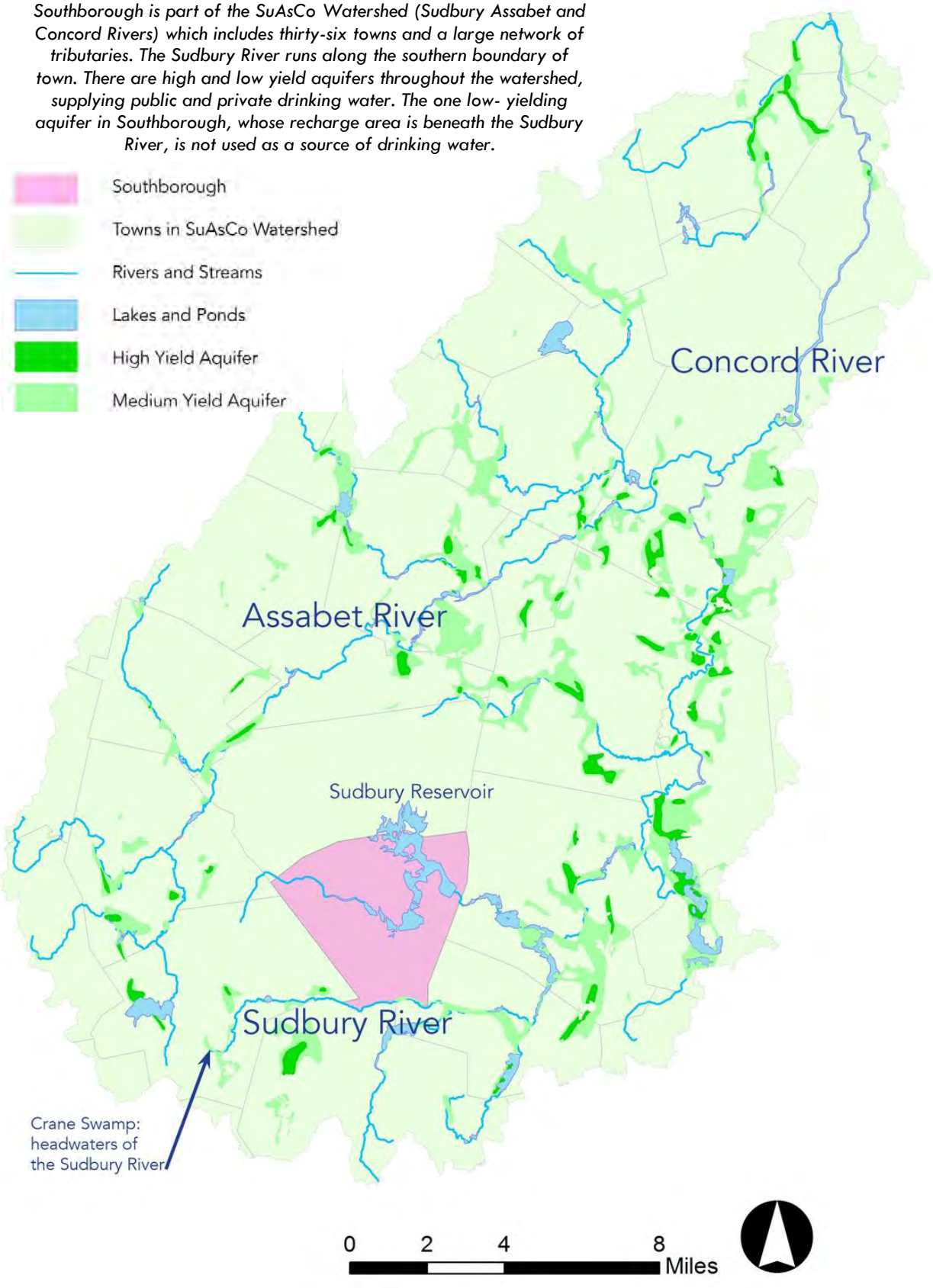
A WATER RICH TOWN

Southborough is a water rich town, with the Sudbury Reservoir taking up nearly a quarter of the total acreage. There are wetlands scattered throughout the town, which are some of the most biodiverse ecosystems in the world. These water bodies are threatened by aspects of development such as impervious surface runoff that affect water quality. Placing tighter restrictions on buffer zones can help to protect these fragile ecosystems, which provide services for not only wildlife but for humans, for example, by protecting ground water quality.



SUASCO WATERSHED

Southborough is part of the SuAsCo Watershed (Sudbury Assabet and Concord Rivers) which includes thirty-six towns and a large network of tributaries. The Sudbury River runs along the southern boundary of town. There are high and low yield aquifers throughout the watershed, supplying public and private drinking water. The one low- yielding aquifer in Southborough, whose recharge area is beneath the Sudbury River, is not used as a source of drinking water.



Birches and white pines at Breakneck Hill Conservation Land

D. VEGETATION

Southborough's undeveloped land is mostly forested, and forests provide numerous ecological services, especially filtration of water, sequestration of carbon, and moderation of streamflow. While the NHESP and BioMap2 have designated limited areas in Southborough as being especially ecologically important, more extensive monitoring may uncover further areas and species worthy of legal protection.

FOREST BENEFITS

Southborough's undeveloped land is largely forested. Some forests grew in abandoned farm fields, while some were planted by the DCR for protection of the Sudbury Reservoir (Scannell and Zimmerman, 2010). Upland forests provide a wide variety of ecosystem services to wildlife, such as habitat, and to humans, such as purification of air and water, moderation of stream flow, and sequestration of carbon (EOEEA, 2011). Forested land also provides

crucial links to other ecosystems–for example, most of the energy input into small streams comes from organic material from forested lands, as these small particles form the base of small streams' food chains. In Massachusetts, forests sequester approximately 10% of the carbon we emit (EOEEA, 2011).

VEGETATION TYPES

Southborough is part of the Southern New England Coastal Plains and Hills ecoregion, which is composed of plains and low hills covered mostly by central hardwoods, with some transition hardwoods and some elm-ash- red maple communities (MassGIS). Specific properties in Southborough that have been mapped at a finer scale are described as having more variety in forest types. For example, the Town Forest includes mixed oak, oak-hardwood, and white pine-oak forests, and the

forested wetlands there are composed of red maple and white ash. (Gouldrup, 2011). The forest surrounding the Sudbury Reservoir was planted between 1907 and 1947. These managed forests include, in order of density: white pine; maple; oak; red pine; ash; spruce; hickory; and others. Active silvicultural operations, including thinning, removing diseased or dying trees, regeneration cuts, and salvage operations following large storm events, are occasionally conducted on the property (Buzzell et al., 2005).

AREAS AND SPECIES OF CONCERN

The NHESP lists one plant species, featherfoil (Hottonia inflata) in Southborough. This wetland plant is on the NHESP's Watch List, meaning that it is not legally regulated but the NHESP is interested in tracking its populations. Species are often placed on the Watch List because they are thought to be rare or declining, but there is insufficient documentation; they have recently been delisted but may still be vulnerable to extinction; or, because they have been recently discovered (NHESP).

Featherfoil (Hottonia inflata)

BioMap2 designates the Sudbury Reservoir and its surrounding land as a Critical Natural Landscape worthy of protection as a unit. BioMap2 defines Critical Natural Landscapes' ecological benefits as such:

[P]rovide habitat for wide-ranging native species, support intact ecological processes, maintain connectivity among habitats, and enhance ecological resilience; and includes buffering uplands around coastal, wetland and aquatic Core Habitats to help ensure their long-term integrity. (Woolsey, Finton, DeNormandie, 2010)

The Sudbury Reservoir and its surrounding lands are classified as a Landscape Block, which is a "large area of intact predominantly natural vegetation, consisting of contiguous forests, wetlands, rivers, lakes, and ponds" (Woolsey, Finton, DeMormandie, 2010). The reservoir and surrounding lands are listed in BioMap2 specifically because they create a large contiguous block of open land of high ecological integrity, which should be protected in perpetuity in order to preserve these benefits.

PUBLIC SHADE TREES

In 2019, the Planning Board updated the Southborough Street Tree Guidelines to incorporate a more robust and native species listing for the placement of street trees and to align with native pollinator initiatives and enhance our Tree City USA designation.

With the help of VHB, the list of street trees that will be used and utilized by the Tree Warden are found on the next page.

BROAD SHADE TREES

The following trees are recommended for unconfined spaces such as lawns, parks, yards, and wide landscape buffers. Ideal growth area is 30'x30'x3'D. They can also be used as street trees provided they are planted in an adequate space on the outside of sidewalks. More specific information for each tree can be found on the following pages.

Botanical Name	Common Name	Notes
Acer *rubrum*	Red Maple	N, IST
Liquidambar *styraciflua*	Sweetgum	N, IST, consider fruitless cultivars such as 'Rotundiloba'
Nyssa sylvatica	Black Tupelo	N, MST
Ostrya virginiana	American Hophornbeam	N, IST
Quercus *rubra*	Red Oak	N, MST,
Querucs *palustris*	Pin Oak	N, IST, pendulous lower branches preclude use in pedestrian areas
Ulmus americana *Use Dutch Elm Disease resistant varieties such as 'Valley Forge'*	American Elm	N, MST, upright vase shape makes it ideal for streets with pedestrians and truck traffic.

NOTE: There are many native oak trees, not included in the list above or in the tree fact sheets, such as Quercus *coccinea* – Scarlet Oak, Quercus *alba* – White Oak, and Quercus *bicolor* - Swamp White Oak, which might also be suitable for a street tree planting if sufficient room is provided for their mature growth.

Key to Notations

C – denotes columnar or very narrow variety of a tree species
N – denotes native to North America
ST – denotes salt tolerant
MST – denotes moderate salt tolerance
IST – denotes intolerant to salt
var. – denotes variety or cultivar

UPRIGHT OR NARROW TREES

The following trees are recommended for use on streets where pedestrian walks and proximity to buildings pose constrained space conditions. Trees noted with C are columnar or narrow and are particularly suitable for use in areas with 8-15' clearance to buildings and OHWs. Ideal growth area averages 15'x15'x3'D. More specific information for each tree can be found on the following pages.

Botanical Name	Common Name	Notes
Acer rubrum var. *Karpick*	Karpick red maple	N, MST, C
Amelanchier grandiflora 'Robin Hill'	Robin Hill Serviceberry	N, C
Liquidambar styraciflua 'Slender Silhouette'	Sweetgum	N, IST, C
Quercus palustris var. *'Green Pillar'*	Fastigiate Pin Oak	N, MST, C

Key to Notations

C – denotes columnar or very narrow variety of a tree species
N – denotes native to North America
ST – denotes salt tolerant
MST – denotes moderate salt tolerance
IST – denotes intolerant to salt
var. – denotes variety or cultivar

SMALL TREES

The following trees are recommended for use *under* or near overhead wires, in confined spaces, or for ornamental accent. Ideal growth area averages 7'x7'x3'D. More specific information for each tree can be found on the following pages.

Botanical Name	Common Name	Notes
Amelanchier x *grandiflora var. 'Robin Hill'*	Improved varieties of single-stem Serviceberry	N, MST, Select or specify single-stem, tree-form plants for use along streets.
Cercis canadensis	Eastern Redbud	N
Crataegus *crusgali var. inermis*	Thornnless Cockspur Hawthorn cultivars	N, MST

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IST – denotes intolerant to salt
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SPECIMEN TREES

The following trees are recommended for use in lawn and park areas set well back from sidewalks and roadsides along the outside of the public right of way. More specific information for each tree can be found on the following pages.

Botanical Name	Common Name	Notes
Acer saccharum	Sugar Maple	N
Amelanchier laevis 'Clump'	Clump Allegheny Serviceberry	N
Betula nigra	River Birch	N
Cornus florida 'Appalachian Spring'	Appalachian Spring Flowering Dogwood	N
Liriodendron tulipifera	Tuliptree	N
Magnolia virginiana	Sweetbay Magnolia	N
Quercus bicolor	Swamp White Oak	N
Tilia americana	Basswood	N

Key to Notations

C – denotes columnar or very narrow variety of a tree species
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E. FISHERIES AND WILDLIFE

Southborough is home to a diverse mix of birds, reptiles, mammals and other wildlife. Many of Southborough's protected open spaces are well connected to each other and to open spaces in adjacent towns, allowing some wildlife to migrate freely between them. Preserving additional land near existing open space with high ecological value would strengthen the ecological integrity of the area, provide habitat for a wider variety of species, and promote genetic diversity among species by connecting isolated populations.

The following is a partial inventory of the wildlife that has been recorded in Southborough:

WILDLIFE OBSERVED IN SOUTHBOROUGH	
Common Name	Scientific Name
REPTILES AND AMPHIBIANS	
Spotted turtle	*Clemmys guttata*
Wood turtle	*Glyptemys insculpta*
Eastern box turtle	*Terrapene Carolina*
Yellow spotted salamander	*Ambystoma maculatum*
Spring peepers	*Pseudacris crucifer*
Painted turtle	*Chrysemys picta*
Wood frog	*Rana sylvatica*
MAMMALS AND RODENTS	
Red fox	*Vulpes*
White-tailed deer	*Odocoileus virginianus*
Eastern coyote	*Canis latrans*
Eastern cottontail	*Sylvilagus floridanus*
Snowshoe hare	*Lepus americanus*
Bobcat	*Lynx rufus*
Muskrat	*Ondatra zibethicus*
American mink	*Neovison vison*
Fisher	*Martes pinnanti*
North American beaver	*Castor Canadensis*
North American porcupine	*Erithizon dorsatum*
INSECTS	
Monarch butterfly	*Danaus plexippus*
Golden northern bumblebee	*Bombus fervidus*
Half-black bumblebee	*Bombus vagans*
Confusing bumblebee	*Bombus perplexus*
BIRDS	
Bobolink	*Dolichonyx oryzivorus*
Eastern meadowlark	*Sturnella magna*
Dark-eyed junco	*Junco hyemalis*
American robin	*Turdus migratorius*
Black-capped chickadee	*Poecile atricapillus*
White-breasted nuthatch	*Sitta carolinensis*

Ruffed grouse	*Bonasa umbellus*
American woodcock	*Scolopax minor*
Blue-winged warbler	*Vermivora cyanoptera*
Yellow warbler	*Dendroica petachia*
Hooded merganser	*Lophodytes cucullatus*
Common merganser	*Mergus merganser*
Ruddy duck	*Oxura jamaicensis*
Wood duck	*Aix sponsa*
American goldfinch	*Spinus tristis*
Great blue heron	*Ardea Herodias*
Green heron	*Butorides virescens*
Common grackle	*Quiscalus quiscula*
Indigo bunting	*Passerina cyanea*
Great crested flycatcher	*Myiarchus crinitus*
Eastern kingbird	*Tyrannus*
Gray catbird	*Dumetella carolinensis*
Tree swallow	*Tachycineta bicolor*
Ovenbird	*Seiurus aurocapillus*
Scarlet tanager	*Piranga olivacea*
Red-tailed hawk	*Buteo jamaicensis*

Eastern Tailed Blue butterfly (Cupido comyntas) at Breakneck Hill Conservation Land. Photo by Dawn Puliafico.

Monarch butterfly (Danaus plexippus) landing on milkweed. Monarchs have been spotted at Breakneck Hill and other open spaces in Southborough.

Song sparrow (Melospiza melodia) singing at Breakneck Hill. Photo by Dawn Puliafico.

CORRIDORS FOR WILDLIFE MIGRATION

"A wildlife corridor is a link of wildlife habitat, generally native vegetation, which joins two or more larger areas of similar wildlife habitat. Corridors are critical for the maintenance of ecological processes including allowing for the movement of animals and the continuation of viable populations" (Drielsma and Scotts, 2003).

Substantial research has documented the importance of corridors for maintaining wildlife populations. Connected open spaces can provide habitat for many species, and can provide crucial linkages between isolated populations of a species (Niemelä, 2001), allowing a species to interbreed freely rather than becoming fragmented. Massachusetts' Climate Change Adaptation Report lists as one of its core climate change adaptation strategies "[to] maintain large-scale ecosystem processes and prevent isolation" (EOEEA, 2011). Large, connected open spaces can maintain critical ecosystem processes such as filtration of air and water and sequestration of carbon. Connected corridors are important to prevent isolation.
They can provide high quality wildlife habitat, and connectivity across habitats "facilitate[s] species dispersal, migration, and maintenance" (EOEEA, 2011). Plant and animal migration may be especially important in coming years due to climate change (EOEEA, 2011), which may result in significant range changes for both plants and animals. Therefore, providing continuous and connected spaces for plants and animals will be critical.

Southborough's current open spaces are well positioned to function as part of local and regional wildlife corridors from east to west. However, Route 9 crosses Southborough from east to west, obstructing wildlife passage north to south. Creating safe passage across Route 9 could enable Southborough's open spaces to connect to a broader network of open spaces across the SuAsCo watershed. (See the maps on pages 50 and 51. for more information.)

In 2005, the Massachusetts Highway Department built four concrete underpasses under Route 2 in Concord, both to create safe passage for wildlife and to reduce the number of vehicle accidents. Those tunnels are monitored by volunteers from the Sudbury Valley Trustees and the town of Concord, and by infrared cameras that take photos when they sense motion or heat. Over 30 species have been documented using the underpasses (Pfeiffer, 2008). Some of the animals have been documented performing behaviors, such as carrying prey or traveling with young, that indicate to scientists that the highway separates crucial parts of their home ranges (Rogers et al., 2009). Nationwide, there have been over 500 wildlife underpasses built, including a dozen in Massachusetts (Pfeiffer, 2008).

Coyotes cross a highway in Montana using a spatially-designed underpass

SPECIES AND AREAS OF CONCERN

The 2007 Mass Audubon report commissioned by the Town of Southborough identified areas within Southborough that are high priority for conservation, based on the goal of conserving maximum biodiversity. The report rated specific parcels based on size and quality of land cover. It then assigned additional points based on the following characteristics: proximity to wetlands; location above an aquifer; location in a FEMA flood zone; classification as an Important Bird Area by Mass Audubon; proximity to existing conservation land; and presence of or proximity to a vernal pool. That report identified a total of 106 properties in town, and is included in full as an appendix to this document (Appendix 6).

Massachusetts' Natural Heritage and Endangered Species Program has identified three uncommon turtle species in Southborough: Eastern box turtle (Terrapene carolina), wood turtle (Glyptemys insculpta), and spotted turtle (Clemmys guttata). The NHESP has also identified

a rare plant species, featherfoil (Hottonia inflata), an aquatic plant.

The wood and spotted turtles make use of aquatic and terrestrial habitats during their life cycles; both species nest in sandy upland areas, although they are often found in aquatic habitats as adults. The Eastern box turtle is a terrestrial species, and its habitat consists of both dry and moist woodlands. Because the wood and spotted turtles live in a variety of habitats that they migrate between, preserving wetlands with adjacent uplands is crucial to their survival. See the attached letter from the NHESP (Appendix 5) for more detailed information.

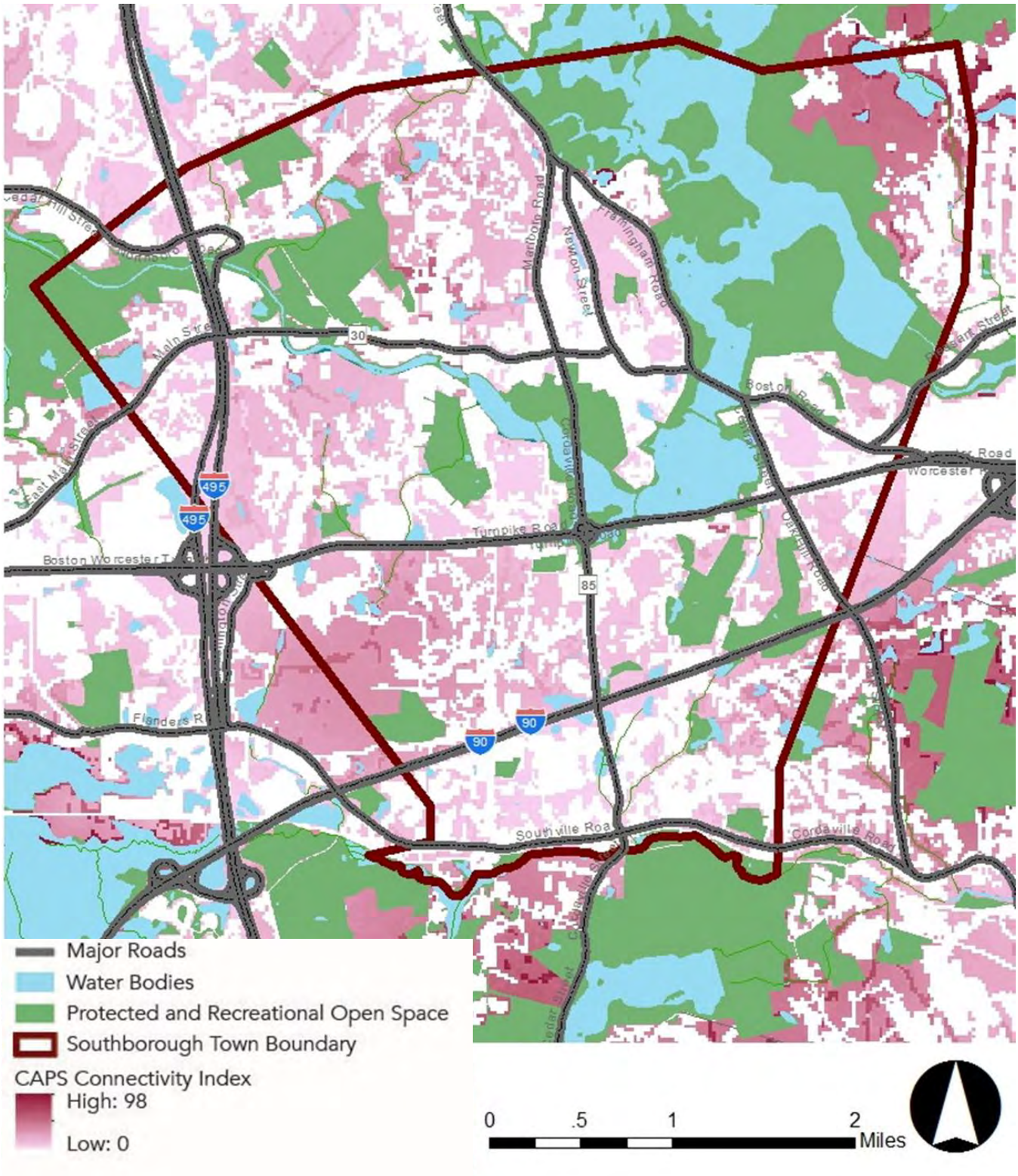
In addition to these species, the NHESP has identified Southborough's vernal pools as being crucial to wildlife survival. Southborough currently has eight certified and sixty-four potential vernal pools. Vernal pools are ephemeral water bodies that dry out for part of the year (Pressier et al. 2000). This makes them excellent habitat for the reproduction of species such as frogs and salamanders, as their eggs will be safe from fish. The presence of vernal pools in an area is key to the survival of many species, especially amphibians: New England species, including the spotted salamander (Ambystoma maculatum), Jefferson salamander (Ambystoa jeffersonianum), wood frog (Rana sylvatica) and others are obligate vernal pool species, meaning they cannot survive without these pools to reproduce in. Furthermore, since adults of some species return to the same pool each year, each individual pool is important (Pressier et al. 2000). In Massachusetts, in order to be legally protected, vernal pools must be certified with the NHESP. Once certified, they are protected by the Wetland Protection Act, as well as other state and federal regulations (NHESP).

Spotted salamander, Ambystoma maculatum is one of the rare species found in Southborough.

The wood frog, Rana sylvatica, is one of the rare species identified in Southborough by NHESP.

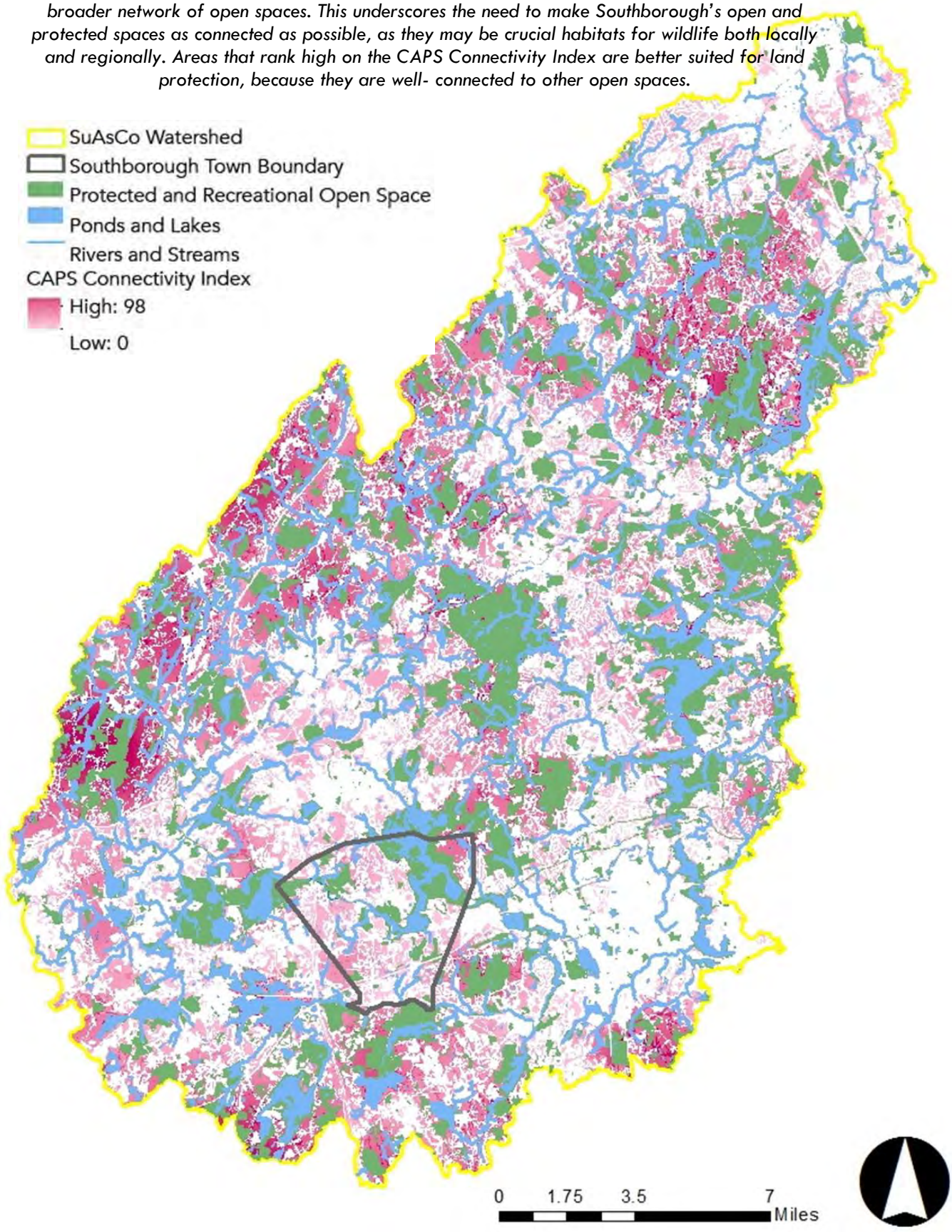
TOWN CONNECTIVITY

Southborough's open spaces are well-positioned spatially to provide connectivity for wildlife. They are located adjacent or close to other open spaces in Southborough and adjacent towns, such as Marlborough and Hopkinton. However, this connectivity is interrupted by major roads that are virtually impassable to wildlife. Because habitat connectivity is crucial to many species' continued survival, efforts should be made to make these roads easier to cross, such as with wildlife overpasses. This has been done in Concord, MA with outstanding results.



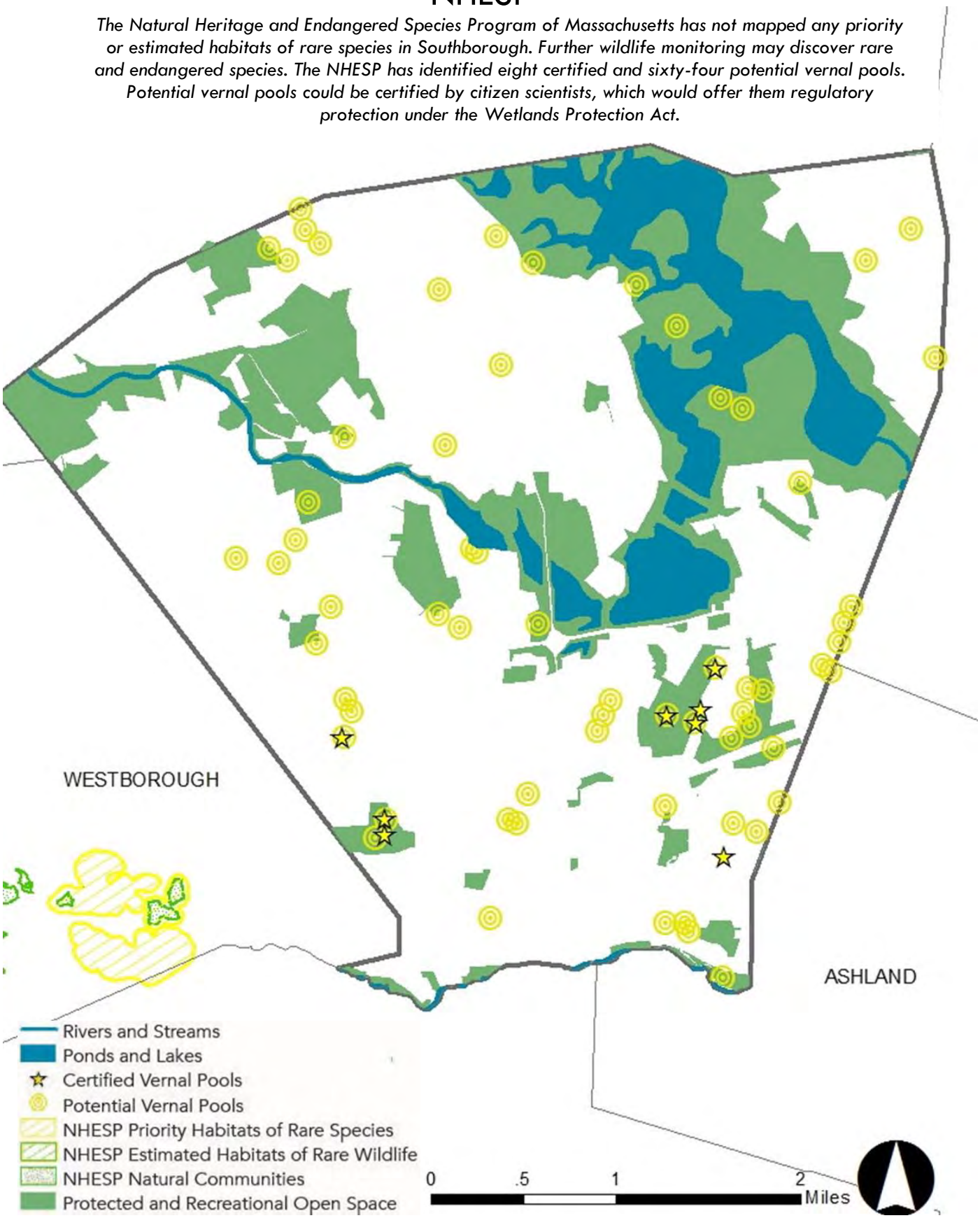
WATERSHED CONNECTIVITY

On a watershed scale, Southborough's open spaces can provide connections to wildlife through a broader network of open spaces. This underscores the need to make Southborough's open and protected spaces as connected as possible, as they may be crucial habitats for wildlife both locally and regionally. Areas that rank high on the CAPS Connectivity Index are better suited for land protection, because they are well- connected to other open spaces.

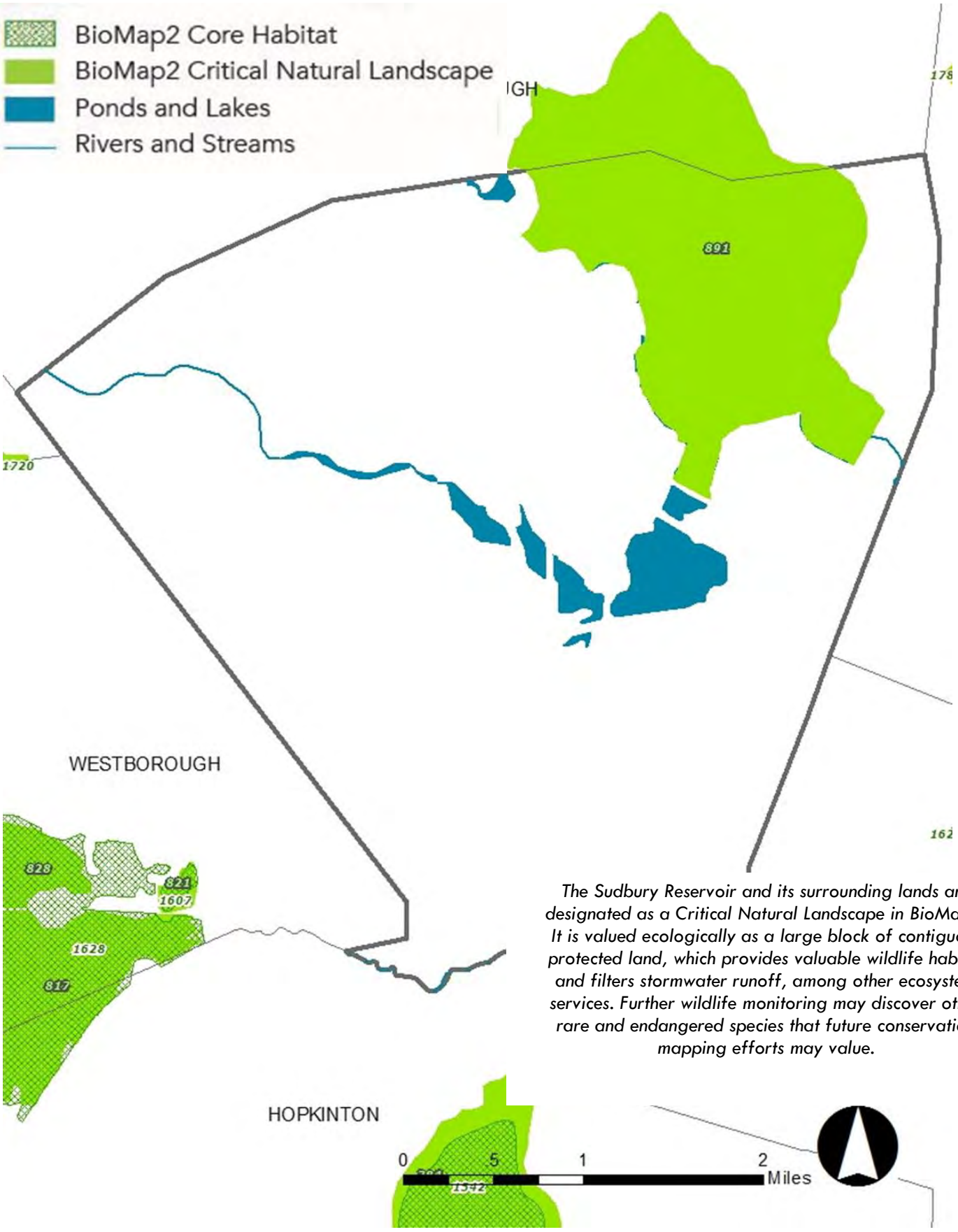


NHESP

The Natural Heritage and Endangered Species Program of Massachusetts has not mapped any priority or estimated habitats of rare species in Southborough. Further wildlife monitoring may discover rare and endangered species. The NHESP has identified eight certified and sixty-four potential vernal pools. Potential vernal pools could be certified by citizen scientists, which would offer them regulatory protection under the Wetlands Protection Act.



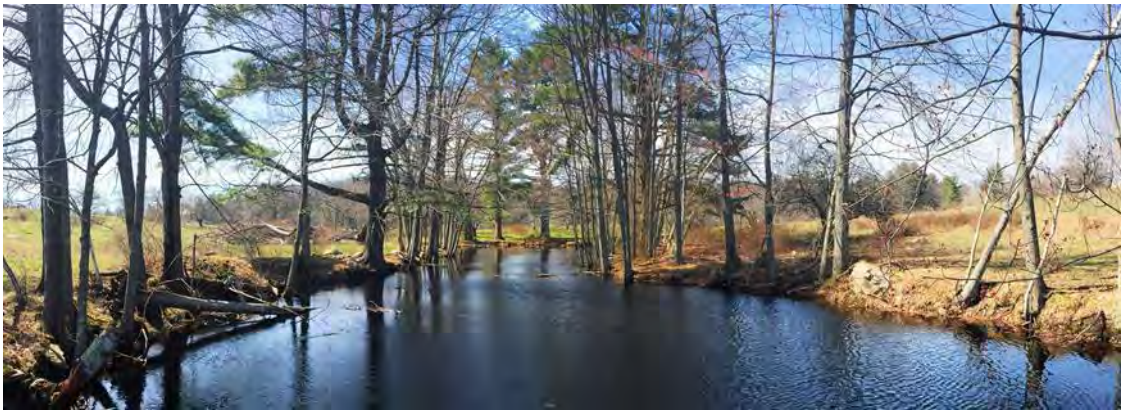
BIOMAP2



The Sudbury Reservoir and its surrounding lands are designated as a Critical Natural Landscape in BioMap2. It is valued ecologically as a large block of contiguous protected land, which provides valuable wildlife habitat and filters stormwater runoff, among other ecosystem services. Further wildlife monitoring may discover other rare and endangered species that future conservation mapping efforts may value.

F. SCENIC RESOURCES AND UNIQUE ENVIRONMENTS

There are many places to enjoy the scenery in Southborough, including simply driving down roads lined with large trees and stone walls built many years ago. As new neighborhoods and businesses grew, all of the roads in town were designated as scenic to protect them and help maintain the rural aesthetic and reminders of the town's history. Regional and town-wide efforts in the past few decades have helped protect many places valued by the community, providing residents spaces where they can enjoy a variety of activities while also protecting wildlife habitat.



Breakneck Hill Conservation Land

SCENIC LANDSCAPES

The amount of open space protected in perpetuity in Southborough is 2,826 acres, or 28.4% of its total area. Some of these places are very important to residents, who visit them regularly for activities ranging from bird watching to cross-country skiing. Some notable places include:

- ☐ Chestnut Hill Farm
- ☐ Breakneck Hill Conservation Land
- ☐ Beals Preserve
- ☐ Southborough Golf Course
- ☐ Halloran Property
- ☐ Turenne Wildlife Habitat
- ☐ The Town Forest
- ☐ 9/11 Field and Trails

Chestnut Hill Farm is one of the newest additions to Southborough's conservation land. The property is 109 acres of rolling hills, forest, and meadow, the kind of landscape that many people of Southborough cherish. Turenne Wildlife Habitat, the Town Forest, and Breakneck Hill join to form a large contiguous protected area with trails and scenic views of Southborough. All three of these places,

Trails at Beals Preserve

as well as several other parcels within town, have walking trails that are open to the public. There are other trails in town which tie in to larger regional networks including:

- ☐ The Sudbury Reservoir Trail
- ☐ The Bay Circuit Trail
- ☐ The Boroughs Loop Trail

The Sudbury Reservoir is a designated Important Birding Area (IBA) by Mass Audubon in Massachusetts. The Sudbury Reservoir Trail winds throughout the conserved surrounding land, providing an area for snowshoeing, cross- country skiing,

and bird watching, which are all popular activities along the reservoir.

The Bay Circuit Trail was first proposed in 1929 as an "outer emerald necklace," linking parks, open spaces, and waterways from Plum Island to Kingston Bay. Today the greenway corridor of 230 miles, spanning fifty-seven communities, links hundreds of parks and open spaces. The trail passes through a ¾-mile segment in the northeast corner of Southborough, winding along the edge of the Sudbury Reservoir. This trail offers scenic views while providing residents a place to maintain an active lifestyle.

The major challenge for the Southborough Trails Committee is finding a crossing point over the Sudbury Reservoir in the eastern part of town near Route 30. The two choices they have is to either use Route 30 or the CSX (freight rail) causeway, both of which cross the reservoir. Route 30 is an extremely dangerous road to walk on. The committee has approached CSX for the use of their land to extend the trail across the reservoir, but has been told that it could not be considered as long as there are trains running on the track. The Trails Committee continues to investigate alternatives and look for a solution which will allow them to complete the loop. Neighboring towns eagerly await Southborough's completed segment.

SCENIC VIEWS

A large portion of land around the Sudbury Reservoir was identified as a noteworthy scenic landscape in the 1982 Massachusetts Landscape Inventory Project. The community today still values this landscape according to residents who attended a public OSRP forum on February 4, 2016.

SCENIC ROADS

Southborough's Scenic Road Bylaw has the ability to protect the appearance of historic artifacts, such as stone walls. Since 1978, all non-state numbered routes in the Town of Southborough are designated as scenic roads, making all stone walls and tree removal on private and public property along road frontage subject to review and approval by the planning board (Vanasse Hangen Brustlin, Inc., 2008).
During the public forum on February 4, 2016, residents identified certain roads as particularly scenic, including:

- ☐ Chestnut Hill Road
- ☐ Old Northborough Road & Johnson Road (both are unprotected parcels)
- ☐ Looking to the southwest toward I-495 and Beals Preserve (which is protected, but the fields behind it aren't).

One of the recommendations from the 2008 *Southborough Master Plan* to help preserve the scenic character of the town is considering implementing a scenic overlay district to help provide a no-disturb buffer on private property bordering scenic roads, or to adopt flexible zoning standards to protect certain views.

CULTURAL AND HISTORIC AREAS

Southborough has a rich legacy represented by both its historic and archaeological resources, including buildings, structures, objects, burial grounds, landscapes, and archaeological sites (Vanasse Hangen Brustlin, Inc., 2008). These finite and non-renewable elements of the landscape establish the community character and are what make Southborough a unique place. The Southborough Historical Commission and Southborough Historic Society have been active in identifying and documenting the history and architectural significance of many resources and structures. The Massachusetts Historical Commission's (MHC) Inventory of Historic and Archaeological Assets has a searchable database Massachusetts Cultural Resource Inventory System (MACRIS) which documents nearly 800 properties in Southborough ranging from the turn of the 18th century to the late 20th century.

The Southborough Historic Properties Survey (completed in June 2000) also concluded that 81 individual properties (including buildings, structures, objects, and

cemeteries) and 12 areas should be proposed for listing in the National Register of Historic Places. Some of Southborough's most well-known historic buildings include:

- ☐ Southborough Town House (1870)
- ☐ Southborough Community House (1906)
- ☐ The Charles Burnett-Warner Oland House (1815)
- ☐ The Joseph Burnett House (1850)
- ☐ St. Mark's Episcopal Church (1862)
- ☐ Flagg School (1859)
- ☐ Pilgrim Church (1806)

There are three places in Southborough listed on the National Register of Historic Places:

- ☐ South Union School
- ☐ Wachusett Aqueduct at Deerfoot Road Bridge
- ☐ Bradley, J.D.C., House, 60 Sears Road

Wachusett Aqueduct at Deerfoot Road Bridge

While Southborough contains a number of prehistoric and historic archaeological resources, their information and locations cannot be disclosed in documents available for public review in order to protect them.

UNIQUE ENVIRONMENTS

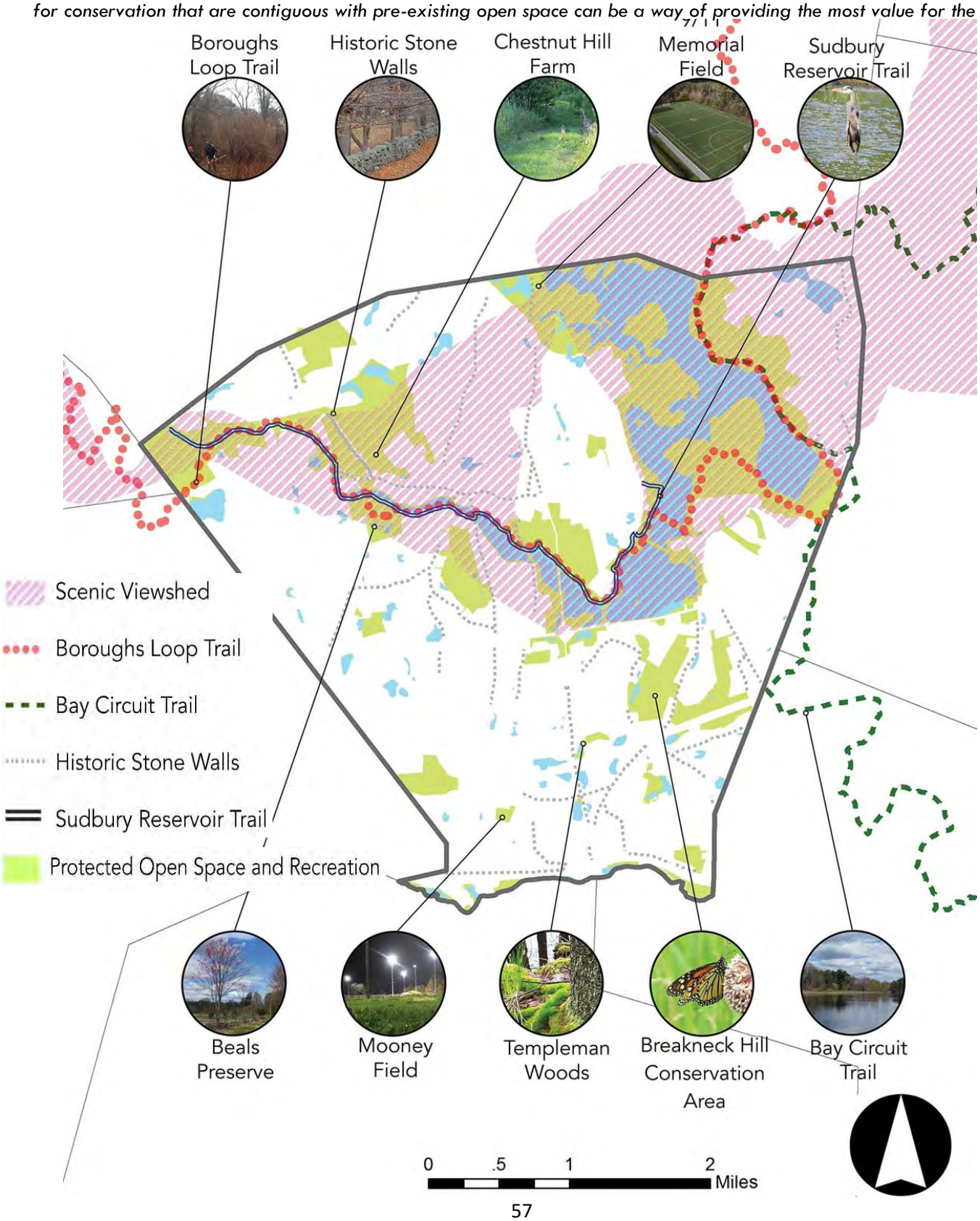
As mentioned in part A under Geology and Topography, Southborough is relatively flat with the surficial geology dominated by stratified and unstratified deposits. Other than the deposits seen throughout New England, Southborough does not have any unusual geologic features.

Southborough has no identified Areas of Critical Environmental Concern according to the Secretary of Energy and Environmental Affairs (EEA). However, BioMap2 identified 1,358 acres as Critical Natural Landscape in a contiguous block around the Sudbury Reservoir. The report states that "large Landscape Blocks are most likely to maintain dynamic ecological processes such as buffering, connectivity, natural disturbance, and hydrological regimes, all of which help to support wide-ranging wildlife species and many other elements of biodiversity." It is important to note that 1,209 acres, or 89% of this Critical Natural Landscape, is protected. Prioritizing the remainder of the land that has been identified as Critical Natural Landscape for conservation protection can help support the range of ecological processes that support wildlife and biodiversity.

The Harvard Primate Research Center in the northeast corner of town recently closed its doors as of May, 2015. This land is ecologically valuable, as it is contiguous with the conserved open space around the reservoir. As a land parcel it meets the criteria for priority conservation because it could provide an extended area for a wildlife corridor and help protect the water quality of the reservoir. If the property is up for sale, the town may want to consider acquiring it for conservation, or as a location for an indoor community center. More research is needed to determine the suitability of the existing building for repurposing as a community center. The surrounding land could be excellent for outdoor activity and nature-based programming, which would serve to meet the goals laid out in this OSRP.

UNIQUE FEATURES OF SOUTHBOROUGH

There are many unique places of interest that residents of Southborough like to go for passive and active recreational activities. Historic stone walls line the roads and help the town to retain a rural characteristic. Areas of contiguous protected open space create habitat for wildlife and create a greenway for residents to enjoy by foot and by bike. Prioritizing parcels for conservation that are contiguous with pre-existing open space can be a way of providing the most value for the town.



G. ENVIRONMENTAL CHALLENGES

Southborough faces a myriad of environmental challenges at this time in its history, ranging from hazardous waste regulation, to non-point source (NPS) stormwater runoff, and the unpredictable (as well as forecasted) effects ushered in by our changing climate. As a town with abundant water resources, its primary environmental concerns are connected to water quality and the ways in which land use, both historical and present, may deteriorate the quality of groundwater and quality of water in the larger SuAsCo Watershed. Building resiliency into the town infrastructure with the protection and stewardship of land that provides valuable ecosystems services can help buffer any negative environmental impacts.

WATER QUALITY IMPAIRMENTS

The EPA states that nonpoint source pollution (NPS) is the leading remaining cause of water quality problems, creating harmful effects on drinking water supplies, recreation, fisheries and wildlife (www.epa.gov). NPS pollution is caused by rainfall or snowmelt moving over and through the ground. The moving water carries natural and man-made pollutants which end up in rivers, wetlands and groundwaters. Because of the lack of stormwater infrastructure in Southborough, the greatest threat to ground and surface water comes from many diffuse NPS's. During the summer of 2011, DWSP investigated a toxic algae bloom at the Sudbury Reservoir that was suspected to be related to lawn care practices using synthetic pesticides and fertilizers on abutting properties (Austin et al., 2013).

Given the predominantly suburban landscape of the SuAsCo Watershed, the control of lawn contaminants is critical to maintaining water quality in the watershed. Creating local bylaws to minimize the use of lawn fertilizers, pesticides, and herbicides, and encourage appropriate depth of loam, especially in new developments was recommended in the 2005 *SuAsCo Watershed Action Plan*.

The 2005 *SuAsCo Watershed Action Plan* states that many stretches of the three rivers routinely fail water quality standards due to stress of non-point stormwater sources, wastewater treatment plant discharges, and experience both extreme flooding and low flows. Throughout much of the Sudbury River and downstream into the Concord River, fish consumption is banned due to mercury-laden sediments from the Nyanza Superfund Site. Invasive aquatic plant species compromise the river habitat for native species, and impair the recreational experience for boaters and anglers (Ambient Engineering, 2005).

Septic systems pose a threat to Southborough's groundwater quality. Older systems from before the 1960s were often too deeply buried and lie just inches above the water table. (Goldson, 2015). Replacing such systems on older lots would help reduce the risk of groundwater contamination.

According to the 1998 *Shoreline Survey Report and Action Plan* created by the Sudbury Watershed Monitoring and Protection Group (SWaMP), creosote railroad ties have been dumped into the Sudbury River. Creosote is a chemical used to preserve wood; this chemical is hazardous to humans, and very hazardous to wildlife. Removal of the railroad ties will be beneficial to the Sudbury River ecosystem.

CHRONIC FLOODING

The lowland adjacent to streams and rivers is known as floodplain. Because of the large amount of area that the Sudbury Reservoir amasses to, there is many areas surrounding the reservoir and aqueducts that are prone to chronic flooding. With increased precipitation rates throughout New England, disruptions of the holding capacity of certain areas or features can cause flooding beyond the boundary of the floodplain.

Further hazards and impacts are to be analyzed and identified through the Municipal Vulnerability Preparedness program and Local Hazard Mitigation Plan that the town has received grant funding to complete.

HAZARDOUS WASTE & BROWNFIELD SITES

There are thirty-seven EPA-regulated industrial/commercial facilities located in Southborough. While most of these fall under EPA's other/unknown category, approximately ten have been identified as automotive repair or transportation facilities. Thirty-three of these thirty-seven are regulated for hazardous waste (*2003 Southborough Stormwater Management Plan*). The Resource Conservation and Recovery Act (RCRA), enacted in 1976 requires the tracking of hazardous wastes from the time they are created in order to prevent illegal dumping. Two of the largest regulated facilities are both in Marlborough. Veolia Environmental Services is one of the largest waste management and services companies in the world. The company provides a range of services, such as solid waste management, chemical cleaning, dredging, non-hazardous/hazardous waste management, medical waste disposal, construction and demolition disposal, landfill operations, consumer products, and industrial ethanol recovery. Marlborough is also home to the cellulosic ethanol company Qteros, which is working with Applied Cleantech, a recycling company based in Israel, to turn sewage into ethanol biofuel (Chu, 2009).

Precipitation run-off from over a quarter of Marlborough, the most urbanized section of the watershed, drains into the Sudbury Reservoir. Shipping of the waste and fuels processed in Marlborough may pose a threat to the quality of water in the reservoir in the case of a potential accident. In Marlborough in 2012 and underground fuel leak spilled and is considered a hazardous site. As of 2015 has not yet been cleaned up ("Marlborough Diesel Spill.", 2015). In December 2009 over 4 significant haz-mat releases happened in Southborough within one week alone, including two truck crashes released 100 gallons of diesel fuel on I-495 (Fitzgerald, 2009).

Seven Superfund Sites are located in the SuAsCo Watershed. In 1980 the EPA established the Superfund Program to identify, investigate, and remediate hazardous waste sites throughout the United States. One of these sites is in adjacent Ashland. The Nyanza Chemical Waste Dump is a 35-acre area next to an active industrial complex. From 1917 to 1978, textile dyes, intermediates, and other products were produced on this site. Nyanza Inc. operated here from 1965 to 1978. Over 45,000 tons of chemical sludges generated by Nyanza's wastewater treatment processes, along with spent solvents, mercury and other chemical wastes, were buried on site, leading to soil and groundwater contamination MassDEP is currently responsible for site operation and ongoing maintenance activities. The excavation of contaminated soil and capping of the hill area of the site have reduced the potential of exposure to hazardous substances by controlling contaminant migration and isolating wastes (EPA, 2016).

An article published in the Metrowest Daily News in 2014 found contamination from the Nyanza plant has been linked to a high number of cases of rare cancer, including eight deaths. Mercury laden sediments from the Nyanza Plant have raised concerns about consuming contaminated fish caught in the Sudbury River, where warning signs are posted along the banks. The EPA is awaiting funding for an $11 million project to dump 140,000 tons of sand near the Reservoir No. 2 dam in Framingham to cap the contamination in the sediment, is opposed by a citizens group called Save the Sudbury River. The proposed plan will add 6 inches of sand to the bottom of the river, pushing mercury down at a rate that would naturally take 100 to 200 years to complete. Opponents claim the plan is based on "flawed science" and will destroy the ecosystem of the river (Phelps, 2014).

LANDFILLS

There are two inactive landfills in Southborough. Both are uncapped, unlined municipal solid waste sites. The Southborough Landfill is located on Parkerville Road, near the intersection of General Henry Knox Road. The Southborough Mt. Vickery Road Dump is just off Route 9 near Cordaville Road adjacent to the southern edge of the

Sudbury Reservoir.

NEW DEVELOPMENT

Typical construction activities can have significantly impact surface water quality by creating the conditions for sediment, construction materials, waste, and other pollutants to be transported to surface waters by wind or stormwater runoff. As a result, the EPA promulgated construction site runoff control regulations as part of its Phase I Storm Water permitting program. This program focuses on projects that disturb more than five acres of land. The Massachusetts Department of Environmental Protection (DEP) has administrative control over activities under this permit in lieu of EPA.

Outlined in Southborough's Zoning Regulations (§244), construction site runoff, erosion, and sedimentation controls. These controls must be addressed in a project's environmental assessment report and must be based on an analysis of the "Capability of soils, vegetative cover and proposed erosion control efforts to support proposed development without danger of erosion, silting or other instability" (Fuss & O'Neill Inc., 2003). However, the assessment is only required for subdivisions "creating frontage potentially allowing ten or more dwelling units or serving ten or more acres of non-residentially zoned land."

INVASIVE SPECIES

Invasive species—both plants and wildlife—threaten native species and denigrate the balance of existing ecosystems. The EEA recognizes invasive as one of the greatest threats to the integrity of natural communities and threaten the survival of many indigenous species (www.mass.gov/eea). Non-native organisms have contributed to the decline or 42% of our federally listed threatened and endangered species (The Nature Conservancy). The town's policy towards invasives is early detection and rapid response. Unfortunately, by the time an invasive species is discovered, it has taken such a stronghold that it is often past the point of full eradication. Resources to address invasives must be channeled to make the best use of limited funding, as the cost of management is the biggest challenge. The Southborough Stewardship Committee recently voted to become a member of the SuAsCo Cooperative Invasive Species Management Area (CISMA), a partnership of organizations whose goal is to manage and control invasive species in the watershed in order to protect the biological, aesthetic, cultural, historical, and recreational values of natural areas, farmland, water resources, and scenic vistas of the region. The town's efforts towards invasive species management and potential eradication will be further strengthened and its resources expanded as part of this partnership.

Town-owned Breakneck Hill Conservation Land is under the jurisdiction of the Conservation Commission. The Southborough Stewardship Committee (a subcommittee of the Conservation Commission) has worked tirelessly for many years dealing with the invasive species that had engulfed the old apple orchard that sits within 35 rolling acres that was once covered in bittersweet. Ongoing management and monitoring keep invasives from fully taking over.

Invasive Wildlife

A Canadian goose population control program was initiated in 2006 on the Sudbury Reservoir and managed by the Division of Wildlife Service Protection (DWSP) in order to protect the reservoir's water quality from nutrient loading and bacteria contamination.

Invasive Aquatic Plants

The Sudbury Reservoir is host to two invasive aquatic plants: Eurasian water-milfoil (*Myriophyllum spicatum*) and water chestnut (*Trapa natans*) which are removed every year with the goal of reducing seed-drop (DCR, 2008). The 2013 *DCR Watershed Protection Plan Update* found that Eurasian water-milfoil is present throughout the entire Sudbury Reservoir system at relatively high densities, indicating that it was introduced into this system many years ago, probably in the 1990s. It is not targeted for control in Sudbury Reservoir because the population is so well-established that removal efforts would be futile. DWSP staff continue to

monitor water chestnut and other macrophytes in Sudbury Reservoir on an annual basis. Annual harvesting of water chestnuts has been performed by contractors since its discovery by DWSP Aquatic Biologists in 2006. The extent of the infestation has recently shown signs of reduction, as the seed-bank becomes depleted. In 2013, a few brittle naiad (*Najas minor*) plants were found and targeted for removal. Annual surveys will continue to target new infestations of these and other aquatic invasive species. (Austin et al., 2013).

Invasive Terrestrial Plants found in Southborough include:

- Oriental Bittersweet
- Purple loosestrife
- Buckthorn
- Garlic mustard
- Japanese Barberry, whose infestation is particularly bad in sections of the Beals Preserve.

SOLF has applied for several grants to help manage invasive species on their land.

Since the last OSRP, SOLF organized workshops with the Garden Club to educate about invasives in Southborough. Building on actions like this, and expanding education into the science curriculum of the town's schools can help to build a knowledgeable citizenry that cares about preserving the towns ecosystems from invasive threats. Ensuring that local garden centers do not carry any variety that may pose a threat can be part of a strategy of prevention.

Oriental Bittersweet, Breakneck Hill

IMPACT OF CLIMATE CHANGE

Our earth is warming, with the average temperature rising 1.5°F over the past century, with projections of another 0.5 to 8.6°F over the next hundred years. Rising global temperatures have been accompanied by changes in weather and climate, including more frequent and extreme weather events such as floods, droughts, intense rain, and more frequent and severe heat waves. As these and other changes become more pronounced in the coming decades, they will likely present challenges to our society and our environment (www3.epa.gov).

Many organizations and around the world agree that significant human-caused climate change is occurring, including the EPA, the United Nations IPCC, the U.S. National Academy of Sciences, and the National Center for Atmospheric Research among many others. According to NASA, climate change is one of the most complex issues facing us today. It involves many dimensions—science, economics, society, politics and moral and ethical questions—and is a global problem that will be around for decades and centuries to come.

Carbon dioxide, the heat-trapping greenhouse gas that has driven recent global warming, lingers in the atmosphere for hundreds of years, and the planet (especially the oceans) takes a while to respond to warming. So even if we stopped emitting all greenhouse gases today, global warming and climate change will continue to affect future generations. In this way, humanity is "committed" to some level of climate change (NASA, 2016).

While climate change is a global issue, it is felt on a local scale and municipalities are at the frontline of adaptation. In the absence of national or international climate policy direction, communities around the world have been focusing on solving their own climate problems. They are working to build flood

defenses, plan for heatwaves and higher temperatures, install water-permeable pavements to better deal with floods and stormwater, and improve water storage and use.

According to the United Nations Intergovernmental Panel on Climate Change 2014 report *Climate Change Impacts, Adaptation and Vulnerability*, governments at various levels are also getting better at adaptation (8). Climate change is starting to be factored into a variety of development plans: how to manage the increasingly extreme and frequent disasters, how to protect coastlines and deal with sea-level encroachment, how to best manage land and forests, how to deal with and plan for reduced water availability, how to develop resilient crop varieties, and how to protect energy and public infrastructure. Placing more restrictive protections around wetland areas can help to mitigate the effects of climate change by sequestering carbon. According to the UN Millennium Ecosystem Assessment, wetlands play an important role in mitigating global climate change through carbon sequestration. MAPC has developed a Regional Climate Change Adaptation Strategy to reduce the region's vulnerability to the predicted impacts of climate change. Adaptation is the ability to adjust to actual or expected effects of our future climate. Mitigation is reducing the flow of heat-trapping greenhouse gases into the atmosphere, for example, by reducing current emissions and designing ecological systems that store these gases.

Southborough can help address climate change by adapting and mitigating in ways that are appropriate for its particular location and resources. Protecting forested areas and increasing carbon sequestration would be of great importance towards mitigation efforts.
Town goals to protect remaining prime farm land soil and expanding the local food system would address the issue of food security at a local scale by adapting to forecasted rising food prices and shortages. In order to not miss opportunities to preserve this prime farm land soil in the future, the town could develop a proactive plan to exercising the town's Right of First Refusal for parcels under Ch. 61 that come up for sale. Creating youth education programs and connections with regional youth farming programs could encourage an interest in agriculture.

ENVIRONMENTAL EQUITY

While there are no environmental justice communities within Southborough, there is an uneven distribution of open space because of the heavy prevalence of open space and recreational areas around and along the Sudbury Reservoir.

The town should be more diligent in looking at areas south of the Mass Pike as there are limited town owned parcels that are dedicated to open space and recreation.

Section 5: Inventory of Lands of Conservation and Recreation Interest

Southborough's beautiful open spaces are a valuable resource to the town's residents, providing beautiful views, places to relax, and ecological services. Many of these properties are owned or managed by local land trusts, including the Southborough Open Land Foundation (SOLF), Sudbury Valley Trustees (SVT), and The Trustees of Reservations (TTOR).

Preserved open spaces, such as Beals Preserve, are important for both ecological integrity and recreation. This pond provides important aquatic and terrestrial habitat; is a tranquil place for relaxation with family or friends; and is used as an ice-skating pond in the winter.

The Southborough Open Land Foundation (SOLF) is a non-profit land trust dedicated to preserving, protecting, conserving, and enhancing the natural resources in the Town of Southborough (SOLF) in order to benefit current and future generations of residents of the town of Southborough. SOLF collaborates with public agencies and other private organizations and is a source of information regarding voluntary land conservation.

Sudbury Valley Trustees (SVT) is a non-profit land trust that conserves land in the Sudbury, Assabet, and Concord River Watersheds, working in communities between Worcester and Boston. SVT works to protect and steward land and provide volunteer and other community- engagement programs for local citizens to engage with natural resources. SVT currently protects over 4300 acres, holds 66 conservation restrictions, and maintains a 55-mile trail network. Its work is supported by nearly 3000 members.

The Trustees of Reservations is a state-wide non-profit conservation organization that has worked to preserve "special places" in Massachusetts for over 100 years. The Trustees cares for over 25,000 acres in Massachusetts and enjoys the support of over 100,000 members.

Templeman Woods is a 7.7-acre property located off Cordaville Road featuring an upland wood interspersed with glacial rock outcrops.

Turenne Wildlife Habitat is an 18-acre parcel of woodland and meadow donated to the Sudbury Valley Trustees by Fred and Millie Turenne in 1990. A bird garden, planted with native wildflowers and shrubs, attracts local birds and butterflies. Outcrops of granite are visible along walking paths. The forest is primarily young oak- hickory, although there are also some areas of richer mixed-hardwood forest, and some multi-trunked oaks believed to be up to 100 years old.

Sudbury Valley Trustees also owns Conservation Restrictions on properties owned by the following families: The Gay Family, the Gohlke Family, the White Family, the Barsoumian Family, and the Merriam Family. Some of these properties are owned by other entities; for example, the Barsoumian Family's Land, also called Barber Pasture, is owned by SOLF.

Chestnut Hill Farm is a 131-acre parcel of land historically owned by the Beals Family. In 2006, the Town of Southborough voted overwhelmingly to purchase a Conservation Restriction on the land, and the land itself was donated to The Trustees of Reservations. About 44 acres of the farm are currently in agricultural use, producing animal feed, hay, corn, and vegetables. In 2015, a Community-Supported Agriculture operation was begun there, managed by farmers hired by The Trustees. In addition to working agricultural land, Chestnut Hill Farm includes wetlands, meadows, and upland forest, and two miles of trails open to the public.

A list of parcels of conservation priority can help the town determine how to best use limited finances to secure open space and recreation into the future. Priority parcels will be determined by their ability to preserve scenic views, create/maintain wildlife corridors, provide passive and active recreation opportunities, and the presence of prime farm soil.

A. PROTECTED OPEN SPACE

A critical responsibility in long-range municipal planning is protecting lands of conservation and recreation interest. Conservation lands are typically undeveloped parcels used for passive recreation and/or conservation and protected from development through a conservation or deed restriction or by Article 97 of the Massachusetts Constitution. Recreation lands are generally improved parcels used for, or have the potential to be used for, active recreation. Such parcels may be owned and/or managed by public, private or nonprofit entities.

Protected open space serves several valuable functions including habitat and green infrastructure. Depending on the type (e.g. forest, meadow, wetlands, farmland, etc.) open space can provide habitat for both plant and wildlife, help replenish aquifers, reduce and absorb storm water runoff, produce a sustainable source of a wide range of resources, and absorb and/or treat pollutants. Open space can also offer numerous active and passive recreational opportunities and add scenic views to the landscape.

Article 97 of the Amendments to the Constitution of Massachusetts protects the right of the people of the Commonwealth to "clean air and water, freedom from excessive and unnecessary noise, and the natural, scenic, historic, and esthetic qualities of their environment." Municipal water supplies can be protected by Zones 1 and 2 for groundwater sources and Zones A, B and C for surface water sources designated by the Department of Environmental Protection. An Open Space and Recreation Plan facilitates a municipality's ability to exercise the rights of its people under Article 97 by identifying open space and recreation lands, identifying appropriate protective measures and planning for future conservation and recreation needs.

The Town of Southborough encompasses 15.7 square miles (14.2 square miles of land and 1.5 square miles of water). Approximately a third of this area (3429.75 acres or 5.4 square miles, not including Conservation Restrictions which account for an additional 350-553 acres) is protected open space. Table A lists the protected parcels.

The largest holder of protected open space, by far, is the Massachusetts Department of Conservation and Recreation (DCR). DCR protects 2275 acres, including the Sudbury Reservoir. The Sudbury Reservoir serves as an emergency backup source of water for the DCR/Massachusetts Water Resources Authority (MWRA) water supply system which serves 2.5 million people in eastern Massachusetts. Consequently, activities on this land and water are strictly regulated to protect its value as a drinking water source. However, limited recreational activities including hiking, fishing and cross-country skiing are allowed.

The Conservation Commission controls the next largest total area, with 528 acres under its care and custody. Another 179 acres of land currently used for conservation are under the control of the Board of Selectmen.

Non-profit conservation organizations also contribute to land protection in Southborough with 448 acres under its control plus another 429 acres under Conservation Restrictions.

Table A presents the protected open space. Grants have not been used to purchase these parcels.

TABLE A

PROTECTED OPEN SPACE PARCELS

SITE NAME IF APPLICABLE	LOCATION	MAP/ PARCEL	AREA (Acres)	CURRENT USE/ CONDITION	RECREATION POTENTIAL	PUBLIC ACCESS	ZONING	LEVEL OF PROTECTION
TOWN OF SOUTHBOROUGH								
MANAGEMENT AGENCY: Conservation Commission								
	Wood Street	02-037	1.5	Forest, Wetlands/Good	Passive	No	RB	Article 97
	Bridge Street	02-087	5.24	Forest, wetlands/ Good	Passive	Yes	RB	Article 97
	Highland Street	03-002-C	0.6967	Forest/Excellent	Passive/Trails	Yes	RB	Article 97
	Southville Road Off	04-043	3	Forest, wetlands/ Good	Passive/Trails	Yes	RB	Article 97
	Southville Road	05-004	16.5	Forest, wetlands, pond/Good	Passive/Trails	Yes	RB	Article 97
Soccer Field	Liberty Drive	05-050	4.46	Grass field/ Good	Soccer	Yes	RB	Article 97
	Richards Road	08-024	1.52	Forest, wetlands, / Good	Passive/Trails	Yes	RB	Article 97
	Darlene Drive	10-019-	0.349	Forest, wetlands, / Good	Passive/Trails	Yes	RB	Article 97
	Independence Drive	10-063	5.98	Forest/Good	Passive	Yes	RB	Article 97
	Rockpoint Road	13-018	30.67	Forest, wetlands, / Good	Passive/trail	Yes	RA	Article 97/CR
	Parkerville Road	27-043	2.188	Forest/Good	Passive	Yes	RA	Article 97
	Breakneck Hill Road	29-028-A	87.66	Farm, field, wetlands/ Good	Passive, community gardens	Yes	RA	Article 97
	Oak Hill Road	31-047	20	Forest/Good	Passive	Yes	RA	Article 97
	Eastbrook Farm Lane	33-030	2.78	Forest, wetlands, / Good	Passive	Yes	RA	Article 97

Zoning Key: RA= Residence A, RB = Residence B, IP= Industrial Park

TABLE A

PROTECTED OPEN SPACE PARCELS (Continued)

SITE NAME IF APPLICABLE	LOCATION	MAP/ PARCEL	AREA (Acres)	CURRENT USE/ CONDITION	RECREATION POTENTIAL	PUBLIC ACCESS	ZONING	LEVEL OF PROTECTION
TOWN OF SOUTHBOROUGH								
MANAGEMENT AGENCY: Conservation Commission								
	Turnpike Road Off	33-030-A	11.84	Forest, wetlands, / Good	Passive	Yes	IP	Article 97
	Boston Road	47-060	11.113	Forest/Good	Passive	Yes	RB	Article 97
	Valley Road	48-007	7.17	Forest/Good	Passive	Yes	RB	Article 97
	Bigelow Road	49-019	16.77	Wetland/ Good	Passive	Yes	RA	Article 97
	Bigelow Road	49-021	2.662	Wetland/ Good	Passive	Yes	RA	Article 97
	Main Street	51-006	3.65	Wetlands/ Good	Passive	Yes	RA	Article 97
	Main Street Off	51-012	41.28	Fields, forest, wetlands/Good	Passive/trail	Yes	RA	Article 97
	Main Street	51-013	13.13	Meadow/Good	Passive	Yes	RA	Article 97
	Main Street	51-015	0.39	Forest/Good	Passive	Yes	RA	Article 97
	Main Street	52-009	0.99	Field/ Good	Passive	Yes	RSP	Article 97
	Main Street	52-010	4.39	Forest, wetlands, pond/Good	Passive/trails	Yes	RA	Article 97
	Chestnut Hill Road	62-004	108	Farm, fields/ Excellent	Passive/trails community gardens	Yes	RSP	Article 97
	Sears Road Off	63-010	15.21	Forest, fields, wetlands/Good	Passive	Yes	RA	Article 97
	Hillside Avenue	66-067	10.54	Forest, wetlands/ Good	Passive	Yes	RB	Article 97
	Pine Hill Road	69-021-	16.14	Forest, wetlands, / Good	Passive	Yes	RA	Article 97

Zoning Key: RA= Residence A, RB = Residence B, RSP= Research, Science and Professional

TABLE A

PROTECTED OPEN SPACE PARCELS (Continued)

SITE NAME IF APPLICABLE	LOCATION	MAP/ PARCEL	AREA (Acres)	CURRENT USE/ CONDITION	RECREATION POTENTIAL	PUBLIC ACCESS	ZONING	LEVEL OF PROTECTION
TOWN OF SOUTHBOROUGH								
MANAGEMENT AGENCY: Conservation Commission								
	Chestnut Hill Rd Off	72-008-0	23.57	Forest, wetlands, / Good	Passive/trails	Yes	RSP	Article 97
	Barn Lane	72-019	7.66	Wetlands/Good	Passive/trails	Yes	RA	Article 97
	Presidential Drive	73-020	14.34	Wetlands/Good	Passive/trails	Yes	RA	Article 97
	Nichols Street	79-004	10.45	Good	Passive/trail	Yes	RA	Article 97
	Presidential Drive	82-020	21.42	Forest, wetlands/Good	Passive/trails	Yes	RA	Article 97
	Presidential Drive	82-023-	4.26	Forest, wetlands, Good	Passive/trails	Yes	RA	Article 97
	Presidential Drive	82-027-	0.24	Wetlands/Good	Passive/trails	Yes	RA	Article 97
Subtotal			**527.76**					

Zoning Key: RA= Residence A, RB = Residence B, RSP= Research, Science and Professional, C= Conservation

TABLE A

PROTECTED OPEN SPACE PARCELS (Continued)

SITE NAME IF APPLICABLE	LOCATION	MAP/ PARCEL	AREA (Acres)	CURRENT USE/ CONDITION	RECREATION POTENTIAL	PUBLIC ACCESS	ZONING	LEVEL OF PROTECTION
TOWN OF SOUTHBOROUGH								
MANAGEMENT AGENCY: Board of Selectmen								
	Wood Street	01-020	0.78	Forest, wetlands/Good	Passive/wildlife habitat	Yes	RB	Low
Stockwell Farms	Off Atwood Street	8-103	11.42	Forest/Good	Passive/wildlife habitat	Yes	RB	Article 97
Hillman Property	Nathan Stone Rd.	10-024	10.82	Forest, wetlands, /Good	Passive	Yes	RB	Article 97
Hillman Property	Edgewood Road	10-102	0.196	Forest/Good	Passive	Yes	RB	Article 97
Hubley Lane	Middle Road	13-33	7.53	Forest/Good	Passive/trail	Yes	RA	Article 97
Watkins Property	Cordaville/ Richards Road	14-12	9.67	Forest/Good	Passive/Trail	Yes	RB	Article 97
	Vickery Hill Lane	20-054	4.416	Forest/Good	Passive/trails	No	RA	Article 97
	Breakneck Hill Road	29-58	1.84	Connects to conservation area	Passive/trails	Yes	RA	Low
	Orchard Road	34-016	7.243	Forest, wetlands, / Good	Passive/trails	Yes	RA	Low
Golf Course	36 Cordaville Rd	45-002	55.7	Golf/Excellent	Golf, trails	Yes	RB	Article 97/CR
Linda Construction	Reservoir Drive	46-08	3.9	Forest/Good	Passive/trails	Yes	RB	Article 97
	Main Street	51-018	1.807	Forest, field/Good	Passive/trails	Yes	RA	Low
Maillett Property	Sadie Hutt Lane	74-51	0.73	Forest/Good	Passive/trails	Yes	RA	Article 97
	Angelica Lane	79-005, 016	16.84	Forest, wetlands/ Good	Passive/trails	Yes	RA	Article 97
	Pinecone Lane	85-009	0.72	Forest/Good	Passive/trails	Yes	RB	Low
Town Forest	Kidder/Woodland/ Walnut	22-002, -003, -014, -015, 23-008	45.29	Forest, wetlands/ Good	Passive/trails	Yes	RA, C	Article 97
Subtotal			**178.9**					

Zoning Key: RA= Residence A, RB = Residence B, RSP= Research, Science and Professional, C= Conservation

TABLE A

PROTECTED OPEN SPACE PARCELS (Continued)

SITE NAME IF APPLICABLE	LOCATION	MAP/ PARCEL	AREA (Acres)	CURRENT USE/ CONDITION	RECREATION POTENTIAL	PUBLIC ACCESS	ZONING	LEVEL OF PROTECTION
TOWN OF SOUTHBOROUGH								
MANAGEMENT AGENCY: Board of Selectmen								
	Wood Street	01-020	0.78	Forest, wetlands/Good	Passive/wildlife habitat	Yes	RB	Low
Stockwell Farms	Off Atwood Street	8-103	11.42	Forest/Good	Passive/wildlife habitat	Yes	RB	Article 97
Hillman Property	Nathan Stone Rd.	10-024	10.82	Forest, wetlands, /Good	Passive	Yes	RB	Article 97
Hillman Property	Edgewood Road	10-102	0.196	Forest/Good	Passive	Yes	RB	Article 97
Hubley Lane	Middle Road	13-33	7.53	Forest/Good	Passive/trail	Yes	RA	Article 97
Watkins Property	Cordaville/ Richards Road	14-12	9.67	Forest/Good	Passive/Trail	Yes	RB	Article 97
	Vickery Hill Lane	20-054	4.416	Forest/Good	Passive/trails	No	RA	Article 97
	Breakneck Hill Road	29-58	1.84	Connects to conservation area	Passive/trails	Yes	RA	Low
	Orchard Road	34-016	7.243	Forest, wetlands, / Good	Passive/trails	Yes	RA	Low
Golf Course	36 Cordaville Rd	45-002	55.7	Golf/Excellent	Golf, trails	Yes	RB	Article 97/CR
Linda Construction	Reservoir Drive	46-08	3.9	Forest/Good	Passive/trails	Yes	RB	Article 97
	Main Street	51-018	1.807	Forest, field/Good	Passive/trails	Yes	RA	Low
Maillett Property	Sadie Hutt Lane	74-51	0.73	Forest/Good	Passive/trails	Yes	RA	Article 97
	Angelica Lane	79-005, 016	16.84	Forest, wetlands/ Good	Passive/trails	Yes	RA	Article 97
	Pinecone Lane	85-009	0.72	Forest/Good	Passive/trails	Yes	RB	Low
Town Forest	Kidder/Woodland/ Walnut	22-002, -003, -014, -015, 23-008	45.29	Forest, wetlands/ Good	Passive/trails	Yes	RA, C	Article 97
Subtotal			**178.9**					

Zoning Key: RA= Residence A, RB = Residence B, RSP= Research, Science and Professional, C= Conservation

TABLE A

PROTECTED OPEN SPACE PARCELS (Continued)

SITE NAME	LOCATION IF APPLICABLE	MAP/ PARCEL	AREA (Acres)	CURRENT USE/ CONDITION	RECREATION POTENTIAL	PUBLIC ACCESS	ZONING	LEVEL OF PROTECTION
MANAGEMENT AGENCY: MASSACHUSETTS DEPARTMENT OF CONSERVATION AND RECREATION								
	Off Wood	01--011	1.57	Water Supply/ Good	Hiking, fishing, cross-country skiing	Yes	RB	High
	Off Wood	01-024	7.55	Water Supply/ Good	Hiking, fishing, cross-country skiing	Yes	RB	High
	Off Southville	05-009	14	Water Supply/ Good	Hiking, fishing, cross-country skiing	Yes	RB	High
	Trnpk At Cordaville	28-002	10.36	Water Supply/ Good	Hiking, fishing, cross-country skiing	Yes	RA	High
	Trnpk Corner Middle	28-014	3.23	Water Supply/ Good	Hiking, fishing, cross-country skiing	Yes	RB	High
	Trnpk At Cordaville	28-015	13.51	Water Supply/ Good	Hiking, fishing, cross-country skiing	Yes	RA	High
	Cordaville Road	36-018	62.62	Water Supply/ Good	Hiking, fishing, cross-country skiing	Yes	RB	High
	White Bagley Road	37-006	183.14	Water Supply/ Good	Hiking, fishing, cross-country skiing	Yes	RB	High
	Boston Turnpike	38-016	6	Water Supply/ Good	Hiking, fishing, cross-country skiing	Yes	RA	High
	Turnpike Road	38-021	2.01	Water Supply/ Good	Hiking, fishing, cross-country skiing	Yes	RA	High
	Middle Road	44-004	52.59	Water Supply/ Good	Hiking, fishing, cross-country skiing	Yes	RA	High
	Middle Road	44-005	61.17	Water Supply/ Good	Hiking, fishing, cross-country skiing	Yes	RB	High
	Latisquama Road	45-001	3.04	Water Supply/ Good	Hiking, fishing, cross-country skiing	Yes	RB	High
	Latisquama Road	45--014	4.20	Water Supply/ Good	Hiking, fishing, cross-country skiing	Yes	RB	High

Zoning Key: RA= Residence A, RB = Residence B, C= Conservation, I= Industrial

TABLE A

PROTECTED OPEN SPACE PARCELS (Continued)

SITE NAME	LOCATION IF APPLICABLE	MAP/ PARCEL	AREA (Acres)	CURRENT USE/ CONDITION	RECREATION POTENTIAL	PUBLIC ACCESS	ZONING	LEVEL OF PROTECTION
MANAGEMENT AGENCY: MASSACHUSETTS DEPARTMENT OF CONSERVATION AND RECREATION								
	White Bagley Road	46-006	26.99	Water Supply/ Good	Hiking, fishing, cross-country skiing	Yes	RB	High
	Central Street	47-001	3.65	Water Supply/ Good	Hiking, fishing, cross-country skiing	Yes	RB	High
	Boston Road Off	47-014	2.62	Water Supply/ Good	Hiking, fishing, cross-country skiing	Yes	RB	High
	Boston Road	48-024	3.07	Water Supply/ Good	Hiking, fishing, cross-country skiing	Yes	RB	High
	Bigelow Road	49-009	159.58	Water Supply/ Good	Hiking, fishing, cross-country skiing	Yes	RA	High
	Main Street	51-002	0.78	Water Supply/ Good	Hiking, fishing, cross-country skiing	Yes	RA	High
	Main Street	51-005	0.83	Water Supply/ Good	Hiking, fishing, cross-country skiing	Yes	RA	High
	Deerfoot Road	53-002	7.23	Water Supply/ Good	Hiking, fishing, cross-country skiing	Yes	RA	High
	Deerfoot Road	53-004	26.72	Water Supply/ Good	Hiking, fishing, cross-country skiing	Yes	RA	High
	Boston Road	58-001	0.34	Water Supply/ Good	Hiking, fishing, cross-country skiing	Yes	RB	High
	Boston Road	58-002-A-142	1492.004	Water Supply/ Good	Hiking, fishing, cross-country skiing	Yes	RA	High
	Northboro Road	61-003	8.82	Water Supply/ Good	Hiking, Fishing, cross-country skiing	Yes	RA	High
	Northboro Road	62-001	7.67	Water Supply/ Good	Hiking, Fishing, cross-country skiing	Yes	RA	High
	Northboro Road	62-002	38.04	Water Supply/ Good	Hiking, Fishing, cross-country skiing	Yes	RA	High

Zoning Key: RA= Residence A, RB = Residence B, RSP= Research, Science and Professional

TABLE A

PROTECTED OPEN SPACE PARCELS (Continued)

SITE NAME	LOCATION IF APPLICABLE	MAP/ PARCEL	AREA (Acres)	CURRENT USE/ CONDITION	RECREATION POTENTIAL	PUBLIC ACCESS	ZONING	LEVEL OF PROTECTION
MANAGEMENT AGENCY: MASSACHUSETTS DEPARTMENT OF CONSERVATION AND RECREATION								
	White Bagley Road	46-006	26.99	Water Supply/ Good	Hiking, fishing, cross-country skiing	Yes	RB	High
	Central Street	47-001	3.65	Water Supply/ Good	Hiking, fishing, cross-country skiing	Yes	RB	High
	Boston Road Off	47-014	2.62	Water Supply/ Good	Hiking, fishing, cross-country skiing	Yes	RB	High
	Boston Road	48-024	3.07	Water Supply/ Good	Hiking, fishing, cross-country skiing	Yes	RB	High
	Bigelow Road	49-009	159.58	Water Supply/ Good	Hiking, fishing, cross-country skiing	Yes	RA	High
	Main Street	51-002	0.78	Water Supply/ Good	Hiking, fishing, cross-country skiing	Yes	RA	High
	Main Street	51-005	0.83	Water Supply/ Good	Hiking, fishing, cross-country skiing	Yes	RA	High
	Deerfoot Road	53-002	7.23	Water Supply/ Good	Hiking, fishing, cross-country skiing	Yes	RA	High
	Deerfoot Road	53-004	26.72	Water Supply/ Good	Hiking, fishing, cross-country skiing	Yes	RA	High
	Boston Road	58-001	0.34	Water Supply/ Good	Hiking, fishing, cross-country skiing	Yes	RB	High
	Boston Road	58-002-A-142	1492.004	Water Supply/ Good	Hiking, fishing, cross-country skiing	Yes	RA	High
	Northboro Road	61-003	8.82	Water Supply/ Good	Hiking, Fishing, cross-country skiing	Yes	RA	High
	Northboro Road	62-001	7.67	Water Supply/ Good	Hiking, Fishing, cross-country skiing	Yes	RA	High
	Northboro Road	62-002	38.04	Water Supply/ Good	Hiking, Fishing, cross-country skiing	Yes	RA	High

Zoning Key: RA= Residence A, RB = Residence B, C= Conservation, I= Industrial Passive= habitat, birdwatching, nature walks, etc.

TABLE A

PROTECTED OPEN SPACE PARCELS (Continued)

SITE NAME	LOCATION IF APPLICABLE	MAP/ PARCEL	AREA (Acres)	CURRENT USE/ CONDITION	RECREATION POTENTIAL	PUBLIC ACCESS	ZONING	LEVEL OF PROTECTION
MANAGEMENT AGENCY: MASSACHUSETTS DEPARTMENT OF CONSERVATION AND RECREATION								
	School Street	65-002	0.35	Water Supply/ Good	Hiking, Fishing, cross-country skiing	Yes	C	High
	School Street	65-004	7.18	Water Supply/ Good	Hiking, Fishing, cross-country skiing	Yes	C	High
	Newton Street	65-014	0.14	Water Supply/ Good	Hiking, Fishing, cross-country skiing	Yes	RB/I	High
	Newton Street	65-017	0.75	Water Supply/ Good	Hiking, Fishing, cross-country skiing	Yes	RB	High
	Chestnut Hill Road	73-022	20.37	Water Supply/ Good	Hiking, Fishing, cross-country skiing	Yes	C	High
	Sears Road	74-004	5.09	Water Supply/ Good	Hiking, Fishing, cross-country skiing	Yes	C	High
	Marlboro Road Off	91-018	1.45	Water Supply/ Good	Hiking, Fishing, cross-country skiing	Yes	RA	High
	Marlboro Road	91-019	36.58	Water Supply/ Good	Hiking, Fishing, cross-country skiing	Yes	C	High
Sub-Total			**2275.31**					

Continued Zoning Key: RA= Residence A, RB = Residence B, C= Conservation, I= Industrial Passive= habitat, birdwatching, nature walks, etc.

TABLE A

PROTECTED OPEN SPACE PARCELS (Continued)

SITE NAME IF APPLICABLE	LOCATION	MAP/ PARCEL	AREA (Acres)	CURRENT USE/ CONDITION	RECREATION POTENTIAL	PUBLIC ACCESS	ZONING	LEVEL OF PROTECTION
MANAGEMENT AGENCY: SUDBURY VALLEY TRUSTEES								
Willman Wetlands	Wood Street	01-019	1.87	Conservation/Good	Passive	Yes	RB	Medium
	Wood Street	02-037	1.50	Conservation/Good	Passive	Yes	RB	Medium
Merriam	River Street	04-041-A	0.57	Park/Very Good	Passive	Yes	RB	Medium
White	Oregon Road	15-10-A	3.35	Conservation/Good	Passive	Yes	RA	Medium
Turenne	Oak Hill Road	31-047	20.00	Conservation/Good	Passive	Yes	RA	Medium
Triangle Meadow	Main Street	51-006	3.65	Conservation/Good	Passive	Yes	RA	Medium
Wyndemere	Main Street	52-010	4.39	Conservation/Good	Passive	Yes	RA	Medium
	Jericho Hill Road	80-005	0.23	Conservation/Good	Passive	Yes	RA	Medium
Sub-Total			**35.56**					
MANAGEMENT AGENCY: PINE HILL MEADOW TRUST								
	Pine Hill Road	69-021	16.14	Conservation/Good	Passive	Yes	RA	Deed restriction
	Nichols Street	79-004	10.45	Conservation/Good	Passive	Yes	RA	Medium
Sub-Total			**26.59**					
MANAGEMENT AGENCY: THE PRESERVATION TRUST INC.								
	Oland Lane	12-041	0.35	Conservation/Good	Passive	Yes	RA	Medium
	Parkerville Rd.	27-043	2.19	Conservation/Good	Passive	Yes	RA	Medium
	Presidential Dr.	82-020	21.42	Conservation/Good	Passive	Yes	RA	Medium
	Presidential Dr.	82-023	4.26	Conservation/Good	Passive	Yes	RA	Medium
	Presidential Dr.	82.027	0.24	Conservation/Good	Passive	Yes	RA	Medium
Sub-Total			**28.46**					
MANAGEMENT AGENCY: THE TRUSTEES OF RESERVATIONS								
	0 Chestnut Hill Rd	51-043	38.66	Conservation/Good	Passive	Yes	RSP	Medium
	Main Street	52-009	0.99	Conservation/Good	Passive	Yes	RSP	Medium
	7 Chestnut Hill Rd	62-004	108.00	Conservation/Good	Passive	Yes	RSP	Medium
	Chestnut Hill Rd Off	72-008	23.57	Conservation/Good	Passive	Yes	RSP	Medium
Sub-Total			**171.22**					

Continued Zoning Key: RA= Residence A, RB = Residence B, RSP= Research, Science and Professional Passive= habitat, birdwatching, nature walks, etc.

TABLE A

PROTECTED OPEN SPACE PARCELS (Continued)

SITE NAME IF APPLICABLE	LOCATION	MAP/ PARCEL	AREA (Acres)	CURRENT USE/ CONDITION	RECREATION POTENTIAL	PUBLIC ACCESS	ZONIN G	LEVEL OF PROTECTION
MANAGEMENT AGENCY: SOUTHBOROUGH OPEN LAND FOUNDATION								
Barber Pasture	Bridge Street	02-087	5.24	Conservation/Very Good	Passive	Yes	RB	High/CR
	Highland Street	03-002-C	0.70	Conservation/Very Good	Passive	Yes	RB	Medium
River Reserve	Southville Rd.	04-043	3.00	Conservation/Very Good	Passive	Yes	RB	Medium
Lambert Corners	Richards Road	08-024	1.52	Conservation/Very Good	Passive	Yes	RB	Medium
Big Oak Woods	Darlene Drive	09-067	0.69	Conservation/Very Good	Passive	Yes	RB	Medium
	Darlene Drive	09-068	0.7	Conservation/Very Good	Passive	Yes	RB	Medium
	Darlene Drive	09-069	0.68	Conservation/Very Good	Passive	Yes	RB	Medium
	Darlene Drive	10-020	1.02	Conservation/Very Good	Passive	Yes	RB	Medium
	Darlene Drive	10-021	11.17	Conservation/Very Good	Passive	Yes	RB	Medium
Temple-mann Woods	Cordaville Rd.	14-037	8.16	Conservation/Very Good	Passive	Yes	RA	Medium
Nipmuc Trail Woods	Brookside Rd.	15-061	2.15	Conservation/Very Good	Passive	Yes	RB	Medium
Eastbrook Farm	Eastbrook Farm Ln.	33-030	2.78	Conservation/Very Good	Passive	Yes	RA	Medium
	Turnpike Rd. Off	33-30-A	11.84	Conservation/Very Good	Passive	Yes	IP	Medium
Kalander Woods	Boston Road	47-060	11.11	Conservation/Very Good	Passive	Yes	RB	Medium
	Valley Road	48-007	7.17	Conservation/Very Good	Passive	Yes	RB	Medium
Bigelow Wildlife Reserve	Bigelow Road	49-019	16.77	Conservation/Very Good	Passive	Yes	RA	Medium
	Bigelow Road	49-021	2.66	Conservation/Very Good	Passive	Yes	RA	Medium
Beals Preserve	Main Street Off	51-012	41.28	Conservation/Very Good	Passive	Yes	RA	High/CR
	Main Street	51-013	13.13	Conservation/Very Good	Passive	Yes	RA	High/CR
	Main Street	51-014	3.70	Conservation/Very Good	Passive	Yes	RA	High/CR
Access to Beals	Main Street	51-015	0.39	Conservation/Very Good	Passive	Yes	RA	Medium

Continued Zoning Key: RA= Residence A, RB = Residence B, C= Conservation, I= Industrial Park Passive= habitat, birdwatching, nature walks, etc.

TABLE A

PROTECTED OPEN SPACE PARCELS (Continued)

SITE NAME IF APPLICABLE	LOCATION	MAP/ PARCEL	AREA (Acres)	CURRENT USE/ CONDITION	RECREATION POTENTIAL	PUBLIC ACCESS	ZONING	LEVEL OF PROTECTION
MANAGEMENT AGENCY: SOUTHBOROUGH OPEN LAND FOUNDATION								
Wolfpen Pasture	Sears Road Off	63-010	15.21	Conservation/Very Good	Passive	Yes	RA	Medium
Clear Hill Hollow	Hillside Avenue	66-067	10.54	Conservation/Very Good	Passive	Yes	RB	Medium
Sears Reserve	Presidential Dr.	73-020	14.34	Conservation/Very Good	Passive	Yes	RA	Medium
Sub-Total			**185.95**					

Source: Assessors Database, 2018 Zoning Key: RA= Residence A, RB = Residence B, IP= Industrial Park Passive= habitat, birdwatching, nature walks, etc.

Table B lists the conservation restrictions in Southborough as provided by the Division of Conservation Services. It indicates a total of 553.61 acres of CR's submitted to DCS for review. One of the parcels is Chestnut Hill Farm, which is now owned in fee by The Trustees of Reservations, so it is shown as a protected parcel in Table A.

Table C is a deed restriction for conservation purposes.

Table D summarizes the protected open space in Southborough.

TABLE B

CONSERVATION RESTRICTIONS*

DCS REFERENCE	LOCATION	RECEIVED DATE	SIGNED DATE	GRANTOR	GRANTEE	AREA (Acres)
14937	Jericho Hill Road	--	12/26/91#	George H. Gay, Jr.	Sudbury Valley Trustees	59.4#
14938	West Main/ Chestnut Hill/ Northborough Rd.	3/1/1995	3/30/1995	Philip & Elaine Beals	Sudbury Valley Trustees	48.10
14939	Fay Ct/Bridge St.	7/7/2000	7/26/2001	Frank W. Gohlke	Sudbury Valley Trustees	6.70
14940	Southville Rd.	10/10/2000	12-20/2000	Southborough Open Land Foundation	Sudbury Valley Trustees	3.48
14943	Off Main St.	9/12/2005	5/23/2006	Philip Beals	Conservation Commission	109.90#
14945	Off Main/ Chestnut Hill Rd.	11/3/2006	12/22/2006	Philip & Elaine Beals	Sudbury Valley Trustees	56.10
14946	Off Main/ Chestnut Hill Rd.	11/3/2006	6/8/2006	Philp Beals Trust	Sudbury Valley Trustees	13.00
14947	Off Main	7/16/2007	5/28/2007	134 Turnpike Road LLC	Town	6.95
14949	Oland Lane/ Gilmore Rd.	7/21/2010	3/3/2011	EMC Corporation	Sudbury Valley Trustees	39.00
16526	Cordaville Rd.	5/29/2018	8/29/19	Town	Sudbury Valley Trustees/ Conservation Commission	55.70
	Rockpoint Road		Pending	Town	Sudbury Valley Trustees	30.67
	TOTAL					**429**

Sources: Division of Conservation Services (DCS), 2018 # Worcester County Registry of Deeds, 2019

TABLE C

DEED RESTRICTION FOR CONSERVATION PURPOSES

LOCATION	RECORDING DATE	OWNER	AREA (acres)
Orland Lane/Gilmore Road	3/10/2011	EMC Corporation	**7.00**

Source: Worcester County Registry of Deeds, 2019

TABLE D

SUMMARY OF PROTECTED OPEN SPACE

MANAGEMENT AGENCY	AREA (ACRES)
Town	
Conservation Commission	527.76
Board of Selectmen	208.79
Sub-Total	**736.42**
State	
Department of Conservation and Recreation	**2275.55**
Non-Profit Conservation Organizations	
Sudbury Valley Trustees	35.56
Pine Hill Meadow Trust	26.59
The Preservation Trust, Inc.	28.46
The Trustees of Reservations	171.22
Southborough Open Land Foundation	185.95
Sub-Total	**447.78**
Conservation Restrictions	**342.63***
TOTAL	**3803.05**

B. PUBLIC AND PRIVATE RECREATION FACILITIES

A variety of recreational opportunities exist in Southborough. While conservation land (listed in Tables A, B and C) is usually also available for some recreation activities (hiking, bird-watching, etc.), recreation land here is defined as areas devoted and used primarily for one or more specific recreation uses that require:

- o A large portion of the site;
- o Man-made facilities or significant alteration of the natural landscape; and
- o Intensive maintenance.

Examples of recreation facilities include parks and playgrounds, schoolyards, country clubs/golf courses, campgrounds, beaches, picnic areas, etc. Such facilities can be publicly or privately owned and accessible.

The recreation facilities in Southborough are discussed below. Table E lists the public recreation sites in Southborough. As the table indicates, schoolyards provide the majority of the recreation sites in Town as fields tend to be located on or adjacent to school sites. Grant funds were not used to purchase or redevelop these recreation sites and facilities

Table F lists the private sites Private facilities include the two private schools in Southborough, the Fay School and St. Mark's School. As shown on Table F, their campuses include a variety of both indoor and outdoor recreational opportunities. While not available to the general public, these facilities add to the diversity of recreation opportunities in Southborough.

TABLE E
PUBLIC RECREATION PROPERTIES

NAME	LOCATION	AREA	MAP/ PARCEL	CURRENT USES/ FACILITIES	RECREATION POTENTIAL	MANAGEMENT AGENCY	PUBLC ACCESS	CONDITION/ ZONING	LEVEL OF PROTECTION
TOWN-OWNED OR MANAGED PUBLIC RECREATION AREAS									
911 Memorial Field	Acre Bridge Road.	5±[1]	58-002A	Turf field	DCR permission would be needed for expansion	Recreation Commission/DPW	Yes	Excellent/ Conservation	High
Kallander Field	Kallander Drive	2.63	56-012	Grass Field/Soccer	No, fully developed	Recreation Commission	Yes	Poor/RB	Article 97
Liberty Estates Field	Liberty Road		05-050	Grass Field	No, fully developed	Recreation Commission/DPW	Yes	Very Good/RB	Article 97
Lunblad Grassfield	53 Parkerville Road	80.7[3]	43-018	Baseball, track, soccer	No, fully developed	Recreation Commission/DPW	Yes	Good/RA	Article 97
Richardson Tennis Courts	53 Parkerville Road	80.7[3]	43-018	Tennis	No, fully developed	Recreation Commission/DPW	Yes	Excellent/RA	Article 97
Fayville Playground	Central Street	2.37	38-45A	Playground equipment	No, fully developed	Recreation Commission	Yes	Excellent/RB	Article 97
Triangle Park	Cordaville Street	0.74	04-001	Paths, benches	Suitable for passive only	Recreation Commission	Yes	Excellent/BH	Article 97
Town Common	Common and Main Street	0.74	54-006	Monuments, benches	Suitable for passive only	Recreation Commission	Yes	Excellent/RA	Article 97
South Union Building and Playground	21 Highland Street	3.0	03-003	Playground	Room for expansion.	Recreation Commission	Yes	Excellent/RB	Article 97
George Mooney Park	Parkerville Road	7.03	07-023	Baseball, softball, Grass Field/Soccer	No, fully developed	Recreation Commission/DPW	Yes	Very Good/C	Article 97
Southborough Golf Club	36 Cordaville Road	55.70	45-002	9-hole golf course	Limited passive activities possible	New England Golf Corporation	Yes	Under Construction/C	High (CR)
Sub-total		**210.95**							

[1]Part of 1492-acre Sudbury Reservoir parcel owned by DCR [2]DCR land [3]Includes same entire school sites

TABLE E
PUBLIC RECREATION PROPERTIES (Continued)

NAME	LOCATION	AREA*	MAP/ PARCEL	CURRENT USES/FACILITIES	RECREATION POTENTIAL	MANAGEMENT AGENCY	PUBLIC ACCESS	CONDITION/ ZONING	LEVEL OF PROTECTION
				SCHOOL PROPERTIES					
Finn Elementary	60 Richards Road	11.15*	07-021	Softball, tennis, gym, playground, skate park	No, fully developed	School Committee	Limited	Good/RB	Low
Neary Elementary	53 Parkerville Road	80.7*	43-018	Playground, soccer, basketball, softball	No, fully developed	School Committee	Limited	Good/RA	Low
Trottier Middle	49 Parkerville Road	Same site as Neary	Same site as Neary	Track, soccer, baseball, basketball, gym	No, fully developed	School Committee	Limited	Good/RA	Low
Woodward Memorial	28 Cordaville Road	11.65*	54-092	Volleyball, gym, basketball, soccer, playground, softball	No, fully developed	School Committee	Limited	Good/RB	Low
Total Public Recreation Acreage (including schools)		**233.75**							

Sources: Assessors Database 2018, Recreation Department web site. *Includes entire school site

TABLE F

PRIVATE RECREATION PROPERTIES#

NAME	LOCATION	AREA	MAP/ PARCEL	CURRENT USES/FACILITIES	MANAGEMENT AGENCY	PUBLIC ACCESS	CONDITION/ ZONING	LEVEL OF PROTECTION
PRIVATE PROPERTIES								
Fay School	48 Main St	56.58*	53-10,11,12, 13,14,15,16, 17,19,20,25,54-54-2,14,16,17 91-006	Gym, 2 pools, 11 fields, baseball, basketball, fitness center, cross-country track, tennis	Board of Trustees	No	Very Good/RA-RB	Low
St. Mark's School	25 Marlboro Road	207.33 *	45-02A, 53-08, 09, 54-08,31, 65-01,03,09,12,23 74-06, 75-34A	Gym, ice rink, baseball, soccer, football, tennis	Board of Trustees	No	Very Good/RA-RB	Low
Total Private Recreation Acreage		**263.91**						

Source: Assessors Database, 2018, Institution web sites *Includes entire campus sites

C. POTENTIAL INEQUITIES

There are no environmental justice populations in Southborough. An Environmental Justice community is one or more U.S, Census block groups where the median household income is below 65% of the state median, or at least 25% of the population is other than white or at least 25% of households have no one over the age of 14 who speaks English well. Environmental Justice is based on the principle that all people have a right to be protected from environmental pollution and to live in a clean and healthful environment. Furthermore, as Map _ illustrates, open space and recreation areas are well distributed throughout the Town. All neighborhoods are within reasonable proximity to both conservation and recreation areas.

D. CHAPTER 61, 61A, & 61B LANDS

In order to encourage the preservation of certain activities and land uses (namely forestry, agriculture, and recreation), the laws of the Commonwealth of Massachusetts allow a property tax break for these land uses. In return for this tax break, the property owners who take advantage of it must make the parcel available for purchase by the town in which it is located before it may be sold on the open market. Since towns rarely have the available funds to purchase these parcels, the law does not provide much protection. However, to the extent that the tax break may help keep the land use economically feasible, it does provide some incentive to continue the land use rather than make the land available for development. Furthermore, landowners who continue to maintain their lands under this program should be acknowledged for their stewardship efforts.

Named after the section of state law that allows this, Chapter 61 land is that which is used for forestry or woodlands, Chapter 61A land is used for agriculture, and Chapter 61B land is used for recreation.

As Table F indicates, Southborough has a total of 121.6 acres of Chapter 61, 61A and 61B land as follows:

- **Chapter 61:** Southborough has two parcels totaling 23.35 acres.
- **Chapter 61A**: There are presently thirteen parcels totaling 98.25 acres. There 5 owners of the thirteen parcels as two owners own 5 parcels each.
- **Chapter 61B:** There are no Chapter 61B properties in Southborough.

TABLE F

CHAPTER 61, AND 61A LANDS*

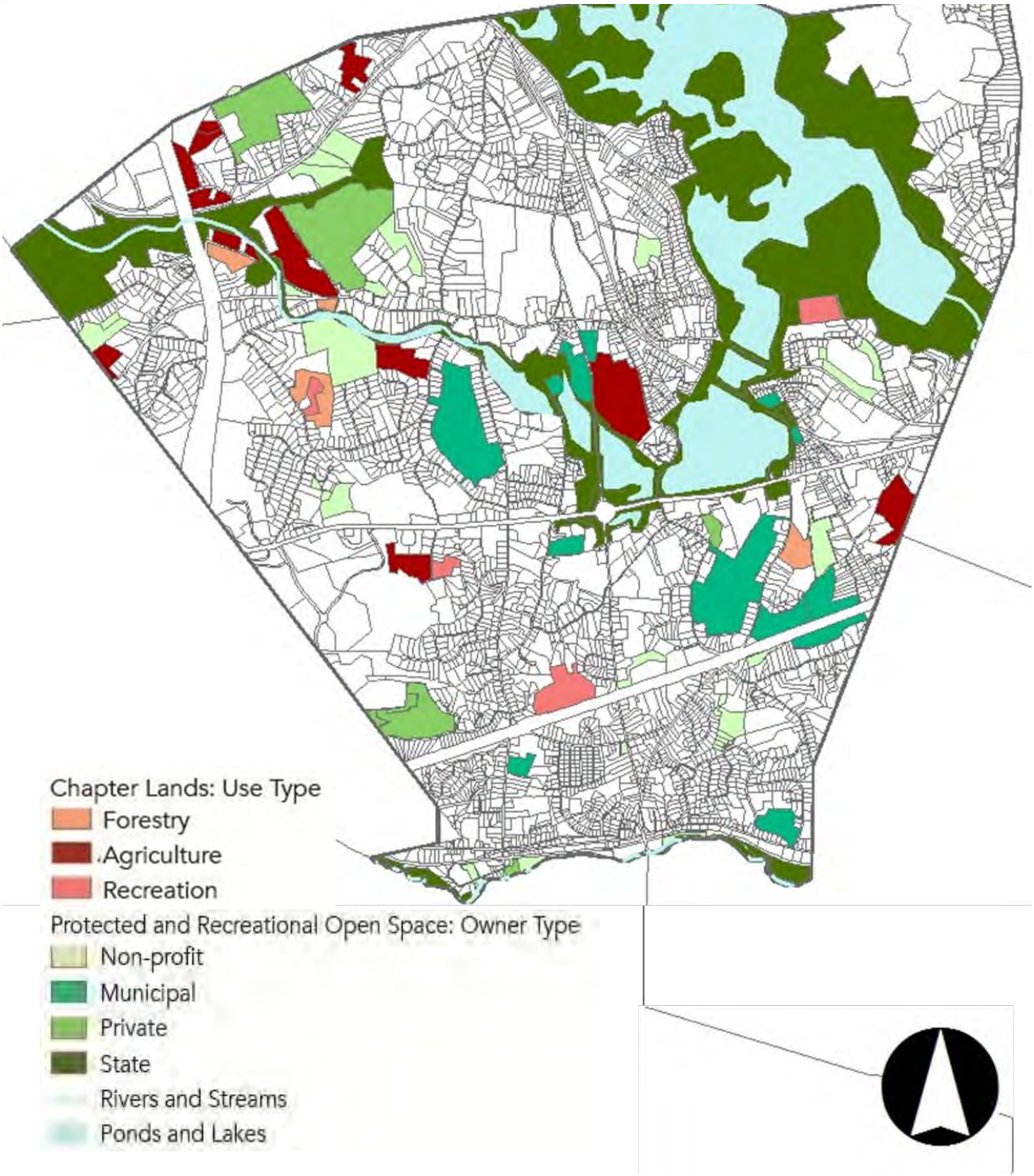
LOCATION	OWNER	MAP/ PARCEL	AREA (ACRES)	ZONING	PUBLIC ACCESS
Chapter 61					
Fisher Road	Pietro	82-001	15.99	RA	No
Subtotal			**15.99**		
Chapter 61A					
Main Street	Blynn	40-006	7.50	RA	No
Newton Street	Derby	75-034	18.91	RB	No
Framingham Road	Derby	75-046	1.25	RB	No
Framingham Road	Derby	75-047	1.02	RB	No
Framingham Road	Derby	75-048	1.00	RB	No
Framingham Road	Derby	84-022	2.46	RB	No
Deerfoot Road	Millea	52-021	21.25	RA	No
Northboro Road	Johnson	61-004	5.00	RA	No
Northboro Road	Johnson	61-005	11.00	RA	No
Northboro Road	Johnson	61-014	2.69	RA	No
Northboro Road	Johnson	71-001A	10.76	RA	No
Northboro Road	Johnson	71-006	8.76	RA	NO
Jericho Hill Road	Mulvaney	80-004	6.65	RA	NO
Subtotal			**98.25**		
TOTAL			**114.24**		

Source: Assessors Database, 2018 *There are no 61B lands.

INVENTORY OF OPEN SPACE MAP

Chapter land *is enrolled in a current-use management plan that allows the owner to have the property assessed at its forestry (Chapter 61), agricultural (Chapter 61A), or recreational (Chapter 61B) value, rather than its "highest and best" value. If it is sold, the Town of Southborough has the "right of first refusal" to purchase the land before it is sold to a third party. Property owners may enroll land in a Chapter program if it is actively used for forestry, agriculture, or recreation.*

Protected and recreational open space *is open space owned by a town or government agency, or placed under a conservation restriction owned by a non-profit organization such as a land trust.*



Section 6: Community Vision

A. DESCRIPTION OF PROCESS

The process to gather public input for this update to Southborough's Open Space and Recreation Plan included a series of public forums, a town-wide survey, and meetings with town officials. The public feedback helped to define goals and articulate recommendations to address the community's priorities.

OPEN SPACE AND RECREATION SURVEY

The Town created and distributed an online survey. It was made available on the town website, and sent out through the Recreation email service and through the Southborough Public Schools [verify? Were there more?] The survey received 207 responses.

See appendix 1 for full results.

PUBLIC FORUM #1: *Data*

Gathering

The first public forum was held at Cordaville Town Hall/Southborough Senior Center on February 3, 2016. Thirty participants attended. At the first meeting, the Working Group gave a presentation outlining the purpose and utility of the OSRP, as well as accomplishments since the last update, published in 2009.

PUBLIC FORUM #2:

Responses to Draft Goals and Objectives

The second forum, also held at Cordaville Town Hall, occurred March 4, 2016. The seven participants evaluated the goals and objectives the students and Working Group had identified, and proposed actions to achieve these goals. The results of both forums were incorporated into the goals, objectives, and seven-year action plan delineated at the end of this report.

B. STATEMENT OF GOALS

Southborough faces challenges familiar to many other small towns in the region. These include a desire to maintain and increase community awareness and use of existing open space and recreational facilities while taking steps to protect additional lands under pressure from future development. Based on input obtained from the community and a review of the community vision described in the 2009 OSRP, Southborough's vision for open space and recreation was drafted:

Southborough aims to take the proper steps to meet the community's growing needs for sufficient recreation facilities and infrastructure. Parcels of priority conservation interest are identified and protected to support ecological integrity and connectivity of open space for people and wildlife. The open space parcels and recreation facilities already in place are maintained and/or improved as needed, and when applicable they are expanded. Agriculture is preserved and promoted as an important aspect of community character. Groundwater and surface water are protected as clean and abundant resources.

Section 7: Analysis of Needs

Southborough's valuable natural resources are increasingly under pressure from development, and its population continues to grow. With a growing population comes more need for recreational programs and facilities. It also makes conserving Southborough's remaining open spaces more crucial to retain the rural character appreciated by residents.

SUMMARY OF RESOURCE PROTECTION NEEDS

Southborough, formerly a small agricultural town, faces pressure from development and a growing population that challenges its infrastructure and the integrity of its natural areas. In the OSRP Survey, a majority of residents indicated they were drawn to the town for its rural character and picturesque qualities. This was true both for long-time residents and for those who reported living in Southborough for ten years or less.

FARMLAND SOILS

Southborough has abundant fertile soil that is an important resource for agriculture and biodiversity preservation. Soils classified as Prime Farmland Soils, Farmland of Statewide Importance, or Farmland of Unique Importance by the Natural Resources Conservation Service constitute 48% of the town's total land area. While there are few active farms in Southborough, there has been a recent resurgence in interest in local agriculture; for example, a new community-supported agriculture (CSA) farm and farm stand opened in 2015 at Chestnut Hill Farm. If interest in local agriculture continues to grow, it will be important to Southborough to preserve soils suitable for agriculture. On a broader scale, studies have indicated that food prices will rise over the long term as California's limited water resources make growing fruits and vegetables there more difficult, suggesting that local agriculture will become more important. Local agricultural production can also help to reduce a community's carbon emissions by reducing the travel time required between farm fields and consumers' plates.

In addition to its agricultural importance, prime farmland soil's fertility enables it to support a wide variety of plant and animal species. This makes prime farm soil valuable from a conservation standpoint, as fertile conditions may improve the quality of habitat for plants and wildlife. In Southborough, fertile soils are dispersed throughout the town. However, the largest tracts of undeveloped soils appropriate for farming are concentrated in the northern half of the town, primarily in the land surrounding the Sudbury Reservoir.

WATER

Water resources are some of Southborough's most visible and celebrated natural resources, and also some of its most endangered. The Sudbury Reservoir covers just over two square miles in the town's northeastern corner, about a quarter of the town's total area. As a backup drinking water source for the city of Boston, the reservoir is surrounded by land protected by the Massachusetts Water Resources Administration and the Department of Conservation and Recreation. However, Southborough has numerous other water resources, especially wetlands and vernal pools, that have little legal protection. Southborough also has 1,059 acres of wetlands, not including the reservoir's 1,280 acres.

Wetlands provide groundwater and aquifer recharge; help to control seasonal flooding; prevent pollution by filtering contaminants before they reach surface water bodies; and provide habitat for a variety of wildlife species.

Unfortunately, Southborough's legal wetland by-laws protections are minimal, and are not uniformly enforced. The "no-touch" wetland buffer is only 20 feet, and

the buffer within which building requires a permit is only 100 feet. These important natural resources must be better protected with larger wetland buffers and stricter enforcement of local wetland bylaws.

CONNECTIVITY OF OPEN SPACE

The Sudbury Reservoir and its adjacent conserved lands create a contiguous area that provides important wildlife habitat, water filtration, and carbon-emissions offset. This land is connected to conserved areas in adjacent towns and connects to wildlife corridors that run throughout the region. Protecting additional land adjacent to this already-protected open area would add additional wildlife habitat and strengthen the ecological integrity of the land. In addition to the land surrounding the reservoir, there is undeveloped land in the southeastern corner of the town that could provide an important wildlife connection between large open spaces in neighboring Hopkinton and Ashland. These lands are vital for the survival and migration of plant and animal communities in the town and the region and should be prioritized for protection.

SUMMARY OF COMMUNITY'S NEEDS

Continued population growth is a concern for Southborough for several reasons. Residents are concerned that an influx of new development threatens the small-town, rural feel of their community, and that rapid growth strains town services such as schools, recreation facilities, and law enforcement.

Results of the OSRP survey indicate that residents are interested in expanding recreational facilities, especially trails and a new indoor recreation and community center.

Existing trails in the town are widely used and are connected to a broader network of regional trails through regional initiatives such as the Bay Circuit Trail and the Boroughs Loop Trail. The Trails Committee, formed in 2013, has made great progress in working with local partners and state agencies to officially permit trails and expand their use. Their work will continue to be vital to recreation in Southborough given the high level of interest in trails expressed in public feedback.

Southborough's vibrant recreational programs serve thousands of children and adults each year. While the outdoor facilities are robust, they are often challenged by scheduling conflicts. Adding lights to fields, rather than building new fields, could help to accommodate more users by opening fields to night scheduling. Southborough Recreation's indoor programming is especially challenged for space. Currently, indoor programs often use facilities owned privately or by other towns. This arrangement is not ideal because it is dependent upon continued cooperation of those entities, which may change in the future. Alternatively, some programs use public facilities such as public schools, but are challenged by insufficient space for the amount of programming demanded. This reduces the Recreation Department's ability to offer indoor programming, and often forces residents to travel outside of town. A new recreational center is widely supported by the residents and would support the town's current recreation programs, as well as the population growth anticipated from new development.

MANAGEMENT NEEDS & POTENTIAL CHANGE OF USE

While the Town of Southborough officially has the right of first refusal on land in Chapter 61 that is put on the market for sale, there is no official communication process in place to inform relevant parties when these expirations will take place. Creating a town policy about responding to the Town's first right of first refusal, and identification of conservation entities that they could work with, will assist in the prevention of important working landscapes being lost to development.

According to the OSRP Survey, 78% of respondents believe the Town should pursue increased use of the Sudbury Reservoir for passive recreation. The Town should conduct further research to determine if this is feasible.

MASSACHUSETTS STATEWIDE COMPREHENSIVE OUTDOOR RECREATION PLAN (SCORP) 2017

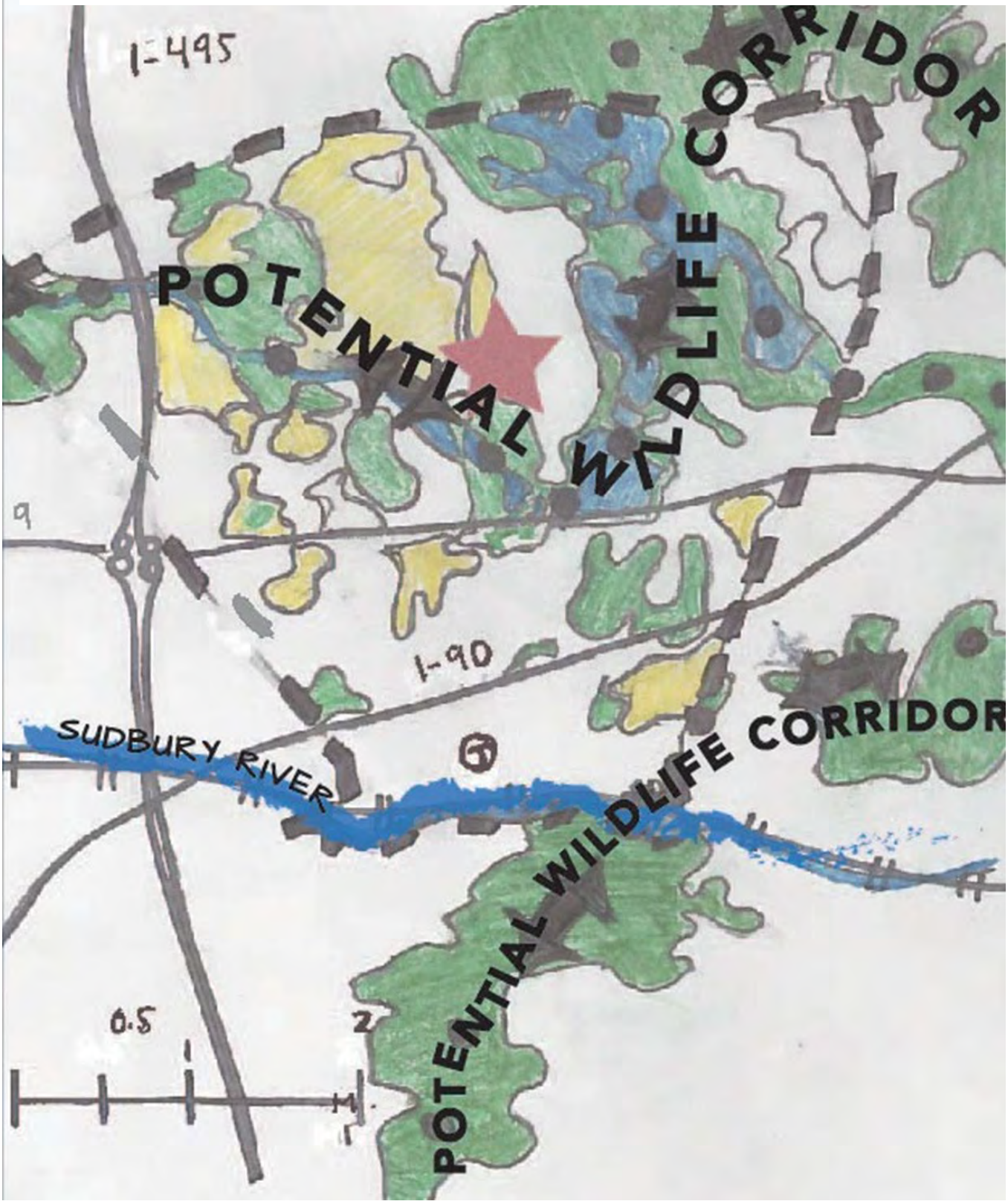
An important aspect of an Open Space and Recreation Plan is to see how the Town compares to resource needs in the region Over 50% of adults throughout the state mentioned that their top outdoor activity was walking, jogging or running which aligned with the town's response of 74% have a top recreation priority of passive recreation trails. Road biking was much higher of a priority within the town with a 64.6% response versus the SCORP's 18%. Another high response within the Town's results was 40% find that children's play areas are a priority to them for recreation.

Like SCORP, Southborough residents commonly use recreation areas or facilities under 10 times a year but are generally satisfied by the number of places available for recreation purposes and are satisfied with the general condition of them.

It is clear that through the results seen in Appendix #1 that the town has a wide variety of recreational interests and it is important that we continue to prioritize parcels and add additional areas for active or organized recreational uses especially along the Reservoir.

A DIRECTION FORWARD

Conserving land adjacent to open, protected land could strengthen Southborough's ecological integrity by building up wildlife corridors, particularly around the Sudbury Reservoir and the Sudbury River. Farm-appropriate soil, highlighted in yellow, is valuable both for potential future agriculture and for conservation, since fertile soil is often able to support a wide variety of plants and animals. Focusing on the areas identified can help Southborough work towards a greener future.



Section 8: Goals and Objectives

GOAL #1: The community's needs for sufficient active recreational facilities and infrastructure are met.

Objectives:

a. New residential development includes funds for recreation facilities.
b. The use of existing active recreation fields, including school facilities, is documented, updated, and published regularly.
c. Multi-use trail and sidewalk systems satisfy the community's walking and biking needs.
d. Sidewalks and trails connect across the Sudbury Reservoir and Route 9; sidewalks and trails connect to adjacent municipal and regional trail networks.
e. New active recreational facilities, as determined through a needs assessment based on existing and projected recreational use data and community input, are sited appropriately and funded.

GOAL #2 Parcels of conservation interest are permanently protected to support ecological integrity and connectivity of open space for wildlife and people.

Objectives:

a. Parcels contiguous with open space around the aqueduct and reservoir are permanently protected.
b. Parcels of high ecological integrity are permanently protected.
c. The scenic and natural character of the town is preserved.
d. Parcels contiguous to protected open space near the Bay Circuit and Boroughs Loop Trails are permanently protected.
e. Connected open space between municipalities strengthens wildlife corridors and contributes to regional wildlife corridors.
f. Rare and endangered plant and wildlife species in Southborough are identified and designated by the Town and/or appropriate state and federal agencies for legal protection.

GOAL #3: Existing open space and recreational facilities are maintained and appropriately improved or expanded based on community needs.

Objectives:

a. Signs, maps and user-friendly amenities are located for visibility and ease of use.
b. There is safe and appropriate parking at designated open space and recreation areas.
c. ADA compliance standards are met for appropriately designated facilities.
d. Invasive plant species are managed and replaced by plants native to the region.
e. The level of service for open space and recreation areas is documented, updated, and published regularly.
f. Appropriate land is identified and designated solely for ecological biodiversity.
g. Adequate funding is provided for routine maintenance, including land stewardship, which meets or exceeds the level of service for each open space and recreation area.

GOAL #4: Agriculture is preserved and promoted as an important aspect of community character.

Objectives:

a. Land with agricultural capability is prioritized for conservation.
b. Existing farmland is maintained in agricultural use, or preserved as open space so that land may be available for future farming.
c. Active farms are encouraged to participate in Chapter 61A designation and other state programs designed to protect and preserve organic agriculture.

GOAL #5: Groundwater and surface water are protected as clean and abundant resources.

Objectives:

a. The public understands the importance of clean water as a natural resource.
b. Southborough's water resources are identified and designated for appropriate protection by the Town and/or appropriate state and federal agencies.
c. Rare and endangered aquatic species in town waterways are identified and designated by the Town and/or appropriate state and federal agencies (e.g., NHESP).

GOAL #6: The community protects biodiversity and is resilient to climatic change.

Objectives:

a. Promoting native plants and pollinators are integrated into public projects, private development, and the education curriculum.
b. All town-owned property is managed in an ecologically sensitive manner.
c. Local bylaws protect native plants and pollinators by implementing appropriate landscaping, lighting, drainage, and low impact site development and maintenance practices.
d. The public understands the importance of preserving biodiversity in adapting to climate change.
e. Land that has potential for future flood storage capacity is identified and protected.
f. Expanded trail and sidewalk systems promote walkability and cycling within town and decrease dependence on motor vehicles.

Section 9: Seven Year Action Plan

	Organization
ADA	Americans with Disabilities Act Committee
CON	Conservation Commission
CPC	Community Preservation Committee
ENV	Environmental Club
GOLF	Golf Course Committee
OSPC	Open Space Preservation Commission
PLAN	Planning Board
REC	Recreation Commission
SEL	Selectmen
STEW	Stewardship Committee
TRA	Trails Committee

	Potential Funding Sources
CPA	Community Preservation Act
END	Endowment Fund
GEN	General Fund
GRA	Grant
PRI	Private Fundraising / Donations

YEAR 1:

Goal	Action	Responsible Party	Partners	Funding
1	Evaluate and inventory the current active recreational facilities available in Town; including use, scheduling and appropriate level of service	REC		BGT
1	Establish appropriate levels of service for existing facilities based on inventory and use evaluation	REC		BGT
1	Document anticipated future active recreation facilities needs for the community	REC		BGT
1	Outline budget to continue to maintain existing facilities and fund identified improvements or appropriate new recreation facilities	REC		BGT, GRA, PRI, END
1	Identify opportunities to share recreation facilities with private schools and organizations located in Town	REC	BOS	PRI
1	Explore the creation of multi-use trails for biking, hiking, and walking and new connecting trails and sidewalks	REC, TRA	CON, OSPC, STEW	BGT, CPA, GRA
1	Develop website plan managing content creation and updates for all open space and recreation information	CON, REC	OSPC, STEW, TRA	BGT, GRA
2	Create an education plan for publicizing conservation options and benefits for private landowners	OSPC		BGT
2	Work with private landowners to conserve land for conservation and natural resource protection	OSPC	CON	BGT, GRA, PRI
2	Develop a plan and process for permanently protecting identified parcels prior to their sale or development	OSPC	CON, PLAN, BOS	BGT, CPA,

2	Create a process to continually review an update GIS data of protected open space	OSPC, PLAN		BGT
2	Create a plan to inventory and map natural, rare or endangered species in Town	ENV	CON, OSPC	PRI
2	Develop flora and fauna inventories for open space lands and public water bodies	ENV	CON, OSPC	BGT, CPA, GRA
2	Develop zoning regulations that create appropriate permanently protected publicly accessible open space with dedicated access on public roads	PLAN	OSPC	BGT, CPA, GRA
3	Engage with the Department of Conservation and Recreation to amend existing agreement to include 911 Loop Trail & the proposed Peninsula Trail near Fayville Dam	TRA	BOS	BGT
3	Respond to the needs from inventory of ADA Compliance	TRA, ADA		CPA, GRA
3	Create additional signs and maps to make areas clearly easy to navigate	TRA, REC	CON	BGT, GRA
3	Develop plans to add additional parking facilities at recreational and open space areas, as needed	TRA, REC	CON, OSPC, BOS	BGT, GRA, PRI,
3	Continuously update the website and provide up-to-date information about open space and recreation and related activities/events	TRA, REC	CON, OSPC	BGT
3	Leverage existing and evolving technology to increase community awareness and engagement about open space, trails, and recreation opportunities	TRA, REC	CON, OSPC	BGT
3	Create comprehensive electronic website that detail trails, conservation lands, and facilities	TRA, REC	CON, OSPC	BGT
3	Strengthen partnerships with municipal departments, committees, boards, commissions, other trail organizations, neighboring organizations, state representatives and federal entities as applicable	TRA, REC	CON, OSPC, PLAN, BOS	BGT, GRA
3	Enhance the walkability in Southborough through implementing the recommendations from the Sidewalk Study	TRA, REC	ADA, PLAN	BGT
3	Create and implement comprehensive invasive plant species removal and replacement plan that prioritizes public open space properties; including trails, conservation lands, and facilities	STEW	CON, ENV, OSPC, TRA	BGT, GRA, PRI

3	Create a natural mosquito management plan for Breakneck Hill Conservation Land.	STEW	ENV	BGT, GRA, PRI
3	Update the management plan for Breakneck Hill Conservation Land and include a regular schedule for reviewing and revising the plan moving forward	STEW	OSPC	BGT, GRA, PRI
3	Create a signage and parking area repair and maintenance plan for Breakneck Hill Conservation Land that includes new kiosks at the parking areas	STEW	OSPC	BGT, GRA, PRI
3	Install birdhouses and bat boxed and create a maintenance plan for annual monitoring of the boxes for Breakneck Hill Conservation Land	STEW	OSPC	BGT, GRA, PRI
3	Research process for funding paid Stewardship staff	STEW	CPC, BOS	CPA, END, BGT, PRI
3	Identify, inventory, and certify qualifying vernal pools within town-owned open space properties	STEW	ENV	BGT, PRI
4	Identify, inventory and map prime agricultural lands and lands with agricultural capability	CON, PLAN		BGT
4	Seek opportunities to network with organic farms, municipal organic farming programs, or other appropriate organic agriculture opportunities	ENV	CON, PLAN	BGT
5	Leverage existing and evolving technology to increase community awareness and engagement about watershed protection, stormwater, and surface water	CON		BGT
5	Create a plan to inventory, map, and protect natural, rare or endangered aquatic species in Town waterways	CON	ENV	BGT

YEAR 2:

Goal	Action	Responsible Party	Partners	Funding
1	Evaluate and inventory the current active recreational facilities available in Town; including use, scheduling and appropriate level of service	REC		BGT
1	Establish appropriate levels of service for existing facilities based on inventory and use evaluation	REC		BGT
1	Document anticipated future active recreation facilities needs for the community	REC		BGT
1	Prepare a recreation facility master plan for future improvements	REC		BGT, GRA
1	Outline budget to continue to maintain existing facilities and fund identified improvements or appropriate new recreation facilities	REC		BGT, GRA, PRI, END
1	Identify opportunities to share recreation facilities with private schools and organizations located in Town	REC	BOS	PRI
1	Explore the creation of multi-use trails for biking, hiking, and walking and new connecting trails and sidewalks	REC, TRA	CON, OSPC, STEW	BGT, CPA, GRA
1	Seek funding for multi-purpose trail development and connecting sidewalk/crosswalk improvements	REC, TRA		BGT, CPA, GRA
1	Develop website plan managing content creation and updates for all open space and recreation information	CON, REC	OSPC, STEW, TRA	BGT, GRA
2	Create an education plan for publicizing conservation options and benefits for private landowners	OSPC		BGT
2	Work with private landowners to conserve land for conservation and natural resource protection	OSPC	CON	BGT, GRA, PRI
2	Develop a plan and process for permanently protecting identified parcels prior to their sale or development	OSPC	CON, PLAN, BOS	BGT, CPA,
2	Review open space parcel inventory and create process to permanently protect temporary or unprotected dedicated open space	OSPC, PLAN	CON, BOS	BGT, GRA, PRI,
2	Review open space parcel inventory and create process to permanently protect temporary or unprotected dedicated open space	OSPC, PLAN	CON, BOS	BGT, GRA, PRI,
2	Create a process to continually review an update GIS data of protected open space	OSPC, PLAN		BGT

2	Create a plan to inventory and map natural, rare or endangered species in Town	ENV	CON, OSPC	PRI
2	Develop flora and fauna inventories for open space lands and public water bodies	ENV	CON, OSPC	BGT, CPA, GRA
2	Develop zoning regulations that create appropriate permanently protected publicly accessible open space with dedicated access on public roads	PLAN	OSPC	BGT, CPA, GRA
3	Engage with the Department of Conservation and Recreation to amend existing agreement to include 911 Loop Trail & the proposed Peninsula Trail near Fayville Dam	TRA	BOS	BGT
3	Respond to the needs from inventory of ADA Compliance	TRA, ADA		CPA, GRA
3	Create additional signs and maps to make areas clearly easy to navigate	TRA, REC	CON	BGT, GRA
3	Develop plans to add additional parking facilities at recreational and open space areas, as needed	TRA, REC	CON, OSPC, BOS	BGT, GRA, PRI,
3	Continuously update the website and provide up-to-date information about open space and recreation and related activities/events	TRA, REC	CON, OSPC	BGT
3	Leverage existing and evolving technology to increase community awareness and engagement about open space, trails, and recreation opportunities	TRA, REC	CON, OSPC	BGT
3	Create comprehensive electronic website that detail trails, conservation lands, and facilities	TRA, REC	CON, OSPC	BGT
3	Strengthen partnerships with municipal departments, committees, boards, commissions, other trail organizations, neighboring organizations, state representatives and federal entities as applicable	TRA, REC	CON, OSPC, PLAN, BOS	BGT, GRA
3	Enhance the walkability in Southborough through implementing the recommendations from the Sidewalk Study	TRA, REC	ADA, PLAN	BGT
3	Plan and install ecological garden and roadside wildflower meadow at Breakneck Hill Conservation Land that includes access to water, and goal to provide habitat for bumblebees and other native pollinators	STEW	ENV	BGT, GRA, PRI
3	Create a management plan for the Farm Pond at the Breakneck Hill that includes naturalizing the embankments	STEW	ENV	GRA, PRI

3	Create and implement comprehensive invasive plant species removal and replacement plan that prioritizes public open space properties; including trails, conservation lands, and facilities	STEW	CON, ENV, OSPC, TRA	BGT, GRA, PRI
3	Create a natural mosquito management plan for Breakneck Hill Conservation Land.	STEW	ENV	BGT, GRA, PRI
3	Update the management plan for Breakneck Hill Conservation Land and include a regular schedule for reviewing and revising the plan moving forward	STEW	OSPC	BGT, GRA, PRI
3	Create a signage and parking area repair and maintenance plan for Breakneck Hill Conservation Land that includes new kiosks at the parking areas	STEW	OSPC	BGT, GRA, PRI
3	Install birdhouses and bat boxed and create a maintenance plan for annual monitoring of the boxes for Breakneck Hill Conservation Land	STEW	OSPC	BGT, GRA, PRI
3	Research process for funding paid Stewardship staff	STEW	CPC, BOS	CPA, END, BGT, PRI
3	Mow trail to Woodland Road, remove/replace Japanese knotweed and other invasive plant species, and enhance wetland viewing area at Breakneck Hill	STEW	OSPC	BGT, GRA, PRI
3	Identify, inventory, and certify qualifying vernal pools within town-owned open space properties	STEW	ENV	BGT, PRI
3	Update the management plan for Town Forest and include a regular schedule for reviewing and revising the plan moving forward	STEW	ENV	BGT, PRI
4	Identify, inventory and map prime agricultural lands and lands with agricultural capability	CON, PLAN		BGT
4	Seek opportunities to network with organic farms, municipal organic farming programs, or other appropriate organic agriculture opportunities	ENV	CON, PLAN	BGT
5	Leverage existing and evolving technology to increase community awareness and engagement about watershed protection, stormwater, and surface water	CON		BGT
5	Create a plan to inventory, map, and protect natural, rare or endangered aquatic species in Town waterways	CON	ENV	BGT

YEAR 3:

Goal	Action	Responsible Party	Partners	Funding
1	Prepare a recreation facility master plan for future improvements	REC		BGT, GRA
1	Outline budget to continue to maintain existing facilities and fund identified improvements or appropriate new recreation facilities	REC		BGT, GRA, PRI, END
1	Identify opportunities to share recreation facilities with private schools and organizations located in Town	REC	BOS	PRI
1	Seek funding for multi-purpose trail development and connecting sidewalk/crosswalk improvements	REC, TRA		BGT, CPA, GRA
1	Develop website plan managing content creation and updates for all open space and recreation information	CON, REC	OSPC, STEW, TRA	BGT, GRA
2	Create an education plan for publicizing conservation options and benefits for private landowners	OSPC		BGT
2	Work with private landowners to conserve land for conservation and natural resource protection	OSPC	CON	BGT, GRA, PRI
2	Develop a plan and process for permanently protecting identified parcels prior to their sale or development	OSPC	CON, PLAN, BOS	BGT, CPA,
2	Review open space parcel inventory and create process to permanently protect temporary or unprotected dedicated open space	OSPC, PLAN	CON, BOS	BGT, GRA, PRI,
2	Create a process to continually review an update GIS data of protected open space	OSPC, PLAN		BGT
2	Create a plan to inventory and map natural, rare or endangered species in Town	ENV	CON, OSPC	PRI
2	Develop flora and fauna inventories for open space lands and public water bodies	ENV	CON, OSPC	BGT, CPA, GRA
2	Develop zoning regulations that create appropriate permanently protected publicly accessible open space with dedicated access on public roads	PLAN	OSPC	BGT, CPA, GRA
3	Engage with the Department of Conservation and Recreation to amend existing agreement to include 911 Loop Trail & the proposed Peninsula Trail near Fayville Dam	TRA	BOS	BGT
3	Respond to the needs from inventory of ADA Compliance	TRA, ADA		CPA, GRA

3	Create additional signs and maps to make areas clearly easy to navigate	TRA, REC	CON	BGT, GRA
3	Develop plans to add additional parking facilities at recreational and open space areas, as needed	TRA, REC	CON, OSPC, BOS	BGT, GRA, PRI,
3	Continuously update the website and provide up-to-date information about open space and recreation and related activities/events	TRA, REC	CON, OSPC	BGT
3	Leverage existing and evolving technology to increase community awareness and engagement about open space, trails, and recreation opportunities	TRA, REC	CON, OSPC	BGT
3	Create comprehensive electronic website that detail trails, conservation lands, and facilities	TRA, REC	CON, OSPC	BGT
3	Strengthen partnerships with municipal departments, committees, boards, commissions, other trail organizations, neighboring organizations, state representatives and federal entities as applicable	TRA, REC	CON, OSPC, PLAN, BOS	BGT, GRA
3	Enhance the walkability in Southborough through implementing the recommendations from the Sidewalk Study	TRA, REC	ADA, PLAN	BGT
3	Plan and install ecological garden and roadside wildflower meadow at Breakneck Hill Conservation Land that includes access to water, and goal to provide habitat for bumblebees and other native pollinators	STEW	ENV	BGT, GRA, PRI
3	Create a management plan for the Farm Pond at the Breakneck Hill that includes naturalizing the embankments	STEW	ENV	GRA, PRI
3	Create and implement comprehensive invasive plant species removal and replacement plan that prioritizes public open space properties; including trails, conservation lands, and facilities	STEW	CON, ENV, OSPC, TRA	BGT, GRA, PRI
3	Create a natural mosquito management plan for Breakneck Hill Conservation Land.	STEW	ENV	BGT, GRA, PRI
3	Update the management plan for Breakneck Hill Conservation Land and include a regular schedule for reviewing and revising the plan moving forward	STEW	OSPC	BGT, GRA, PRI
3	Create a signage and parking area repair and maintenance plan for Breakneck Hill Conservation Land that includes new kiosks at the parking areas	STEW	OSPC	BGT, GRA, PRI

3	Install birdhouses and bat boxed and create a maintenance plan for annual monitoring of the boxes for Breakneck Hill Conservation Land	STEW	OSPC	BGT, GRA, PRI
3	Research process for funding paid Stewardship staff	STEW	CPC, BOS	CPA, END, BGT, PRI
3	Mow trail to Woodland Road, remove/replace Japanese knotweed and other invasive plant species, and enhance wetland viewing area at Breakneck Hill	STEW	OSPC	BGT, GRA, PRI
3	Identify, inventory, and certify qualifying vernal pools within town-owned open space properties	STEW	ENV	BGT, PRI
3	Update the management plan for Town Forest and include a regular schedule for reviewing and revising the plan moving forward	STEW	ENV	BGT, PRI
3	Create a boardwalk installation and maintenance plan for appropriate trails at the Town Forest	STEW	ENV	BGT, PRI
4	Identify, inventory and map prime agricultural lands and lands with agricultural capability	CON, PLAN		BGT
4	Create an education plan for publicizing conservation options and benefits for private farmland owners	OSPC		BGT
4	Seek opportunities to network with organic farms, municipal organic farming programs, or other appropriate organic agriculture opportunities	ENV	CON, PLAN	BGT
5	Leverage existing and evolving technology to increase community awareness and engagement about watershed protection, stormwater, and surface water	CON		BGT
5	Develop plans to identify and designate appropriate protection for Town groundwater and surface water areas	CON	ENV	BGT
5	Create a plan to inventory, map, and protect natural, rare or endangered aquatic species in Town waterways	CON	ENV	BGT

YEAR 4:

Goal	Action	Responsible Party	Partners	Funding
1	Prepare a recreation facility master plan for future improvements	REC		BGT, GRA
1	Outline budget to continue to maintain existing facilities and fund identified improvements or appropriate new recreation facilities	REC		BGT, GRA, PRI, END
1	Identify opportunities to share recreation facilities with private schools and organizations located in Town	REC	BOS	PRI
1	Seek funding for multi-purpose trail development and connecting sidewalk/crosswalk improvements	REC, TRA		BGT, CPA, GRA
1	Develop website plan managing content creation and updates for all open space and recreation information	CON, REC	OSPC, STEW, TRA	BGT, GRA
2	Work with private landowners to conserve land for conservation and natural resource protection	OSPC	CON	BGT, GRA, PRI
2	Develop a plan and process for permanently protecting identified parcels prior to their sale or development	OSPC	CON, PLAN, BOS	BGT, CPA,
2	Review open space parcel inventory and create process to permanently protect temporary or unprotected dedicated open space	OSPC, PLAN	CON, BOS	BGT, GRA, PRI,
2	Create a process to continually review an update GIS data of protected open space	OSPC, PLAN		BGT
2	Create a plan to inventory and map natural, rare or endangered species in Town	ENV	CON, OSPC	PRI
2	Develop flora and fauna inventories for open space lands and public water bodies	ENV	CON, OSPC	BGT, CPA, GRA
2	Develop zoning regulations that create appropriate permanently protected publicly accessible open space with dedicated access on public roads	PLAN	OSPC	BGT, CPA, GRA
3	Engage with the Department of Conservation and Recreation to amend existing agreement to include 911 Loop Trail & the proposed Peninsula Trail near Fayville Dam	TRA	BOS	BGT
3	Respond to the needs from inventory of ADA Compliance	TRA, ADA		CPA, GRA
3	Create additional signs and maps to make areas clearly easy to navigate	TRA, REC	CON	BGT, GRA

3	Develop plans to add additional parking facilities at recreational and open space areas, as needed	TRA, REC	CON, OSPC, BOS	BGT, GRA, PRI,
3	Continuously update the website and provide up-to-date information about open space and recreation and related activities/events	TRA, REC	CON, OSPC	BGT
3	Leverage existing and evolving technology to increase community awareness and engagement about open space, trails, and recreation opportunities	TRA, REC	CON, OSPC	BGT
3	Create comprehensive electronic website that detail trails, conservation lands, and facilities	TRA, REC	CON, OSPC	BGT
3	Strengthen partnerships with municipal departments, committees, boards, commissions, other trail organizations, neighboring organizations, state representatives and federal entities as applicable	TRA, REC	CON, OSPC, PLAN, BOS	BGT, GRA
3	Enhance the walkability in Southborough through implementing the recommendations from the Sidewalk Study	TRA, REC	ADA, PLAN	BGT
3	Plan and install a multi-seasonal bloom mosaic landscape for native pollinators at Southborough Golf Course	OSPC	GOLF	BGT, GRA
3	Plan and install ecological garden and roadside wildflower meadow at Breakneck Hill Conservation Land that includes access to water, and goal to provide habitat for bumblebees and other native pollinators	STEW	ENV	BGT, GRA, PRI
3	Create and implement comprehensive invasive plant species removal and replacement plan that prioritizes public open space properties; including trails, conservation lands, and facilities	STEW	CON, ENV, OSPC, TRA	BGT, GRA, PRI
3	Create a natural mosquito management plan for Breakneck Hill Conservation Land.	STEW	ENV	BGT, GRA, PRI
3	Update the management plan for Breakneck Hill Conservation Land and include a regular schedule for reviewing and revising the plan moving forward	STEW	OSPC	BGT, GRA, PRI
3	Install birdhouses and bat boxed and create a maintenance plan for annual monitoring of the boxes for Breakneck Hill Conservation Land	STEW	OSPC	BGT, GRA, PRI
3	Research process for funding paid Stewardship staff	STEW	CPC, BOS	CPA, END, BGT, PRI

3	Identify, inventory, and certify qualifying vernal pools within town-owned open space properties	STEW	ENV	BGT, PRI
3	Create a boardwalk installation and maintenance plan for appropriate trails at the Town Forest	STEW	ENV	BGT, PRI
3	Create a signage and parking area plan for Town Forest	STEW	ENV	BGT, PRI
4	Create an education plan for publicizing conservation options and benefits for private farmland owners	OSPC		BGT
4	Seek opportunities to network with organic farms, municipal organic farming programs, or other appropriate organic agriculture opportunities	ENV	CON, PLAN	BGT
5	Develop plans to identify and designate appropriate protection for Town groundwater and surface water areas	CON	ENV	BGT
5	Create a plan to inventory, map, and protect natural, rare or endangered aquatic species in Town waterways	CON	ENV	BGT

YEAR 5:

Goal	Action	Responsible Party	Partners	Funding
1	Outline budget to continue to maintain existing facilities and fund identified improvements or appropriate new recreation facilities	REC		BGT, GRA, PRI, END
1	Identify opportunities to share recreation facilities with private schools and organizations located in Town	REC	BOS	PRI
1	Seek funding for multi-purpose trail development and connecting sidewalk/crosswalk improvements	REC, TRA		BGT, CPA, GRA
1	Develop website plan managing content creation and updates for all open space and recreation information	CON, REC	OSPC, STEW, TRA	BGT, GRA
2	Work with private landowners to conserve land for conservation and natural resource protection	OSPC	CON	BGT, GRA, PRI

2	Develop a plan and process for permanently protecting identified parcels prior to their sale or development	OSPC	CON, PLAN, BOS	BGT, CPA,
2	Create a process to continually review an update GIS data of protected open space	OSPC, PLAN		BGT
2	Create a plan to inventory and map natural, rare or endangered species in Town	ENV	CON, OSPC	PRI
2	Develop flora and fauna inventories for open space lands and public water bodies	ENV	CON, OSPC	BGT, CPA, GRA
2	Develop zoning regulations that create appropriate permanently protected publicly accessible open space with dedicated access on public roads	PLAN	OSPC	BGT, CPA, GRA
3	Engage with the Department of Conservation and Recreation to amend existing agreement to include 911 Loop Trail & the proposed Peninsula Trail near Fayville Dam	TRA	BOS	BGT
3	Respond to the needs from inventory of ADA Compliance	TRA, ADA		CPA, GRA
3	Create additional signs and maps to make areas clearly easy to navigate	TRA, REC	CON	BGT, GRA
3	Develop plans to add additional parking facilities at recreational and open space areas, as needed	TRA, REC	CON, OSPC, BOS	BGT, GRA, PRI,
3	Continuously update the website and provide up-to-date information about open space and recreation and related activities/events	TRA, REC	CON, OSPC	BGT
3	Leverage existing and evolving technology to increase community awareness and engagement about open space, trails, and recreation opportunities	TRA, REC	CON, OSPC	BGT
3	Create comprehensive electronic website that detail trails, conservation lands, and facilities	TRA, REC	CON, OSPC	BGT
3	Strengthen partnerships with municipal departments, committees, boards, commissions, other trail organizations, neighboring organizations, state representatives and federal entities as applicable	TRA, REC	CON, OSPC, PLAN, BOS	BGT, GRA
3	Enhance the walkability in Southborough through implementing the recommendations from the Sidewalk Study	TRA, REC	ADA, PLAN	BGT

3	Plan and install a multi-seasonal bloom mosaic landscape for native pollinators at Southborough Golf Course	OSPC	GOLF	BGT, GRA
3	Plan and install ecological garden and roadside wildflower meadow at Breakneck Hill Conservation Land that includes access to water, and goal to provide habitat for bumblebees and other native pollinators	STEW	ENV	BGT, GRA, PRI
3	Create and implement comprehensive invasive plant species removal and replacement plan that prioritizes public open space properties; including trails, conservation lands, and facilities	STEW	CON, ENV, OSPC, TRA	BGT, GRA, PRI
3	Create a natural mosquito management plan for Breakneck Hill Conservation Land.	STEW	ENV	BGT, GRA, PRI
3	Update the management plan for Breakneck Hill Conservation Land and include a regular schedule for reviewing and revising the plan moving forward	STEW	OSPC	BGT, GRA, PRI
3	Install birdhouses and bat boxed and create a maintenance plan for annual monitoring of the boxes for Breakneck Hill Conservation Land	STEW	OSPC	BGT, GRA, PRI
3	Research process for funding paid Stewardship staff	STEW	CPC, BOS	CPA, END, BGT, PRI
3	Identify, inventory, and certify qualifying vernal pools within town-owned open space properties	STEW	ENV	BGT, PRI
3	Create a signage and parking area plan for Town Forest	STEW	ENV	BGT, PRI
4	Create an education plan for publicizing conservation options and benefits for private farmland owners	OSPC		BGT
4	Seek opportunities to network with organic farms, municipal organic farming programs, or other appropriate organic agriculture opportunities	ENV	CON, PLAN	BGT
5	Develop plans to identify and designate appropriate protection for Town groundwater and surface water areas	CON	ENV	BGT
5	Create a plan to inventory, map, and protect natural, rare or endangered aquatic species in Town waterways	CON	ENV	BGT

YEAR 6:

Goal	Action	Responsible Party	Partners	Funding
1	Outline budget to continue to maintain existing facilities and fund identified improvements or appropriate new recreation facilities	REC		BGT, GRA, PRI, END
1	Identify opportunities to share recreation facilities with private schools and organizations located in Town	REC	BOS	PRI
1	Seek funding for multi-purpose trail development and connecting sidewalk/crosswalk improvements	REC, TRA		BGT, CPA, GRA
1	Develop website plan managing content creation and updates for all open space and recreation information	CON, REC	OSPC, STEW, TRA	BGT, GRA
2	Work with private landowners to conserve land for conservation and natural resource protection	OSPC	CON	BGT, GRA, PRI
2	Develop a plan and process for permanently protecting identified parcels prior to their sale or development	OSPC	CON, PLAN, BOS	BGT, CPA,
2	Create a process to continually review an update GIS data of protected open space	OSPC, PLAN		BGT
2	Create a plan to inventory and map natural, rare or endangered species in Town	ENV	CON, OSPC	PRI
2	Develop flora and fauna inventories for open space lands and public water bodies	ENV	CON, OSPC	BGT, CPA, GRA
2	Develop zoning regulations that create appropriate permanently protected publicly accessible open space with dedicated access on public roads	PLAN	OSPC	BGT, CPA, GRA
3	Engage with the Department of Conservation and Recreation to amend existing agreement to include 911 Loop Trail & the proposed Peninsula Trail near Fayville Dam	TRA	BOS	BGT
3	Leverage existing and evolving technology to increase community awareness and engagement about open space, trails, and recreation opportunities	TRA, REC	CON, OSPC	BGT
3	Create comprehensive electronic website that detail trails, conservation lands, and facilities	TRA, REC	CON, OSPC	BGT

3	Strengthen partnerships with municipal departments, committees, boards, commissions, other trail organizations, neighboring organizations, state representatives and federal entities as applicable	TRA, REC	CON, OSPC, PLAN, BOS	BGT, GRA
3	Enhance the walkability in Southborough through implementing the recommendations from the Sidewalk Study	TRA, REC	ADA, PLAN	BGT
3	Plan and install a multi-seasonal bloom mosaic landscape for native pollinators at Southborough Golf Course	OSPC	GOLF	BGT, GRA
3	Create and implement comprehensive invasive plant species removal and replacement plan that prioritizes public open space properties; including trails, conservation lands, and facilities	STEW	CON, ENV, OSPC, TRA	BGT, GRA, PRI
3	Create a natural mosquito management plan for Breakneck Hill Conservation Land.	STEW	ENV	BGT, GRA, PRI
3	Update the management plan for Breakneck Hill Conservation Land and include a regular schedule for reviewing and revising the plan moving forward	STEW	OSPC	BGT, GRA, PRI
3	Install birdhouses and bat boxed and create a maintenance plan for annual monitoring of the boxes for Breakneck Hill Conservation Land	STEW	OSPC	BGT, GRA, PRI
3	Research process for funding paid Stewardship staff	STEW	CPC, BOS	CPA, END, BGT, PRI
3	Identify, inventory, and certify qualifying vernal pools within town-owned open space properties	STEW	ENV	BGT, PRI

YEAR 7:

Goal	Action	Responsible Party	Partners	Funding
1	Outline budget to continue to maintain existing facilities and fund identified improvements or appropriate new recreation facilities	REC		BGT, GRA, PRI, END
1	Identify opportunities to share recreation facilities with private schools and organizations located in Town	REC	BOS	PRI
1	Seek funding for multi-purpose trail development and connecting sidewalk/crosswalk improvements	REC, TRA		BGT, CPA, GRA
1	Develop website plan managing content creation and updates for all open space and recreation information	CON, REC	OSPC, STEW, TRA	BGT, GRA
2	Work with private landowners to conserve land for conservation and natural resource protection	OSPC	CON	BGT, GRA, PRI
2	Develop a plan and process for permanently protecting identified parcels prior to their sale or development	OSPC	CON, PLAN, BOS	BGT, CPA,
2	Create a process to continually review an update GIS data of protected open space	OSPC, PLAN		BGT
2	Create a plan to inventory and map natural, rare or endangered species in Town	ENV	CON, OSPC	PRI
2	Develop flora and fauna inventories for open space lands and public water bodies	ENV	CON, OSPC	BGT, CPA, GRA
2	Develop zoning regulations that create appropriate permanently protected publicly accessible open space with dedicated access on public roads	PLAN	OSPC	BGT, CPA, GRA
3	Engage with the Department of Conservation and Recreation to amend existing agreement to include 911 Loop Trail & the proposed Peninsula Trail near Fayville Dam	TRA	BOS	BGT
3	Leverage existing and evolving technology to increase community awareness and engagement about open space, trails, and recreation opportunities	TRA, REC	CON, OSPC	BGT
3	Create comprehensive electronic website that detail trails, conservation lands, and facilities	TRA, REC	CON, OSPC	BGT

3	Strengthen partnerships with municipal departments, committees, boards, commissions, other trail organizations, neighboring organizations, state representatives and federal entities as applicable	TRA, REC	CON, OSPC, PLAN, BOS	BGT, GRA
3	Enhance the walkability in Southborough through implementing the recommendations from the Sidewalk Study	TRA, REC	ADA, PLAN	BGT
3	Plan and install a multi-seasonal bloom mosaic landscape for native pollinators at Southborough Golf Course	OSPC	GOLF	BGT, GRA
3	Create and implement comprehensive invasive plant species removal and replacement plan that prioritizes public open space properties; including trails, conservation lands, and facilities	STEW	CON, ENV, OSPC, TRA	BGT, GRA, PRI
3	Create a natural mosquito management plan for Breakneck Hill Conservation Land.	STEW	ENV	BGT, GRA, PRI
3	Update the management plan for Breakneck Hill Conservation Land and include a regular schedule for reviewing and revising the plan moving forward	STEW	OSPC	BGT, GRA, PRI
3	Install birdhouses and bat boxed and create a maintenance plan for annual monitoring of the boxes for Breakneck Hill Conservation Land	STEW	OSPC	BGT, GRA, PRI
3	Research process for funding paid Stewardship staff	STEW	CPC, BOS	CPA, END, BGT, PRI
3	Identify, inventory, and certify qualifying vernal pools within town-owned open space properties	STEW	ENV	BGT, PRI

Section 10: Public Comment

SMART GROWTH AND REGIONAL COLLABORATION

February 12, 2020

Melissa Cryan
Executive Office of Energy and Environmental Affairs
100 Cambridge St. – Suite 900
Boston, MA 02114

Dear Ms. Cryan:

The Town of Southborough's "Open Space and Recreation Plan Update" was recently submitted to the Metropolitan Area Planning Council (MAPC) for review.

The Division of Conservation Services (DCS) requires that all open space plans must be reviewed by the applicable regional planning agency. This review is advisory and only DCS has the power to approve a municipal open space plan. While your office reviews open space plans for compliance with your guidelines, MAPC reviews these plans for their attention to regional issues generally and more specifically for consistency with *MetroFuture*, the regional policy plan for the Boston metropolitan area.

Consistency with MetroFuture - *MetroFuture* is the official regional plan for Greater Boston, adopted in 2008 in accordance with the requirements of Massachusetts General Law. The plan includes 65 goals and objectives as well as 13 detailed implementation strategies for accomplishing these goals. We encourage all communities within the MAPC region to become familiar with the plan by visiting www.mapc.org/get-involved/metrofuture-our-regional-plan. (We also note that MAPC and its member communities are now in the process of developing a new regional plan, which will look out to 2050, and is accordingly called *MetroCommon 2050*.)

We are pleased to see that the Southborough Open Space and Recreation Plan (OSRP) will help to advance several *MetroFuture* goals and implementation strategies that relate specifically to open space, recreation, agriculture, trails, and the environment generally.

The OSRP also directly recognizes sustainability and climate change as a pressing environmental challenge and several of the OSRP's goals include actions that would enhance the Town's sustainability and build resilience against the present and anticipated effects of climate change. This will be relevant for the ongoing efforts to develop Municipal Vulnerability Preparedness and Local Hazard Mitigation Plans.

Surrounding communities – Several regionally significant protected parks and conservation areas are located within Southborough. The Sudbury Reservoir, which extends northerly into Marlborough, is owned and managed by the Department of Conservation and Recreation (DCR). The Sudbury River runs along the southern boundary of Southborough, along its border with Hopkinton and Ashland. Within Southborough, portions of land adjacent to the river are protected through ownership by land trusts or private conservation organizations, as well as conservation restrictions. We positively note that the OSRP cites prior regional open space planning efforts – specifically the MetroWest Regional Open Space Connectivity Plan – and highlights the importance of continuing to identify and pursue regional open space planning.

The Southborough Open Space and Recreation Plan provides a great deal of detail regarding its parks and open spaces, which includes an assessment of their current condition and future needs. It should serve the Town well as it continues its efforts to preserve open space and provide for the recreational needs of its residents.

Erin Wortman, President | Adam Chapdelaine, Vice President | Samuel Seidel, Treasurer | Sandra Hackman, Secretary | Marc Draisen, Executive Director
Metropolitan Area Planning Council | 60 Temple Place | Boston, Massachusetts 02111 | 617-933-0700 | 617-482-7185 fax | mapc.org

MAPC
METROPOLITAN AREA PLANNING COUNCIL

SMART GROWTH AND REGIONAL COLLABORATION

Thank you for the opportunity to review this plan.

Sincerely,

Marc D. Draisen
Executive Director

cc: Melissa Danza, Conservation Agent

Erin Wortman, President | Adam Chapdelaine, Vice President | Samuel Seidel, Treasurer | Sandra Hackman, Secretary | Marc Draisen, Executive Director
Metropolitan Area Planning Council | 60 Temple Place | Boston, Massachusetts 02111 | 617-933-0700 | 617-482-7185 fax | mapc.org

Town of Southborough

PLANNING BOARD

17 COMMON STREET
SOUTHBOROUGH, MASSACHUSETTS 01772-1662
508-485-0710

January 31, 2020

Melissa Cryan
Executive Office of Energy and
Environmental Affairs
100 Cambridge St. – Suite 900
Boston, MA 02114

Re: 2019 Open Space and Recreation Plan

Dear Ms. Cryan:

As requested, the Planning Board reviewed the 2019 Open Space and Recreation Plan that has been conditionally approved by the EEA. At their meeting on January 27, 2020, the Planning Board discussed and unanimously agreed (Morris, Mills, Stein, Luttrell, Hoolahan) to support the document.

The Planning Board and Planning Department greatly appreciate the effort set forth by you and the participating review members, Meme Luttrell and Frederica Gillespie, in preparing the updated 2019 Open Space and Recreation Plan.

Sincerely,

Karina G. Quinn

Karina G. Quinn, P.E.
Town Planner

Donald C. Morris

Donald C. Morris, Planning Board Chairman

TOWN OF SOUTHBOROUGH

CONSERVATION COMMISSION

TOWN HOUSE · 17 COMMON STREET · SOUTHBOROUGH, MASSACHUSETTS 01772-1662
(508) 281-8984 · FAX (508) 480-0161 · mdanza@southboroughma.com

December 19, 2019

Melissa Cryan
Executive Office of Energy and
Environmental Affairs
100 Cambridge St. – Suite 900
Boston, MA 02114

Subject: 2019 Open Space & Recreation Plan

Ms. Cryan,

The Conservation Commission has extensively reviewed the conditionally approved document and is in support of the items and actions listed within it. As a responsible party on several action items, the Commission is fully aware and willing in progressively working towards their completion.

In the meantime, the Commission has further mapped out their responsibilities and specific tasks and have found that the actions accurately align with the responsibilities and goals of the Conservation Commission. With changes that are happening within our environment, we realize it is important to address many issues regarding water quality and land preservation to better preserve the resources that remain.

In conclusion, the Conservation Commission is in support of the full approval of the 2019 Open Space & Recreation Plan and aim to work consistently and in collaboration with other responsible parties.

Sincerely,

Melissa Danza

Melissa Danza
Conservation Agent

Appendix #1: Open Space and Recreation Plan Survey Results

1. Do you feel there is a need to preserve open space and natural areas in Southborough?		
	Number of Response(s)	**Response Ratio**
Yes	207	97.1%
No	5	2.3%
No Response	1	<1%
Total	213	100%

2. How important is it to you to preserve: 1 Very Important, 2 = Important, 3 Neutral, 4 Less Important, 5 Not Important					
Top number is the count of respondents selecting the option. Bottom % is the percent of the total respondents selecting the option.	**1**	**2**	**3**	**4**	**5**
Open spaces to protect conservation values such as wildlife habitat, clean air and water, and scenic views.	167 79%	33 16%	6 3%	4 2%	1 0%
Properties of historical value or interest	92 44%	71 34%	33 16%	11 5%	4 2%
Open spaces for aesthetics or passive recreation	115 55%	66 32%	22 10%	6 3%	2 1%
Open space to meet our active recreational needs	119 56%	68 32%	19 9%	2 1%	3 1%
Farmlands and rural landscapes	110 52%	65 31%	25 12%	8 4%	3 1%

3. Which of the following most closely represents your opinion regarding the state of unprotected open space in Southborough?		
	Number of Response(s)	**Response Ratio**
Southborough needs to protect all undeveloped parcels in Town.	61	28.6%
Southborough should only identify key parcels to be permanently protected open space	127	59.6%
Southborough should only consider protecting additional open space when cost is minimal	21	9.8%
Southborough should encourage further development on all presently undeveloped parcels	3	1.4%
No Response	1	<1%
Total	213	100%

4. What actions do you favor to preserve open space? List in preference order.					
Top number is the count of respondents selecting the option. Bottom % is the percent of the total respondents selecting the option.	**1**	**2**	**3**	**4**	**5**
Pursue conservation restrictions	80 39%	57 28%	31 15%	20 10%	19 9%
Town purchase of land	32 15%	31 15%	45 22%	56 27%	43 21%
Donate money to buy land	7 3%	12 6%	34 16%	55 27%	99 48%
Town-supported land acquisition program	34 16%	46 22%	66 32%	53 26%	8 4%
Open space requirements within zoning	54 26%	61 29%	31 15%	23 11%	38 18%

5. Should the Town pursue the increased use of the reservoir for passive recreation?		
	Number of Response(s)	**Response Ratio**
Yes	168	78.8%
No	44	20.6%
No Response	1	<1%
Total	213	100%

6. Are you satisfied the places available in town for active/organized recreational use for children?		
	Number of Response(s)	**Response Ratio**
Yes	137	64.3%
No	74	34.7%
No Response	2	<1%
Total	213	100%

7. Are you satisfied the places available in town for active/organized recreational use for adults?		
	Number of Response(s)	**Response Ratio**
Yes	122	57.2%
No	89	41.7%
No Response	2	<1%
Total	213	100%

8. Are you satisfied with the general condition of the recreational facilities?		
	Number of Response(s)	**Response Ratio**
Yes	164	76.9%
No	47	22.0%
No Response	2	<1%
Total	213	100%

9. Please check your top five recreation priorities:		
	Number of Response(s)	**Response Ratio**
Bike trails	137	64.6%
Children's play areas	85	40.0%
Family picnic areas	53	25.0%
Golf	16	7.5%
Baseball/softball field	22	10.3%
Basketball courts	18	8.4%
Passive recreation trails	157	74.0%
Ice skating	18	8.4%
Large park with many facilities	58	27.3%
Local neighborhood parks	72	33.9%
Recreation/community center	72	33.9%
Soccer fields	45	21.2%
Swimming	66	31.1%
Tennis courts	38	17.9%
Fishing	23	10.8%
Boating (non-motorized)	65	30.6%
Birding	35	16.5%
Skate parks	4	1.8%
Football	2	<1%
Gardening	38	17.9%
Total	213	100%

10. How often do you visit or use the following for recreation during a year? 1 101+, 2 = 51 100, 3 = 11 50, 4 1 10, 5 Never					
Top number is the count of respondents selecting the option. Bottom % is the percent of the total respondents selecting the option.	**1**	**2**	**3**	**4**	**5**
Harold E. Fay Memorial Playground (Central St.)	1 0%	7 3%	37 18%	67 33%	92 45%
School Playgrounds (when school is not in session)	3 1%	16 8%	61 30%	71 35%	53 26%
South Union Playground (Art Center)	0 0%	5 2%	22 11%	60 29%	117 57%
School Gyms (when school is not in session)	3 1%	8 4%	15 7%	43 21%	135 66%
Sports fields (baseball, soccer, lax, baseball, etc.)	10 5%	30 15%	45 22%	46 23%	73 36%
Town Forest	4 2%	9 4%	30 15%	88 43%	73 36%
Chestnut Hill Farm	8 4%	9 4%	41 20%	108 53%	38 19%
Breakneck Hill	14 7%	18 9%	46 23%	85 42%	41 20%
Beals Preserve	15 7%	9 4%	30 15%	84 41%	66 32%
Trails	15 7%	20 10%	48 24%	87 43%	34 17%

11. What attracted you to Southborough? 12. How long have you lived in Town?		
	Number of Response(s)	**Response Ratio**
1 – 10 years	78	37.2%
11 – 20 years	57	31.1%
21 – 30 years	35	51.4%
More than 31 years	41	27.8%
Total	212	100%

	Number of Response(s)	Response Ratio
Proximity to work	66	31.1%
Great commuting location	109	51.4%
Prestige of town	59	27.8%
Private schools	5	2.3%
Open space	83	39.1%
Quality of life	99	46.6%
Picturesque town	92	43.3%
Recreation facilities	6	2.8%
Recreation programs	10	4.7%
Rural character	109	51.4%
Total	212	100%

13. What is your age?		
	Number of Response(s)	**Response Ratio**
20-30	3	1.4%
31-40	46	21.5%
41-50	79	37.0%
51-60	43	20.1%
60+	41	19.2%
No Response	1	<1%
Total	212	100%

Appendix 2: Report of the Sidewalk Construction Recommendation Committee

TOWN OF SOUTHBOROUGH

REPORT OF THE SIDEWALK CONSTRUCTION RECOMMENDATION COMMITTEE

1. **Our Mission:**
The mission of the 2015 Southborough Sidewalk Construction Recommendation Committee is to develop an impartial review and evaluation for identifying streets that have a need for the construction of a new sidewalk. During this process we considered many factors, including but not limited to: Town destinations, ease of construction, environmental impacts, drainage impacts, right-of-way needs, connectivity, etc. More specifically, the Board of Selectmen charged us with the following:

- Review plans of the Town that indicate "through" streets and sidewalk locations;
- Develop a list of walking destinations;
- Create a list of streets where sidewalks would be utilized using the destination list;
- Develop a list of criteria to prioritize the need for sidewalks; and
- Prioritize the list of streets based on the criteria developed so the DPW can work toward funding and constructing the priority sidewalks

The following sections provide more information on **Our Committee**, **Our Process**, and **Our Recommendations**.

2. **Our Committee:**
The committee was made up of seven members, six were appointed by the Board of Selectmen. The following provides a list of the seven members and their associated committee title.

- Recreation Director (Doreen A. Ferguson, Vice Chair);
- One (1) Public Safety Official (Joseph C. Mauro, Fire Chief) ;
- One (1) member of the Public Works Planning Board (Susan G. Baust, Secretary);
- One (1) member of the Council on Aging (Bill Harrington);
- Two (2) Citizens-At-Large (Matthew J. Chase – Chair; and Robert B. Bezokas);
- One (1) member of the Southborough School System, appointed by the School Superintendent (James Randell, Principal Mary E Finn School); and
- DPW Superintendent (Karen Galligan, Ex-Officio)

This Committee worked closely with the DPW Superintendent during this process to develop a comprehensive document that ranks streets based on ten evaluation criteria. The criteria were developed in a manner to assess priorities that should be considered when

evaluating the need for a new sidewalk. The final product developed was an integrated MS Excel evaluation matrix that assesses each street against the selected criteria. The next section describes **Our Process**.

3. Our Process

The Committee developed an Evaluation Matrix to prioritize projects, or "through" streets that justify the need for a sidewalk today and/ or in the future. The criteria that was developed included ten (10) categories where each category received a ranking score between one (1) and ten (10); therefore, the total score for all categories would not exceed 100. In addition, the functional classification of each street was identified. The functional classifications aided the Committee in determining the streets that likely have the highest traffic demand, pedestrian demand, conflict points, etc. The following provides more details on the terms used in our evaluation matrix. The matrix has been attached to this summary and has been provided in an electronic format (excel) to DPW.

Functional Classification: The functional classification noted in the matrix is defined as: Arterial (A), Collector (C), or Local Roadways/ Streets (L). In general, Arterials typically carry more traffic than a Collector since they connect regional destinations. Collectors typically carry more traffic than a Local Street since they connect local/ Town destinations. Local Streets typically have the greatest number of access points/ driveways and serve residential neighborhoods and connecting to Collectors or Arterials. It is noted that there are always exceptions to this rule where Collectors could carry more traffic than Arterials or Local Streets could carry more traffic than Collectors; etc.

Categories: Each category number 1 through 10 in the matrix was assigned a score between 1 and 10. Each Committee member determined a score and through discussions at several of our meetings, the Committee determined the most appropriate score for each category of each street. The total score would be the sum of all 10 categories for a possible score of 100. This total score was used to prioritize the need for the streets identified in the matrix. It is noted that there is a potential for some streets to have the same score. The following summarizes how the scoring of each category works:

1. Traffic Volumes: Streets that carry more traffic could have more opportunities for pedestrian-vehicle conflicts. The higher the score, the higher the amount of traffic.

2. Pedestrian Activity: Is there known pedestrian activity on the street today, are there pedestrian foot paths along the side of the street, etc.? The higher the score in this category indicates that there is a good amount of pedestrian activity.

3. Safety: Does the street have known safety concerns or has there been a number crashes along the street? Is there limited sight distance (vertical or horizontal curves in the street) or high vehicle-speeds? The higher the score, the more issues known.

4. Available Right-of-Way: Is the right-of-way wide enough to accommodate a sidewalk(s), or will property acquisitions and easements be needed? A higher score in this category indicates that right-of-way is NOT likely needed and sidewalks can be accommodated fairly easily.

5. Connections to Destinations: Does the street lead to/ from destinations in Town, or is the street a designated walkway for Town activities, emergency routes, etc.? A high score in this category indicates connections are of significant importance.

6. Connectivity: Is there a sidewalk already on the street today, or would providing a sidewalk make a connection to another street that already has a sidewalk. Improving sidewalk connectivity by constructing a new sidewalk would warrant a high score for this category.

7. Environmental Impacts: Are there environmental impacts associated with the construction of a sidewalk? A high score in this category would indicate that there are NOT any environmental impacts, while a low score would indicate environmental impacts could be expected.

8. Construction Challenges: Are there other challenges when constructing a sidewalk; for example, would the proposed sidewalk abut a stone wall, or does the street have a narrow cross section, thus providing minimal clearances from obstructions or vehicles? Are utility poles to be located within the sidewalk;

which could limit the ability to meet ADA requirements? Does street drainage become an issue with a new sidewalk and associated curb? A high score indicates that there are likely minimal challenges during construction.

9. Conforms to Town Goals: Goals and Visions have been identified in past studies throughout the community. For example, the Town's Master Plan. Has the street been identified as part of a previous goal or vision where improvements are needed? If the street is part of another plan, this category would receive a higher score. It is noted that for this category all streets received a score of five, since is was difficult to identify whether one street conformed to Town goals more so than another.

10. Future Need: Are there any known future developments or potential developments that might warrant consideration of a sidewalk? Areas where land could be redeveloped could be of concern, thus a higher score would be considered in this category.

4. Our Recommendations

The matrix that was developed can be sorted by each category or by the total score of all 10 categories. At the end of our scoring, the streets were ranked and sorted based on their ranking. In developing our rankings, the following construction guidelines were discussed and considered:

- Sidewalks should generally be 6-feet wide (including a 6-inch curb) unless there is some constraint that would prohibit this width; however, all applicable ADA requirements shall be met.

- The street cross section should be of sufficient width to accommodate user demand and provide adequate buffers between sidewalks, shoulders, travel lanes, and obstructions such as walls, utility poles, mail boxes, etc. In general, it was decided that the ideal street width to accommodate shoulders for bicycles and travel lanes for cars is 32-feet (5-foot shoulders and 11-foot travel lanes). In some instances, and dependent on the functional classification of the street, etc., the street cross section could be reduced to 26-feet (13-foot shared travel lanes and shoulders).

- Generally, to reduce costs, sidewalks and curbs could be constructed of asphalt; however, certain publicly important areas, such as, downtown and other high visibility areas could include other construction materials, such as concrete, and granite curbing as funding allows.

The following provides a snap shot of the top 10 streets from the matrix table. It is noted that costs associated for each location were not developed, as limited "plan" information was available and the Committee needed to complete this assignment by January 4, 2016. Preparing cost estimates would have significantly increased the amount of time to complete this assignment.

		Sidewalk Construction Recommendation Committee, Evaluation Matrix												
Street Name	***Functional Classification***	***1. Traffic Volumes***	***2. Pedestrian Activity***	***3. Safety***	***4. Available Right-of-Way***	***5. Connects to Destination***	***6. Connectivity***	***7. Environmental Impacts***	***8. Construction Challenges***	***9. Conforms to Town Goals***	***10. Future Need***	***Total Score (out of 100)***	***RANKING***	***Notes***
Marlboro Rd (Rte 85), north of Rte 30	A	9	9	9	9	9	9	8	8	5	1	76	1	Sidewalk on/ north of RR bridge
Newton Street	A	7	6	7	8	8	9	8	7	5	9	74	2	
Cordaville Rd (Rte 85), south of Rte 30 north of Rte 9 (causeway excluded)	A	9	6	9	9	8	8	9	9	5	1	73	3	
Oak Hill Road	A	5	7	9	8	8	8	8	7	5	5	70	4	
Richards Road (east)	C	7	7	6	8	9	8	8	8	5	1	67	5	
Clifford Street	C	5	8	9	8	8	5	6	6	5	5	65	6	
Main Street (west of Sears Rd)	A	9	6	8	9	5	6	8	8	5	1	65	6	State Owned
School Street	L	3	8	6	6	7	9	8	4	5	7	63	8	
Flagg Road	C	5	9	9	7	6	1	6	5	5	9	62	9	
Latisquama Road	C	3	9	6	8	9	7	8	6	5	1	62	9	
Parkerville Rd (south Rte 9, north I-90)	C	5	9	7	9	8	5	6	7	5	1	62	9	

As seen in the image above, Marlboro Road (Route 85, north of Route 30) received the highest score out of all the streets reviewed. Notes were added where appropriate to call out important information that the reader should be aware of. As previously noted, the matrix can be sorted based on street name, any of the ten categories, total score or ranking. Additional engineering is needed to determine more specific impacts and construction costs. It is noted that Main Street (west of Sears Road) was added by the

Committee for future consideration and coordination with MassDOT.

This Committee recommends this criteria and associated ranking matrix be adopted for current use in evaluating sidewalk construction, and for future use in prioritizing how funding limited tax dollars should be spent to improve Southborough's sidewalk network.

For the Committee,

Matthew J. Chase, PE, PTOE
Committee Chair

		Sidewalk Construction Recommendation Committee, Evaluation Matrix												
Street Name	***Functional Classification***	***1. Traffic Volumes***	***2. Pedestrian Activity***	***3. Safety***	***4. Available Right-of-Way***	***5. Connects to Destination***	***6. Connectivity***	***7. Environmental Impacts***	***8. Construction Challenges***	***9. Conforms to Town Goals***	***10. Future Need***	***Total Score (out of 100)***	***RANKING***	***Notes***
Marlboro Rd (Rte 85), north of Rte 30	A	9	9	9	9	9	9	8	8	5	1	76	1	Sidewalk on/ north of RR bridge
Newton Street	A	7	6	7	8	8	9	8	7	5	9	74	2	
Cordaville Rd (Rte 85), south of Rte 30 north of Rte 9 (causeway excluded)	A	9	6	9	9	8	8	9	9	5	1	73	3	
Oak Hill Road	A	5	7	9	8	8	8	8	7	5	5	70	4	
Richards Road (east)	C	7	7	6	8	9	8	8	8	5	1	67	5	
Clifford Street	C	5	8	9	8	8	5	6	6	5	5	65	6	
Main Street (west of Sears Rd)	A	9	6	8	9	5	6	8	8	5	1	65	6	State Owned
School Street	L	3	8	6	6	7	9	8	4	5	7	63	8	
Flagg Road	C	5	9	9	7	6	1	6	5	5	9	62	9	
Latisquama Road	C	3	9	6	8	9	7	8	6	5	1	62	9	
Parkerville Rd (south Rte 9, north I-90)	C	5	9	7	9	8	5	6	7	5	1	62	9	
Route 30, Meadow St to Framingham Rd	A	9	4	9	9	8	9	5	2	5	1	61	12	
Woodland Road (south of I-90)	C	5	7	7	9	6	5	7	8	5	1	60	13	
Framingham Road	A	7	2	8	9	5	5	9	9	5	1	60	13	
Marlboro Rd (west of Framingham Rd)	C	9	7	7	9	3	1	9	9	5	1	60	13	
Cordaville Rd (Rte 85), south of Rte 30 north of Rte 9 (causeway included)	A	9	6	9	5	8	8	6	2	5	1	59	16	Rte 9 Int State Owned
Deerfoot Rd (north of Clifford Street)	C	5	8	9	8	8	5	5	4	5	1	58	17	
Highland Street	L	3	7	6	6	8	7	6	8	5	1	57	18	
Mt Vickery Road (east of Route 85)	L	3	6	9	6	7	5	6	4	5	5	56	19	
Sears Road	L	3	7	9	8	5	5	6	6	5	1	55	20	
Northboro Road	A	7	3	7	9	2	1	8	8	5	5	55	20	
General Henry Knox Road	L	3	4	5	9	5	5	9	9	5	1	55	20	
Middle Road (north of Route 9)	L	5	7	7	7	9	5	4	4	5	1	54	23	
Atwood Street	L	3	7	7	6	7	7	6	5	5	1	54	23	
Chestnut Hill Road	L	5	5	7	8	6	1	6	4	5	7	54	23	
John Matthews Road	L	3	4	4	9	5	5	9	9	5	1	54	23	
Breakneck Hill Road	C	5	5	9	6	7	1	6	4	5	5	53	27	
Pine Hill Road	C	5	5	9	6	1	3	6	4	5	9	53	27	
Mt Vickery Road (west of Route 85)	L	3	6	9	9	7	5	4	4	5	1	53	27	
White Bagley Road	C	5	6	8	9	6	5	4	4	5	1	53	27	
Fisher Road; Schipper Farm Lane Rd to Marlborough	C	7	6	6	9	1	5	6	6	5	1	52	31	
Parmenter Road	C	5	3	9	8	1	1	4	6	5	9	51	32	
Gilmore Road	L	3	4	8	8	4	5	4	4	5	5	50	33	
Jericho Hill Road	C	5	2	7	8	1	1	8	8	5	5	50	33	
Woodland Road (north of I-90)	C	5	4	7	8	4	1	6	8	5	1	49	35	
Deerfoot Rd (south of Clifford St, north of Rte 9)	C	5	6	7	6	6	1	4	6	5	1	47	36	
Middle Road (south of Route 9)	L	5	6	7	8	4	1	5	5	5	1	47	36	
Johnson Road	A	7	3	5	9	2	1	8	6	5	1	47	36	
Oregon Road	L	5	5	8	6	2	1	4	4	5	5	45	39	
Woodbury Road	L	3	5	7	8	3	5	4	4	5	1	45	39	
Route 30, Framingham Town Line to Meadow St	A	9	2	9	6	2	1	5	4	5	1	44	41	State Owned
Lovers Lane	L	3	5	9	8	2	1	4	4	5	1	42	42	
Acrebridge Road	C	7	1	6	8	4	1	4	4	5	1	41	43	
Lynbrook Road	L	3	5	5	9	2	1	6	4	5	1	41	43	State Owned
Edgewood Road	L	3	5	6	8	3	1	4	4	5	1	40	45	
Deerfoot Rd (south of Route 9)	C	5	1	7	8	1	1	5	4	5	1	38	46	
Meadow Lane; Rte 30 to Kallander Dr	L	3	3	3	6	1	1	9	6	5	1	38	46	
Valley Road	L	3	3	7	6	3	1	4	4	5	1	37	48	
Willow Street	L	3	2	8	6	2	1	4	1	5	1	33	49	

Appendix #3: BioMap 2 Southborough Town Report

BioMap2

CONSERVING THE BIODIVERSITY OF MASSACHUSETTS IN A CHANGING WORLD

Southborough

Produced in 2012

This report and associated map provide information about important sites for biodiversity conservation in your area.

This information is intended for conservation planning, and is <u>not</u> intended for use in state regulations.

Natural Heritage & Endangered Species Program
Massachusetts Division of Fisheries & Wildlife

The Nature Conservancy
Protecting nature. Preserving life.

Table of Contents

Introduction

What is *BioMap2* – Purpose and applications

One plan, two components

Understanding Core Habitat and its components

Understanding Critical Natural Landscape and its components

Understanding Core Habitat and Critical Natural Landscape Summaries

Sources of Additional Information

Southborough Overview

Core Habitat and Critical Natural Landscape Summaries

Elements of *BioMap2* Cores

Core Habitat Summaries

Elements of *BioMap2* Critical Natural Landscapes

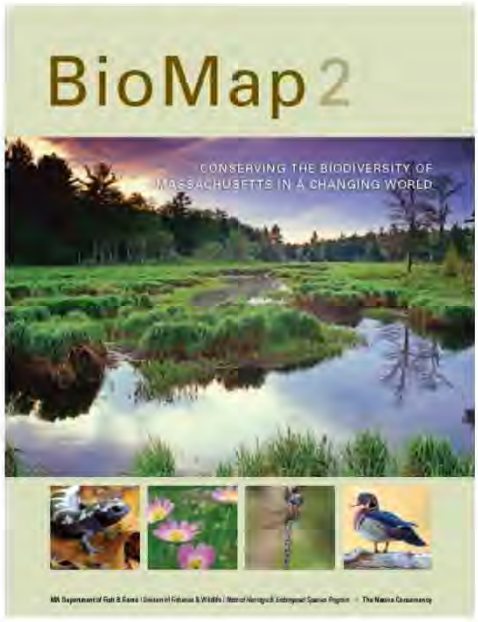
Critical Natural Landscape Summaries

Introduction

The Massachusetts Department of Fish & Game, through the Division of Fisheries and Wildlife's Natural Heritage & Endangered Species Program (NHESP), and The Nature Conservancy's Massachusetts Program developed *BioMap2* to protect the state's biodiversity in the context of climate change.

BioMap2 combines NHESP's 30 years of rigorously documented rare species and natural community data with spatial data identifying wildlife species and habitats that were the focus of the Division of Fisheries and Wildlife's 2005 State Wildlife Action Plan (SWAP). *BioMap2* also integrates The Nature Conservancy's assessment of large, well-connected, and intact ecosystems and landscapes across the Commonwealth, incorporating concepts of ecosystem resilience to address anticipated climate change impacts.

Protection and stewardship of *BioMap2* Core Habitat and Critical Natural Landscape is essential to safeguard the diversity of species and their habitats, intact ecosystems, and resilient natural landscapes across Massachusetts.



Get your copy of the *BioMap2* report! Download from www.mass.gov/nhesp or contact Natural Heritage at 508-389-6360 or natural.heritage@state.ma.us.

What Does Status Mean?

The Division of Fisheries and Wildlife determines a status category for each rare species listed under the Massachusetts Endangered Species Act, M.G.L. c.131A, and its implementing regulations 321 CMR 10.00. Rare species are categorized as Endangered, Threatened or of Special Concern according to the following:

- Endangered species are in danger of extinction throughout all or a significant portion of their range or are in danger of extirpation from Massachusetts.
- Threatened species are likely to become Endangered in Massachusetts in the foreseeable future throughout all or a significant portion of their range.
- Special Concern species have suffered a decline that could threaten the species if allowed to continue unchecked or occur in such small numbers or with such restricted distribution or specialized habitat requirements that they could easily become Threatened in Massachusetts.

In addition NHESP maintains an unofficial watch list of plants that are tracked due to potential conservation interest or concern, but are not regulated under the Massachusetts Endangered Species Act or other laws or regulations. Likewise, described natural communities are not regulated by any law or regulations, but they can help to identify

Natural Heritage & Endangered Species Program

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For more information on rare species and natural communities, please see our fact sheets online at www.mass.gov/nhesp.

ecologically important areas that are worthy of protection. The status of natural communities reflects the documented number and acreages of each community type in the state:

- Critically Imperiled communities typically have 5 or fewer documented sites or have very few remaining acres in the state.
- Imperiled communities typically have 6-20 sites or few remaining acres in the state.
- Vulnerable communities typically have 21-100 sites or limited acreage across the state.
- Secure communities typically have over 100 sites or abundant acreage across the state; however, excellent examples are identified as Core Habit to ensure continued protection.

In 2005 the Massachusetts Division of Fisheries and Wildlife completed a comprehensive State Wildlife Action Plan (SWAP) documenting the status of Massachusetts wildlife and providing recommendations to help guide wildlife conservation decision-making. SWAP includes all the wildlife species listed under the Massachusetts Endangered Species Act (MESA), as well as more than 80 species that need conservation attention but do not meet the requirements for inclusion under MESA. The SWAP document is organized around habitat types in need of conservation within the Commonwealth. While the original BioMap focused primarily on rare species protected under MESA, *BioMap2* also addresses other Species of Conservation Concern, their habitats, and the ecosystems that support them to create a spatial representation of most of the elements of SWAP.

BioMap2: One Plan, Two Components

BioMap2 identifies two complementary spatial layers, Core Habitat and Critical Natural Landscape.

Core Habitat identifies key areas that are critical for the long-term persistence of rare species and other Species of Conservation Concern, as well as a wide diversity of natural communities and intact ecosystems across the Commonwealth. Protection of Core Habitats will contribute to the conservation of specific elements of biodiversity.

Critical Natural Landscape identifies large natural Landscape Blocks that are minimally impacted by development. If protected, these areas will provide habitat for wide-ranging native species, support intact ecological processes, maintain connectivity among habitats, and enhance ecological resilience to natural and anthropogenic disturbances in a rapidly changing world. Areas delineated as Critical Natural Landscape also include buffering upland around wetland, coastal, and aquatic Core Habitats to help ensure their long-term integrity.

The long-term persistence of Massachusetts biological resources requires a determined commitment to land and water conservation. Protection and stewardship of both Critical Natural Landscapes and Core Habitats are needed to realize the biodiversity conservation vision of *BioMap2*.

Components of Core Habitat

Core Habitat identifies specific areas necessary to promote the long-term persistence of rare species, other Species of Conservation Concern, exemplary natural communities, and intact ecosystems.

Rare Species

There are 432 native plant and animal species listed as Endangered, Threatened or Special Concern under the Massachusetts Endangered Species Act (MESA) based on their rarity, population trends, and threats to survival. For

Table 1. Species of Conservation Concern described in the State Wildlife Action Plan and/or included on the MESA List and for which habitat was mapped in *BioMap2*. Note that plants are not included in SWAP, and that marine species such as whales and sea turtles are not included in *BioMap2*.

Taxonomic Group	MESA-listed Species	Non-listed Species of Conservation Concern
Mammals	4	5
Birds	27	23
Reptiles	10	5
Amphibians	4	3
Fish	10	17
Invertebrates	102	9
Plants	256	0
Total	**413**	**62**

BioMap2, NHESP staff identified the highest quality habitat sites for each non-marine species based on size, condition, and landscape context.

Other Species of Conservation Concern

In addition to species on the MESA List described previously, the State Wildlife Action Plan (SWAP) identifies 257 wildlife species and 22 natural habitats most in need of conservation within the Commonwealth. *BioMap2* includes species-specific habitat areas for 45 of these species and habitat for 17 additional species which was mapped with other coarse-filter and fine-filter approaches.

Priority Natural Communities

Natural communities are assemblages of plant and animal species that share a common environment and occur together repeatedly on the landscape. *BioMap2* gives conservation priority to natural communities with limited distribution and to the best examples of more common types.

Vernal Pools

Vernal pools are small, seasonal wetlands that provide important wildlife habitat, especially for amphibians and invertebrate animals that use them to breed. *BioMap2* identifies the top 5 percent most interconnected clusters of Potential Vernal Pools in the state.

Forest Cores

In *BioMap2*, Core Habitat includes the best examples of large, intact forests that are least impacted by roads and development, providing critical habitat for numerous woodland species. For example, the interior forest habitat defined by Forest Cores supports many bird species sensitive to the impacts of roads and development, such as the Black-throated Green Warbler, and helps maintain ecological processes found only in unfragmented forest patches.

Wetland Cores

BioMap2 used an assessment of Ecological Integrity to identify the least disturbed wetlands in the state within undeveloped landscapes—those with intact buffers and little fragmentation or other stressors associated with development. These wetlands are most likely to support critical wetland functions (i.e., natural hydrologic conditions, diverse plant and animal habitats, etc.) and are most likely to maintain these functions into the future.

Aquatic Cores

To delineate integrated and functional ecosystems for fish species and other aquatic

Species of Conservation Concern, beyond the species and exemplary habitats described above, *BioMap2* identifies intact river corridors within which important physical and ecological processes of the river or stream occur.

Components of Critical Natural Landscape

Critical Natural Landscape identifies intact landscapes in Massachusetts that are better able to support ecological processes and disturbance regimes, and a wide array of species and habitats over long time frames.

Landscape Blocks

BioMap2 identifies the most intact large areas of predominately natural vegetation, consisting of contiguous forests, wetlands, rivers, lakes, and ponds, as well as coastal habitats such as barrier beaches and salt marshes.

Upland Buffers of Wetland and Aquatic Cores

A variety of analyses were used to identify protective upland buffers around wetlands and rivers.

Upland Habitat to Support Coastal Adaptation

BioMap2 identifies undeveloped lands adjacent to and up to one and a half meters above existing salt marshes as Critical Natural Landscapes with high potential to support inland migration of salt marsh and other coastal habitats over the coming century.

The conservation areas identified by *BioMap2* are based on breadth and depth of data, scientific expertise, and understanding of Massachusetts' biodiversity. The numerous sources of information and analyses used to create Core Habitat and Critical Natural Landscape are complementary, and outline a comprehensive conservation vision for Massachusetts, from rare species to intact landscapes. In total, these robust analyses define a suite of priority lands and waters that, if permanently protected, will support Massachusetts' natural systems for generations to come.

Legal Protection of Biodiversity

BioMap2 presents a powerful vision of what Massachusetts would look like with full protection of the land most important for supporting the Commonwealth's biodiversity. While *BioMap2* is a planning tool with *no regulatory function*, all state-listed species enjoy legal protection under the Massachusetts Endangered Species Act (M.G.L. c.131A) and its implementing regulations (321 CMR 10.00). Wetland habitat of state-listed wildlife is also protected under the Wetlands Protection Act Regulations (310 CMR 10.00). The *Natural Heritage Atlas* contains maps of Priority Habitats and Estimated Habitats, which are used, respectively, for regulation under the Massachusetts Endangered Species Act and the Wetlands Protection Act. For more information on rare species regulations, and to view Priority and Estimated Habitat maps, please see the Regulatory Review page at http://www.mass.gov/eea/agencies/dfg/dfw/natural-heritage/regulatory-review/.

BioMap2 **is a conservation planning tool that does not, in any way, supplant the Estimated and Priority Habitat Maps which have regulatory significance. Unless and until the** *BioMap2* **vision is fully realized, we must continue to protect our most imperiled species and their habitats.**

Natural Heritage & Endangered Species Program

Massachusetts Division of Fisheries and Wildlife
1 Rabbit Hill Road, Westborough, MA 01581
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For more information on rare species and natural communities, please see our fact sheets online at www.mass.gov/nhesp.

Understanding Core Habitat Summaries

Following the Town Overview, there is a descriptive summary of each Core Habitat and Critical Natural Landscape that occurs in your city or town. These summaries highlight some of the outstanding characteristics of each Core Habitat and Critical Natural Landscape, and will help you learn more about your city or town's biodiversity. You can find out more information about many of these species and natural communities by looking at specific fact sheets at www.mass.gov/nhesp.

Additional Information

For copies of the full *BioMap2* report, the Technical Report, and an interactive mapping tool, visit the *BioMap2* website via the Land Protection and Planning tab at www.mass.gov/nhesp. If you have any questions about this report, or if you need help protecting land for biodiversity in your community, the Natural Heritage & Endangered Species Program staff looks forward to working with you.

Contact the Natural Heritage & Endangered Species Program

By phone	508-389-6360
By fax	508-389-7890
By email	natural.heritage@state.ma.us
By Mail	100 Hartwell Street, Suite 230 West Boylston, MA 01583

The GIS datalayers of *BioMap2* are available for download from MassGIS at www.mass.gov/mgis.

Town Overview

Southborough lies within the Southern New England Coastal Plains and Hills Ecoregion, an area comprised of plains with a few low hills. Forests are mainly central hardwoods with some transition hardwoods and some elm-ash-red maple and red and white pine. Many major rivers drain this area.

Southborough at a Glance

- Total Area: 9,935 acres (15.5 square miles)
- Human Population in 2010: 9,767
- Open space protected in perpetuity: 2,826 acres, or 28.4% percent of total area*
- *BioMap2* Core Habitat: - acres
- *BioMap2* Core Habitat Protected: - acres or (999.0)%
- *BioMap2* Critical Natural Landscape: 1,358 acres
- *BioMap2* Critical Natural Landscape Protected: 1,209 acres or 89.0%.

BioMap2 Components

Critical Natural Landscape

- 1 Landscape Block

* Calculated using MassGIS data layer "Protected and Recreational Open Space—March, 2012".

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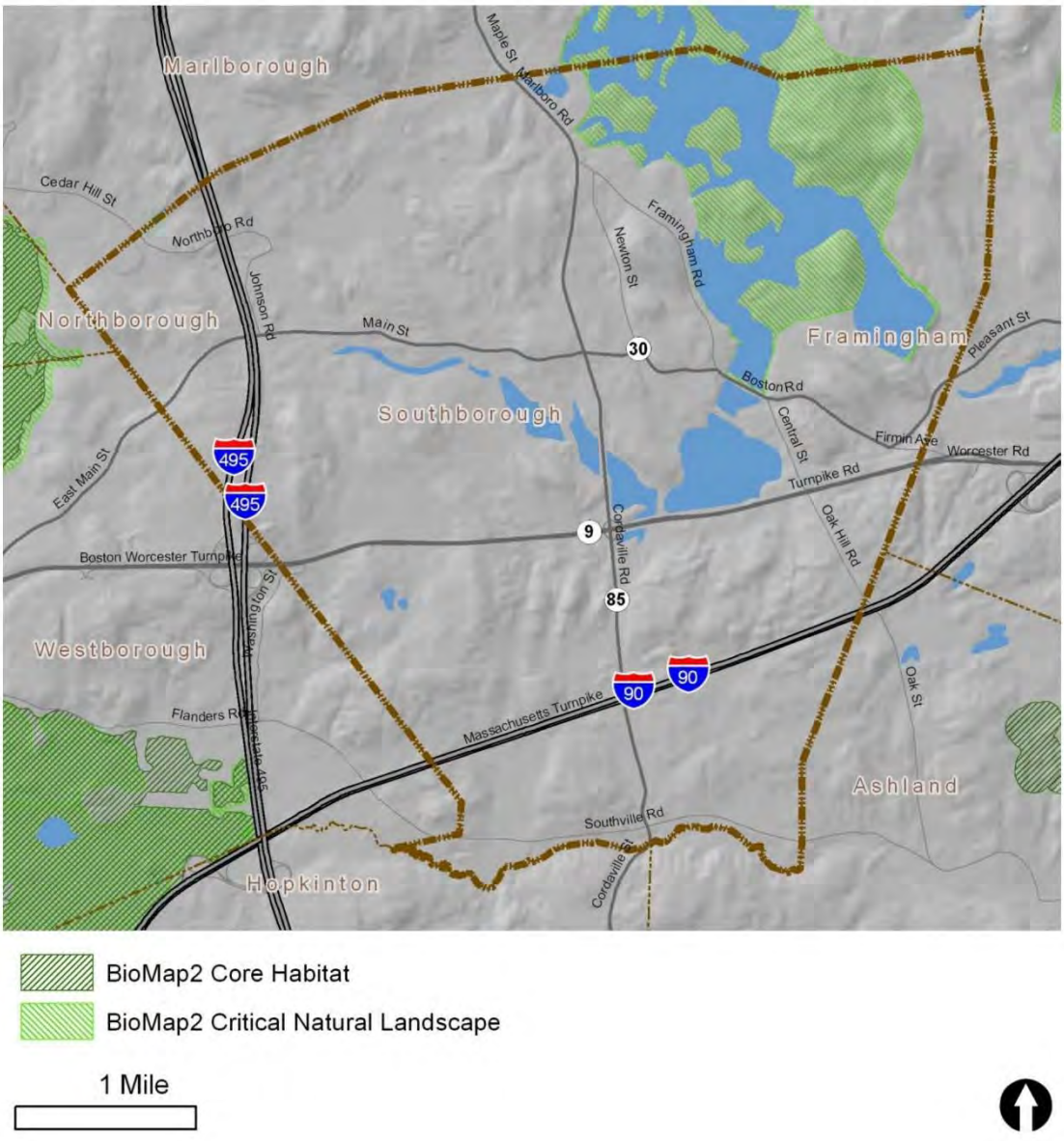
BioMap2 Core Habitat and Critical Natural Landscape in Southborough



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Species of Conservation Concern, Priority and Exemplary Natural Communities, and Other Elements of Biodiversity in Southborough

Other *BioMap2* Components

Landscape Block

E = Endangered
T = Threatened
SC = Special Concern
S1 = Critically Imperiled communities, typically 5 or fewer documented sites or very few remaining acres in the state.
S2 = Imperiled communities, typically 6-20 sites or few remaining acres in the state.
S3 = Vulnerable communities, typically have 21-100 sites or limited acreage across the state.

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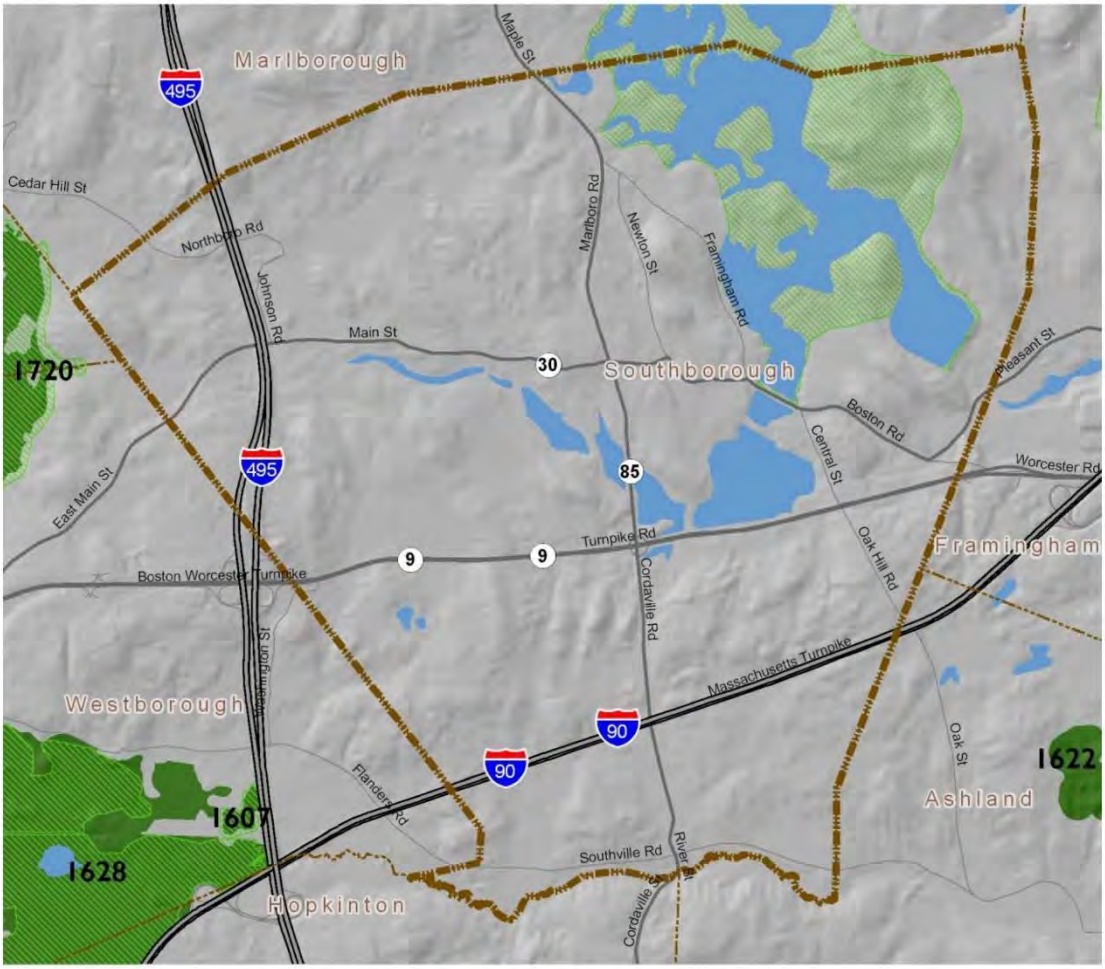
BioMap2 Core Habitat in Southborough

Core IDs correspond with the following element lists and summaries.



BioMap2 Core Habitat

BioMap2 Critical Natural Landscape

1 Mile

Natural Heritage & Endangered Species Program

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phone: 508-389-6360 fax: 508-389-7890

For more information on rare species and natural communities, please see our fact sheets online at www.mass.gov/nhesp.

Elements of *BioMap2* Cores

There are no *BioMap2* Cores that fall within Southborough.

Natural Heritage & Endangered Species Program

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phone: 508-389-6360 fax: 508-389-7890

For more information on rare species and natural communities, please see our fact sheets online at www.mass.gov/nhesp.

Core Habitat Summaries

There are no *BioMap2* Cores that fall within Southborough.

Natural Heritage & Endangered Species Program

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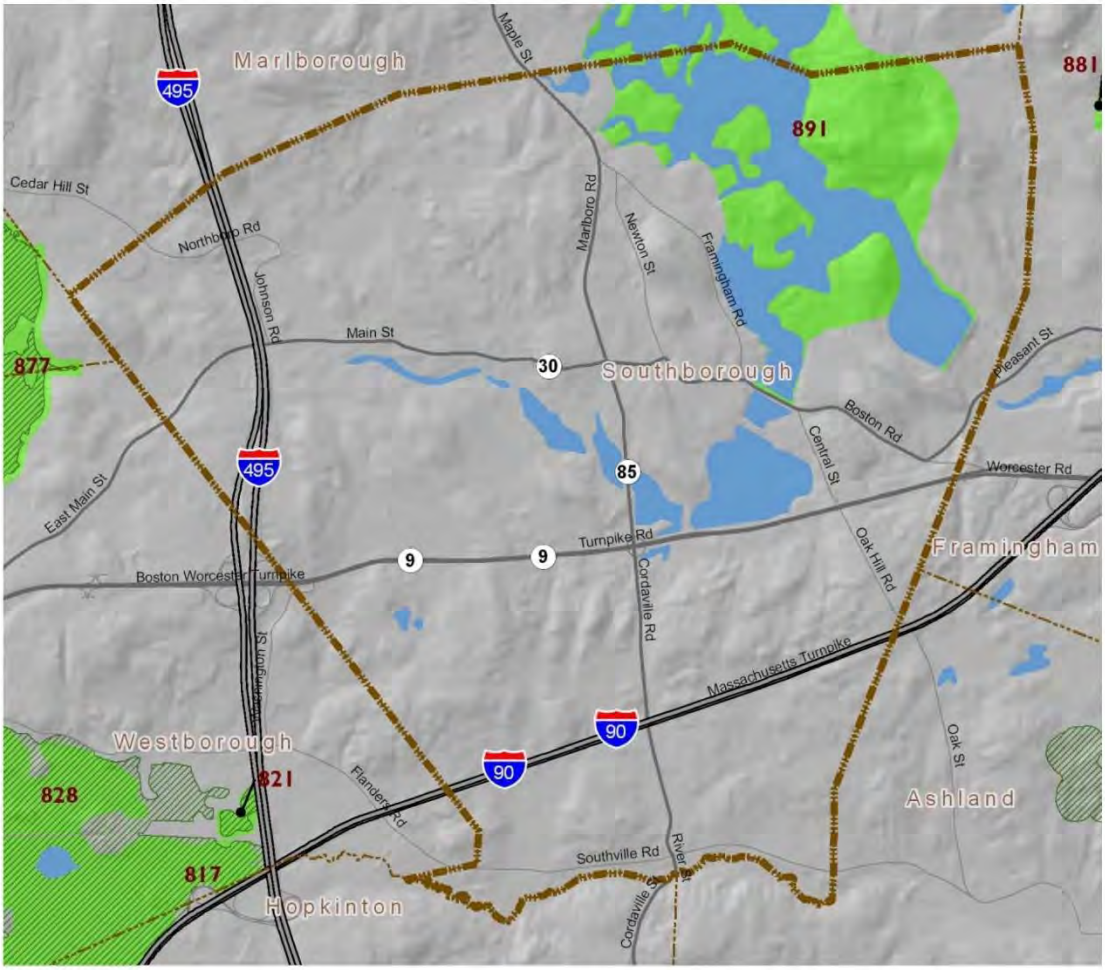
phone: 508-389-6360 fax: 508-389-7890

For more information on rare species and natural communities, please see our fact sheets online at www.mass.gov/nhesp.

BioMap2 Critical Natural Landscape in Southborough

Critical Natural Landscape IDs correspond with the following element lists and summaries.



BioMap2 Core Habitat

BioMap2 Critical Natural Landscape

1 Mile

Natural Heritage & Endangered Species Program

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For more information on rare species and natural communities, please see our fact sheets online at www.mass.gov/nhesp.

Elements of *BioMap2* Critical Natural Landscapes

This section lists all elements of *BioMap2* Critical Natural Landscapes that fall *entirely or partially* within Southborough. The elements listed here may not occur within the bounds of Southborough.

CNL 891

Landscape Block

Critical Natural Landscape Summaries

CNL 891

A 1,852-acre Critical Natural Landscape featuring Landscape Block.

Landscape Blocks, the primary component of Critical Natural Landscapes, are large areas of intact predominately natural vegetation, consisting of contiguous forests, wetlands, rivers, lakes, and ponds, as well as coastal habitats such as barrier beaches and salt marshes. Pastures and power-line rights-of-way, which are less intensively altered than most developed areas, were also included since they provide habitat and connectivity for many species. Collectively, these natural cover types total 3.6 million acres across the state. An Ecological Integrity assessment was used to identify the most intact and least fragmented areas. These large Landscape Blocks are most likely to maintain dynamic ecological processes such as buffering, connectivity, natural disturbance, and hydrological regimes, all of which help to support wide-ranging wildlife species and many other elements of biodiversity.

In order to identify critical Landscape Blocks in each ecoregion, different Ecological Integrity thresholds were used to select the largest intact landscape patches in each ecoregion while avoiding altered habitat as much as possible. This ecoregional representation accomplishes a key goal of *BioMap2* to protect the ecological stages that support a broad suite of biodiversity in the context of climate change. Blocks were defined by major roads, and minimum size thresholds differed among ecoregions to ensure that *BioMap2* includes the best of the best in each ecoregion.

Help Save Endangered Wildlife!

Please contribute on your Massachusetts income tax form or directly to the

Natural Heritage &
Endangered Species Fund

To learn more about the Natural Heritage & Endangered Species Program
and the Commonwealth's rare species, visit our web site at www.mass.gov/nhesp.

Appendix #4: NHESP Southborough Letter

Commonwealth of Massachusetts

Division of Fisheries & Wildlife

MassWildlife

Jack Buckley, *Director*

January 21, 2016

Helmi Hunin & Allison Gramolini
c/o The Conway school
332 South Deerfield Rd
PO box 179
Conway, MA 01341

Via email: hunin16@csld.edu

Re: Open Space and Recreation Plan; Town of Southborough
NHESP File # 16-35222

Dear Ms. Hunin and Ms. Gramolini:

Thank you for contacting the Natural Heritage and Endangered Species Program regarding a letter for the Open Space and Recreation Plan for the Town of Southborough. Enclosed is information on the rare species, priority natural communities, vernal pools, and other aspects of biodiversity that we have documented in Southborough. The town is encouraged to include this letter, species list, appropriate maps, and the BioMap2 information in the Open Space and Recreation Plan.

Based on the BioMap2 analysis and information discussed below, NHESP recommends land protection in the BioMap2 cores or protecting lands adjacent to existing conservation land – or, best, a combination of both when feasible. All of the areas discussed below are important for biodiversity protection in Southborough. The species of concern observed in Southborough are associated with wetlands and streams, so these are some of the most important areas to protect in this town.

Southborough has a number of Protected Open Space areas, owned by a variety of Conservation organizations. The largest is the land protected by DCR related to the Sudbury Reservoir, providing a greenway and protection to an assortment of wetlands literally crossing through the town. This provides a good building block of protected land and other areas have been protected adjacent to it (see Figure 1, attached).

Enclosed at the end of this letter is a list of rare species and natural communities known to occur or have occurred in Southborough. This list and the list in BioMap2 differ because this list and discussion include all of the uncommon aspects of biodiversity in Southborough that NHESP has documented and BioMap2 focused on occurrences with state-wide significance and included non-MESA listed species of conservation interest from the State Wildlife Action

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www.Mass.gov/NHESP

Plan (SWAP). In addition, the NHESP database is constantly updated.

In early 2013 we sent each town copies of its *BioMap2* Town Report which were developed to provide local biodiversity information to assist in conservation efforts at the town or regional level. We encourage inclusion of the town BioMap2 report and fact sheets on its components in the OSRP; they are available at http://www.mass.gov/eea/agencies/dfg/dfw/natural-heritage/land-protection-and-management/biomap2/biomap2-town-reports.html. The BioMap2 components relevant to Southborough are BioMap2 Critical Natural Landscape (CNL)_Landscape_Blocks. The components are described in full in the BioMap2 summary report: http://www.mass.gov/eea/agencies/dfg/dfw/natural-heritage/land-protection-and-management/biomap2/biomap2-overview-and-summary.html. [Please note that all of NHESP's web addresses changed in 2013; web addresses in publications from before June 2013, including inside the BioMap2 report, will not work properly.] I encourage you to download species, natural community, and BioMap2 fact sheets from our website to include in the OSRP with the species list and BioMap2 discussion: http://www.mass.gov/eea/agencies/dfg/dfw/natural-heritage/land-protection-and-management/biomap2/biomap2-overview-and-summary.html. For the spotted turtle, a delisted species, see http://www.mass.gov/eea/agencies/dfg/dfw/natural-heritage/species-information-and-conservation/mesa-list/non-listed-species-of-conservation-interest.html. Fact sheets for natural communities can be found at http://www.mass.gov/eea/agencies/dfg/dfw/natural-heritage/natural-communities/natural-community-fact-sheets.html .

There are records of three uncommon species of turtles (Eastern Box, Wood and Spotted Turtle) in Southborough. Protecting all types of wetlands and their surrounding forests and other uplands enhances the habitats of Wood and Spotted Turtle as well as other wetland species, and protects water quality. All three turtle species nest in sandy upland areas and are susceptible to becoming road kill when they move among parts of their habitats. Loss of only a few adults annually can cause populations to decline because of turtles having low replacement rates due to low nest and juvenile survivorship.

The Eastern Box Turtle (SC) is a terrestrial turtle, inhabiting many dry and moist woodland habitats. Habitat for Wood turtles (SC) is streams and rivers, preferably with long corridors of undeveloped, connected uplands extending on both sides of the waterways. Strong populations of Spotted Turtles (Delisted, but included in the 2015 State Wildlife Action Plan as a Species of Conservation Concern) in good habitat – large, unfragmented, protected open space – continue to be of interest to conservation. Spotted Turtles favor wetlands and adjacent forests, and open sandy areas for nesting. They are often associated with vernal pools.

Southborough has one known uncommon plant species. The aquatic plant Featherfoil, *Hottonia inflata*, (Watch List) has submerged feathery leaves and white flowers that rise above the water on a spongy inflated stalk. It grows in quiet backwaters, and pools in streams and swamps.

Southborough has 8 Certified Vernal Pools (CVPs) and 64 Potential Vernal Pools (PVPs) (identified from aerial photographs, needing verification on the ground). It appears that 5 of the CVPs were originally mapped as PVPs, which have been verified. In addition, areas of swamps will provide habitat for many vernal pool species. Southborough's certified vernal pools and potential vernal pools are illustrated on the included Figure 1. Clusters of vernal

pools provide particularly good habitat for species that depend on vernal pools for habitat. The clusters mean that there are alternate habitats if something happens to one pool, and slightly different conditions in each may provide different habitats for pool dependent species. Visiting and evaluating PVPs for certification would provide more protection to these wetlands and the species that use them. Information on certifying vernal pools can be found at: http://www.mass.gov/eea/agencies/dfg/dfw/natural-heritage/vernal-pools/.

NHESP would appreciate all observations of any of the above species or other rare or uncommon animals, plants, vernal pools or natural communities be reported to us, either on paper forms or through the VPRS system (Vernal Pool and Rare Species reporting system), which can be accessed from our website: http://www.mass.gov/eea/agencies/dfg/dfw/natural-heritage/.

The BioMap2 Contributing Natural Landscapes are particularly valuable in ecological terms, and important to the conservation of a variety of species. Completing conservation protection of unprotected land in those areas would enhance the viability of these special areas - size and continuity of open space is particularly important for supporting wildlife populations. Preventing habitat fragmentation is vital in protecting the ecosystem, for the rare species on the enclosed list, as well as for additional common species. Some polygons of both aspects of BioMap2 extend into other municipalities which then provide opportunities to protect large unfragmented areas that will provide the best opportunities to limit further species loss from the Town and region. The BioMap2 Core and CNL polygons are available from MassGIS, and can be viewed at an interactive application to see the broad outlines of the polygons in each Town: http://maps.massgis.state.ma.us/dfg/biomap2.htm.

BioMap2 is more up to date than BioMap and Living Waters, which it replaces. BioMap2 and the original BioMap and Living Waters projects are focused on conservation and intended to be planning tools. They include non-regulated components of biodiversity and include broader areas than do the regulatory maps that NHESP also produces. Estimated Habitat maps are created for use under the Wetlands Protection Act and Priority Habitat maps for use under the Massachusetts Endangered Species Act. These two sets of maps are created for regulatory use, shown in the *Natural Heritage Atlas* (the 2008 Atlas, the 13th edition is the current edition still). Note that Estimated Habitat is a complete subset of Priority Habitat: that is, Estimated Habitat shows a subset of wetland wildlife species' habitats also shown in Priority Habitat with the current habitats of the entire MESA list. These data layers are available from MassGIS, requiring access to some form of GIS to view them (or one can use the on-line viewing tool Oliver at MassGIS) at http://www.mass.gov/anf/research-and-tech/it-serv-and-support/application-serv/office-of-geographic-information-massgis/datalayers/layerlist.html#ConservationRecreation. Town commissions and boards are encouraged to request the assistance of the Natural Heritage and Endangered Species Program in reviewing any project proposed in the habitat areas of the regulatory areas of the maps in the *Natural Heritage Atlas*.

Much of the BioMap2 Contributing Natural Landscape is already protected by the DCR Sudbury Reservoir, though a portion in the northeastern portion of town remains unprotected and may be a good area to target.

Management and monitoring of conservation lands become important as acquisition and protection are accomplished. All wetlands particularly need to maintain their natural water regime, including normal fluctuations and connections with the uplands and other wetlands. Water quantity and quality are ongoing issues for wetlands. Another aspect of managing

conservation lands that is important in many areas is controlling invasive non-native species that alter the habitat and occupy space that native species would otherwise use. We strongly recommend monitoring conservation land, and removing non-native species before they become a problem and impact native species.

Please note that this evaluation is based on the most recent information available in the Natural Heritage database, which is constantly being expanded and updated through ongoing research and inventory. Should new rare species information become available, this evaluation may need to be reconsidered.

Please do not hesitate to contact me at (508) 389-6390 or by email at karro.frost@state.ma.us if you have any questions.

Sincerely,

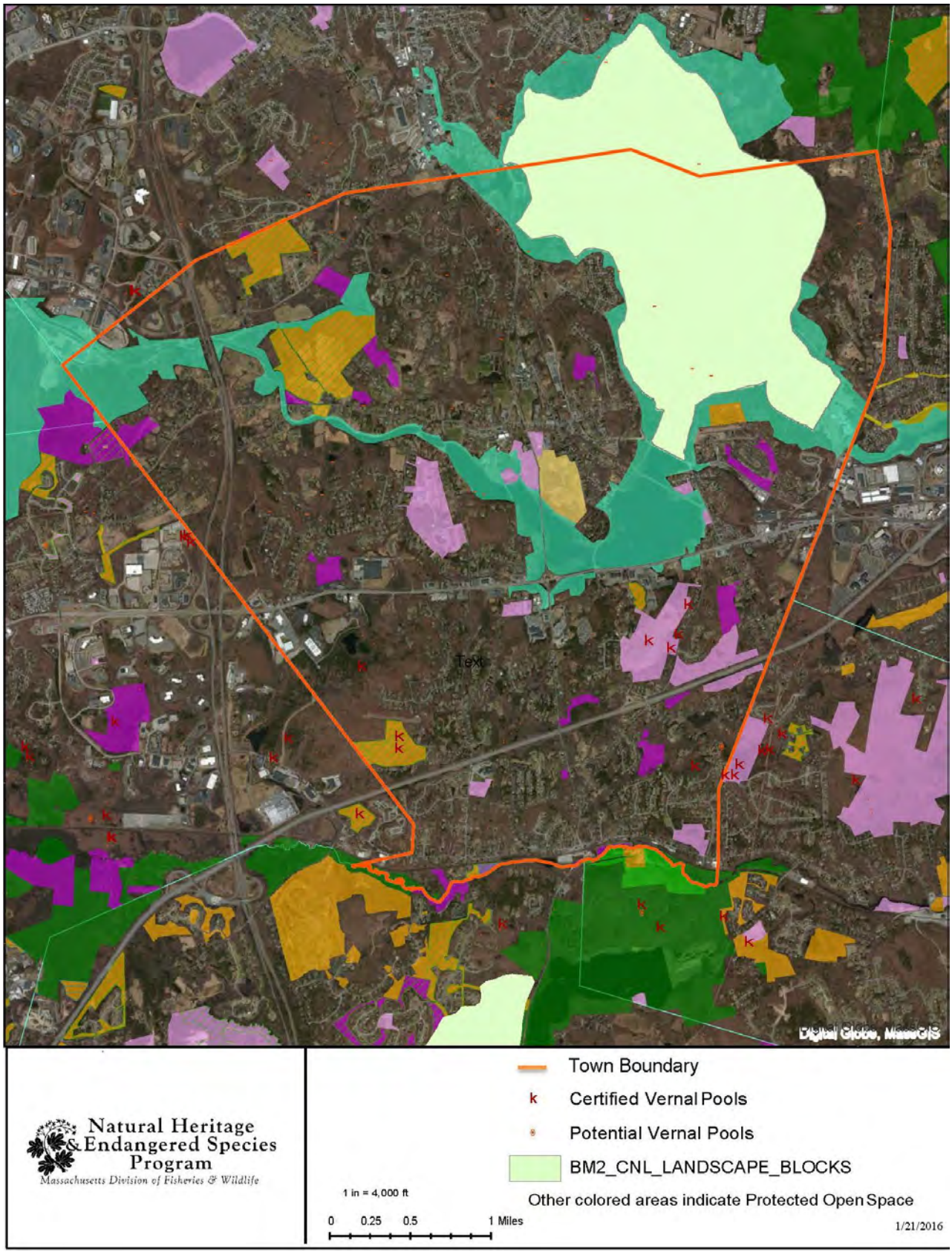
Karro A. Frost
NHESP Conservation Botanist

cc: Melissa Cryan, EOEEA, DCS

TABLE 1: List of Southborough Rare Species and Communities

Taxonomic Group	Scientific Name	Common Name	MESA status	Most Recent Obs.
Reptile	*Glyptemys insculpta*	Wood Turtle	SC	1985
Reptile	*Terrapene carolina*	Eastern Box Turtle	SC	2003
Plant	*Hottonia inflata*	Featherfoil	WL	2002
Reptile	*Clemmys guttata*	Spotted Turtle	SWAP only	1985
Community	*Certified Vernal Pool*	8		
	Potential Vernal Pools	64		

Figure 1: Town of Southborough Open Space and Recreation Plan



Appendix #5: Mass Audubon Southborough Study

Mass Audubon
Protecting the Nature of Massachusetts

Priority Sites for

Wildlife Habitat Protection

in Southborough, Massachusetts

Prepared

August 2007

(Revised January 2008 and July 2008)

for the

Southborough
Community Preservation Committee

By

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Ecological Extension Service
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This project was made possible with funding from Southborough's Community Preservation Act. This was a project of Southborough's Community Preservation Committee with the oversight and review of the Southborough Open Space Preservation Commission.

This report has no regulatory authority. The report is for informational purposes only. This report contains no stated or implied intent to regulate what can or can't be done on any property identified in the report as containing significant wildlife habitat. This report does not restrict the developmental potential of any property listed. However, the development potential of properties listed may be restricted by regulation independent of this report; for example the Massachusetts Wetlands Protection Act, Southborough Wetlands Protection Bylaw or Southborough Zoning Code.

Mass Audubon works to protect the nature of Massachusetts for people and wildlife. Together with more than 100,000 members, we care for 32,000 acres of conservation land, provide educational programs for 200,000 children and adults annually, and advocate for sound environmental policies at local, state, and federal levels. We are the largest conservation organization in New England. Our statewide network of 45 wildlife sanctuaries welcomes visitors of all ages and serves as the base for our conservation, education, and advocacy work. Through the Ecological Extension Service, Mass Audubon is able to share with conservation partners our broad experience in natural resource inventory and conservation land management based on the work we do on our own wildlife sanctuaries.

Introduction

This report proposes wildlife habitat conservation priorities in Southborough, Massachusetts. Of the many reasons to protect land from development – recreation, aesthetics, town character, drinking water protection, flood prevention, etc. – this analysis focuses on those parts of town that, through their natural condition, location, landscape characteristics, and/or history of hosting unusual species are particularly valuable as habitat. Land protected primarily for its habitat value almost always retains other values; and enhancing habitat value – by increasing contiguous area and building corridors, for example – produces concomitant gains in other values. A land protection strategy built around protection of habitat can fulfill long-term goals for passive recreation, town character, and water resource protection.

This report calls specific attention to landscape features and habitat areas which should be the cores of future protection efforts, and uses lot lines to identify actual parcels that should be conservation priorities. While the conclusions of this analysis should not be considered definitive, this objective analysis can support local knowledge in setting priorities. Future on the ground studies will further differentiate protection priorities.

The importance of this project lies in the threats to wildlife habitat currently posed by development. Mass Audubon and others have identified habitat destruction and fragmentation as the two most damaging processes currently affecting the nature of Massachusetts. Southborough is on the front lines of a wave of residential development radiating along major routes driven by many factors, including commercial development along the highways. Mass Audubon's 2003 report on development patterns, *Losing Ground: At What Cost*, the third edition of a series, maps Southborough in the "sprawl frontier" west of Boston. Census figures from 2000 and updated land use interpretation data demonstrate clearly that development is a major threat.

According to the Federal Census, between 1990 and 2000 the population of Southborough grew by 32.5%, from 6,628 to 8,781 residents. Within roughly the same time period (1985 – 1999), the amount of developed land increased from 2,665 acres to 3,751 acres, an increase of 1,086 acres, or 41% (MassGIS).

This is a rapid rate of growth, and more important is the change in development pattern: with a 677 acre increase in low density residential development – lots greater than ½ acre in size – the number of developed acres per resident has accelerated. In 1985 the developed residential area was 0.30 acres per person (based on 1985 population estimated from 1980 and 1990 census data). In 1999/2000 it was 0.33 acres per person. During the 1990s, **new residential development occurred at the rate of 0.42 acres per person**. As newcomers to town seek their own piece of 'the country', habitat is being converted, fragmented, and degraded.

Perhaps with the type of information provided in this study, the most important wildlife habitat in Southborough can be protected and landscape function can be maintained.

Theory of Conservation Planning

The following section is adapted from Focus Areas for Wildlife Habitat Protection in the Nashua River Watershed *(Collins 2000). Some of the theory discussed has greater*

relevance when applied to areas larger than Southborough, but the concepts remain applicable.

Historically, land conservation efforts have neglected landscape scale planning for habitat protection. Conservation areas, reflecting human values more than habitat values, are often set aside for recreational uses, as drinking water supply buffers, or simply because the land is of little economic value. When biodiversity is considered, acquisition is still frequently driven by threat or opportunity (Prendergast et al. 1997). In the absence of an overall strategy, acquisition of properties for multiple use, with the hope that they will provide functional wildlife habitat, can actually do more harm than good to the long range goal of representing biodiversity. Such uncoordinated efforts are problematic in that they usually do not represent the diversity of natural communities in a region, and, in the end, they increase the cost of establishing a representative system of protected lands (Pressey 1994).

This report is a first attempt at identifying conservation targets in Southborough that will contribute specifically to the representation and maintenance of biodiversity and designing a network of conservation lands that will allow for maintenance of ecosystem integrity in the long term. Targeting lands for habitat protection is an iterative process, and further analyses, at finer scales, will be required to refine the recommendations made here.

Before constructing a habitat protection plan with the goal of representing biodiversity, it is important to understand the four components of biodiversity: genetic, population-species, community-ecosystem, and landscape or regional (Noss 1990). Genetic diversity is the variability of the genetic code in a given species caused by propagation of random mutations. A species that is limited in range, in which the entire population mixes freely, may have very low genetic diversity since there is constant genetic mixing. For another species, one in which populations are largely separated by a mountain range, an ocean, or a highway for instance, genetic diversity may be high as mutations present in one population are rarely introduced into another population by interbreeding.

Population-species diversity is the level most people consider when they think of *biodiversity*. This level involves the number of plant and animal species present in an area *and* their arrangement across the landscape. Ecologists have defined three types of species diversity: alpha-, beta-, and gamma-diversity. Alpha-diversity is simply the number of species present in a single habitat type, the species *richness*; a habitat type with high alpha diversity, such as a rich, mesic forest, would be a conservation priority; beta-diversity is the rate of change in species composition between two habitat types within the same general area; and gamma diversity refers to the rate of change in species composition over larger spatial scales such as ecoregions. High beta- or gamma-diversity would indicate that species face barriers to movement between adjacent communities or ecoregions and indicates the need for many wildlife reserve areas as opposed to one large area that might not capture the full diversity of a region. (Scott et al. 1999).

In order to maintain species level biodiversity, it is essential that a habitat conservation plan capture the full diversity of communities-ecosystems native to an area. A natural community is generally defined as an assemblage of plant species that tend to occur together given similar environmental conditions. A community is frequently named for

the dominant canopy species and/or a landscape feature that controls its occurrence, e.g.: Pitch Pine-Oak Forest, Hemlock Ravine, or Acidic Rocky Summit. If across the landscape of the watershed we found low community diversity, such as second growth White Pine-Oak forests, homogenized by fragmentation and the introduction of exotic plant species, we would expect to find lower species diversity. Thus it is crucial to protect the full variety of natural communities found in the watershed. While conservation efforts often focus on examples of uncommon natural communities, such as Spruce-Tamarack Bogs, it is also important to locate and protect the finest examples of our more common natural communities. Likewise, areas of high community diversity, such as a large, undisturbed core areas with extensive and varied wetlands adjacent to a floodplain forest and a steep rocky slope, should be conservation priorities.

Landscape or regional biodiversity refers to spatial scales that begin to lose relevance to this analysis. In a conservation plan for all of Massachusetts, we would want to balance protection of the coastal landscape with that of marble valleys in the western part of the state. Focusing on the Town of Southborough, we do not face such landscape diversity; however conservation efforts should focus on representing a variety of natural community types found in town.

A well-planned network of protected, undeveloped land, a *reserve system*, should aim to allow for maintenance of biodiversity at each of the four levels of biodiversity: genetic, species, community, and landscape. Higher diversity at each level increases redundancy in ecosystem functions which leads to greater resilience to disturbance.

Reserve Design

Current reserve design theory is based on the core-corridor-buffer model which states that biodiversity at multiple levels will best be maintained in a system of large, undisturbed core areas, surrounded by buffer zones of limited disturbance, and connected by functional corridors for wildlife dispersal (Forman 1995). There are five basic principles of reserve design:

- Large blocks of habitat, containing large populations, are better than small blocks with small populations.
- Blocks of habitat close together are better than blocks far apart.
- Habitat in contiguous blocks is better than fragmented habitat.
- Interconnected blocks of habitat are better than isolated blocks.
- Blocks of habitat that are roadless or otherwise inaccessible to humans are better than roaded and accessible blocks. (Noss et al. 1999)

Large, roadless core areas perform many functions: they provide habitat for species that are extremely sensitive to human disturbance; they serve as "biological fortresses" against invasion of exotic species; and they can serve as control sites for ecosystem research in a landscape where human alteration is nearly all-pervasive (Noss et al. 1999). Smaller core areas serve as secondary habitat and as stepping stones for movement of individuals and populations. Buffers are areas of limited human presence surrounding

core areas. Areas of compromise between conservation and human use, such buffers could include farms, orchards, athletic fields, and low-density residential zones.

Placing pressure on the goals of maintaining contiguity are the many land uses that encourage fragmentation. Mass Audubon and others have identified habitat fragmentation as one of the state's most significant threats to wildlife habitat integrity. Fragmentation, the process of dividing natural lands into smaller and smaller units, is destructive in many ways; it:

- limits foraging area of animals;
- decreases area of interior habitat;
- disturbs natural migration routes;
- limits genetic interaction;
- inhibits dispersal and recolonization after local extinction; and
- restricts scale of natural disturbance regimes.

Depending on the mobility and sensitivity of a given animal species, an insurmountable barrier could be a highway such as Route 9 or a smaller town road, a strip development of buildings and parking lots, a residential cul-de-sac, or a corn field. Plant response to ecological barriers depends largely on habitat requirements and dispersal mechanisms of individual species, but impacts on animals such as pollinators indirectly affect plants. Fragmentation favors habitat generalists and tends to reduce the populations of larger predators. Overabundances of some species can have far reaching impacts on the landscape, as in the case of white tailed deer: their browsing directly impacts diversity and structure of the shrub layer in many of our forests, degrading shrub habitat to the point that heavily browsed areas host fewer shrub-nesting bird species (McShea and Rappole 2000). Increased fragmentation also leads to decreased populations of large carnivores. The removal of top predators can cause the population boom of smaller carnivores no longer competing with or hunted by top carnivores, a process called mesopredator release. Increased populations of mesopredators, such as raccoons and skunks, can negatively impact small mammals, amphibians, birds and their eggs.

Another major threat to wildlife habitat in Massachusetts is the invasion of exotic plant and animal species. "Invasives" are invasive due to dispersal and growth habits (and lack of pathogens and browsers) that allow them to out-compete native plants, thus depressing populations of native plants, and creating a homogenized natural community which is of reduced habitat value to native animals. Seeds of invasive plants disperse along roads and pathways, carried by wind or with vehicle and foot traffic. One small road through an otherwise contiguous forest can serve as a conduit for the introduction of invasive plants. Thus habitat fragmentation contributes directly to the spread of invasive plants.

Edge habitat, or the boundary area between two distinct vegetation types, such as forest and grassland, is often touted as a contributor to biodiversity since many different species make use of such transition zones between cool, shady, tall canopy forest and warm, sunlit openings. In truth these are ecologically important and diverse areas for plants and invertebrates, and edges are heavily used by animals taking advantage of the openings for food and the forest for cover. This information is often used as support for logging or

other land clearing operations with the reasoning that if edge is diverse, and diversity is good, more edge must be better. However edge is a common characteristic of suburban development, and more edge only means larger populations of the same species that currently make use of the area's already abundant edge habitat.

Interior is not exclusive to forests. Grassland, a rapidly declining habitat type in the Northeast, is unique breeding habitat for many bird species that require not just a small grassy opening, but large expanses of treeless meadow. Any increase in edge comes at the expense of interior – of any community type including forest, grassland, water body, etc. – and impacts negatively on the species that specialize in making use of that interior habitat. Populations of scarlet tanager, an interior forest nesting bird, have been shown to decrease in more fragmented landscapes, where there are concurrent increases in avian and mammalian nest predators and nest parasites such as cowbirds (Rosenberg et al. 1998).

Thoughtful reserve design will allow for the long-term integrity of landscapes and ecosystems by maintaining functional relationships at all levels of biological organization, allowing individual organisms to obtain nutrients, shelter, security, and protection from pathogens, parasites, and pollutants; populations sufficient area to maintain genetic variability, and connectivity to allow for recolonization after local extinctions; communities functional relationships between associated species such as predator/prey, parasite/host, and plants/pollinators-seed dispersers; and regions maintenance of landscape level processes such as floods, weathering, and migration (Scott et al. 1999).

Landscape Scale Conservation Planning

Perhaps the leading proponent of landscape-scale planning for the restoration and protection of naturally functioning ecosystems in North America is the Wildlands Project. The Nature Conservancy, with their Ecoregional Planning process, is also working on identifying important areas for land protection on the regional scale. These two groups often work with much larger land areas than we are analyzing in Southborough, such as the Wildlands Project's effort to identify and protect grizzly bear habitat from Yellowstone National Park to the Yukon Territory in Canada. However the techniques developed through their large-area planning efforts, and the lessons learned can be borrowed and adapted for this analysis. In an ecoregional reserve design completed in Oregon and California, Noss et al. (1999) state four goals to be met by a reserve system; to:

- represent all kinds of ecosystems, across their natural range of variation, in protected areas;
- maintain viable populations of all native species in natural patterns of distribution and abundance;
- sustain ecological and evolutionary processes; and
- maintain a conservation network that is resilient to environmental change.

Noss and others have developed a three-prong approach to identifying specific areas that go into a reserve design to meet those goals:

- protection of special elements, such as rare species hotspots, old-growth forests, and critical watersheds for aquatic biota;
- representation of all habitats and vegetation types within a network of reserves; and
- meeting the needs of particular focal species, especially those that are area-dependent or sensitive to human activities.

Special Elements – Rare, threatened, and endangered plants and animals; uncommon landforms such as ledges, caves, and eskers; and rare and exemplary natural communities are all special elements that any reserve design should take into consideration. Rare natural communities and habitat for rare species is not always the most species diverse habitat, so targeting these locations for protection while neglecting other areas is not a sound approach to overall habitat protection. Locating *hotspots* where many special elements occur together one way of maximizing protection effort. A balanced reserve design must aim to protect special features where possible, while remaining focused on the coarser scale need for landscape connectivity.

Representation – In an ideal reserve design, all native natural communities would be represented within protected areas; but realistically, one must decide which communities are more important for the protection of biodiversity, and then how many examples of each community to include in a conservation network. In *Guidelines for Representing Ecological Communities in Ecoregional Conservation Plans*, The Nature Conservancy presents a framework for considering these questions and developing answers. They recommend setting conservation targets by considering Heritage Program information on the rarity and diversity of natural communities with expert input by those familiar with the study area. For deciding how much of a given community type is enough to protect, they consider three factors. First is the geographic scale and spatial pattern of the community in the conservation planning unit -- is it a *matrix* community, such as white pine-oak in the Nashua that needs protection over wide areas, or is the target red maple swamps that are local in extent. Second, the proportion of the community's total distribution contained within the planning unit – is the community common all over the Northeast or are all known examples found only within our study area. Finally, the resolution of the vegetation classification and the ecological variability of each community – is the classification so specific that a few examples of each captures variability, or is it a broad classification in which many examples of each community type should be protected to guarantee representation of several varieties (Groves and Valutis 1999).

Focal species – Even with unlimited time to study an ecosystem, it would still be impossible to know all the needs of every species and all of the myriad interactions between species. As a substitute for designing reserves with hundreds of species in mind, ecologists use a small number of representative species to plan for the protection of many species. By managing for the protection of these *focal species*, a successful reserve design will maintain ecosystem conditions upon which many other species rely, thus contributing to their protection (Miller et al 1999; Lambeck 1997). Generally, there are six types of focal species as described by Foreman et al. (2000):

- umbrella – species that generally cover large and ecologically diverse areas in their daily or seasonal movements; protection of enough of their habitat to assure a viable population of these organisms would provide habitat and resources to many other species more restricted in range.
- keystone – species that enrich ecosystem function in a unique and significant manner through their activities, and the effect is disproportionate to their numerical abundance. The extirpation of keystone species often triggers other extirpations and significant changes or loss of habitats. Large carnivores are often keystone species. The beaver, through its modification of the landscape is another keystone species (Mills et al 1993)
- flagship – charismatic animals, like wolves and eagles, which build popular support for the protected area.
- habitat quality indicator – species that require natural habitat of high ecological integrity and that provide an early warning system because they are sensitive to ecological changes.
- wilderness quality indicator – species that are sensitive or vulnerable to human disturbance and thus require remote, wilderness habitat.
- prey – key prey species for focal predators in the above categories.

Having identified focal species from a number of taxa, the next step is to consider the primary habitat requirements of those species. These required landscape elements, be they large waterbodies, ledgey slopes, or red maple swamps, then become the basic units of a reserve network.

This introduction provides a brief overview of the theory and practice of reserve design. Excellent references include *Continental Conservation: Scientific Foundations of Regional Reserve Networks* by Soule and Terbourgh, *The Science of Conservation Planning* by Noss, O'Connell, and Murphy, and *Land Mosaics: The Ecology of Landscapes and Regions* by Richard Forman. Given the limited timeline of this project, we were not able to fully pursue every step outlined above. The process is presented as a framework for conservation planning with the hope that land protection efforts in Southborough will build on the results of this report to identify and protect a network of habitat that functions to maintain biodiversity at multiple levels.

Methods

Landscape-level analysis for this project was performed with a geographic information system (GIS) built in ArcView 9.2 relying almost exclusively on data available through MassGIS. GIS is a computer software package which enables the user to combine layers of various spatial data to create and analyze maps. USGS topographic quads (Figure 1) and 2005 color orthophotos (Figure 2) were used as base maps, with the town line delimiting the study area.

The first step was to locate large areas undeveloped and unbisected by roads. In the MassGIS land use datalayer, each land use unit is assigned one of 21 land use types. We

used these categories to code each polygon as low-value, marginal, or potential high-value habitat according to Table 1. Low-value habitat was displayed in black, and agricultural and other land use types of marginal-value were shown in gray, leaving undeveloped areas of potentially high-value habitat transparent. The MassGIS land use layer, edited to include new development, was displayed atop the orthophoto to identify large areas of potential habitat (Figure 3).

Table 1: Habitat codes for land use types in MassGIS land use datalayer.

Low quality	Marginal	Potential high quality
Spectator recreation	Participation recreation	Forest
Residential	Water-based recreation	Wetland
Commercial	Waste disposal	Open land
Industrial		Water
Urban open		Cropland
Transportation		Pasture
		Mining
		Woody perennial (orchards, etc.)

We used the MassGIS bedrock geology, surficial geology, and soils datalayers to locate uncommon or exemplary landscape elements. A number of MassGIS datalayers were used to show wetland features: hydrography (1:25,000), orthophoto wetlands and streams, National Wetlands Inventory (Figure 4).

Areas of specific, known habitat for listed species were identified with the Natural Heritage and Endangered Species Program's Priority Habitat datalayer, and larger areas of habitat value were identified with the Heritage Program BioMap and Living Waters datalayers. Certified and potential vernal pools were also used to locate important habitat features (Figure 5).

Draft Focus Areas were created by combining large, little-developed, roadless areas and Priority Habitat areas. Focus Areas were then modified to add any unique landscape features, such as bedrock elements or wetland clusters, that were not originally included.

Parcels were then scored for conservation priority using an algorithm designed to weight parcels based on a range of habitat values (Equation 1). Parcels that have already been conserved were eliminated from the analysis. Each parcel was assigned a single point if it: lies within an aquifer, FEMA flood zone, Focus Area from this report, SUASCO priority area as identified by Clark (2000), Important Bird Area as mapped by the Mass Audubon IBA Program, or if it is within 100 feet of a mapped wetland or 200 feet of a mapped stream or river; is currently in Chapter 61; or is adjacent to existing conservation land. Each parcel was assigned two points if it has or is within a 100 foot buffer of a certified or potential vernal pool. Points were summed for each parcel, added to 10% of

Equation 1.

PRIORITY SCORE =
(% Habitat) x [(Acres/10)+(2 x Vernal_Pool_Buffer)+(SUASCO)+(Focus_Area)+(Aquifer)
+(Flood_Zone)+(Wetland_Buffer)+(Chapter_61)+(IBA)+ (Conservation_Buffer)]

parcel area in acres, then multiplied by percent habitat of the parcel. This algorithm places high value on parcel size and connection to protected land, and on habitat for rare species. Parcels were assigned a priority level on the scale found in Table 2.

Table 2. Parcel priority scoring.

Parcel Score	Conservation Priority
3 - 4	Lower Priority
4 - 10	Medium Priority
10 - 15	High Priority
15 - 20	Highest Priority

Protection Priorities

We identified fourteen Focus Areas for protection of wildlife habitat (Figures 6a and 6b), several of which are drawn across town lines to emphasize the importance of connecting to other large habitat areas. Most of the Focus Areas contain land which is already protected (Figure 7). Unprotected parcels within these Focus Areas represent the highest conservation priorities (Figure 8).

The section of town south of the turnpike is not included in any of the Focus Areas. This section does host two of the three NHESP Priority Habitat Areas, however it is almost entirely built or divided into small building lots. There are a few opportunities for land protection here, and protection could be meaningful in providing habitat for the listed species. Additional information from NHESP would assist in protection planning in this area.

We identified 81 parcels that ranked as protection priorities in our GIS analysis including: 3 Highest Priority parcels; 6 High Priority parcels; 34 Medium Priority parcels; and 38 Lower Priority parcels. Data on each is presented in Table 2, including the priority ranking score, ownership (where available), assessor's map and lot number, and acreage. More detailed information on the habitat values behind the priority scoring is in Appendix A. Figures 9-16 provide a fine-scale look at the Focus Areas and the highest priority parcels for conservation.

Discussion and Conclusions

Clearly the highest conservation priorities in Southborough are the large undeveloped parcels. Smaller parcels are important as buffers to existing conservation land, as corridors between blocks of conserved land, and as smaller islands of habitat.

Within the Focus Areas, we recommend that protection efforts focus on:

- expanding and buffering large existing conservation areas within town
- protecting land that connects to large conservation blocks in adjacent towns
- maintaining buffers to large water bodies and wetland systems

Resources – including time, expertise, and funding – are always limited for land protection. Thus protecting one piece of land can result in missing out on protection of another piece. The results of this analysis will hopefully supplement local expertise and awareness so that land protection resources are directed towards the most important areas of town for habitat protection.

Table 3. Priority parcels for conservation in Southborough, MA.

Priority Score	Owner	Map-Lot	Acreage
18.01	EMC CORPORATION	26-09	141.1
15.14	PARMENTER PINE LLC	96-01	123.6
12.03	EMC CORPORATION	06-03	72.4
10.20	ST MARKS SCHOOL	45-02	58.8
9.98	PRESIDENT & FELLOWS OF HARVAR	95-01	88.0
9.21	ST MARKS SCHOOL	53-09	80.7
7.98	SOUTHBOROUGH TOWN OF	43-18	81.2
7.54	FLATLEY, TJ & CR NICHOLS TRS	33-04	62.5
7.46	MCGILLICUDDY, J D & E R TRUSTEES	44-01.B	4.6
7.09	MILLEA, J FRANKLIN & DOROTHY H	52-21	20.9
6.78	ST MARKS SCHOOL	74-06	48.2
6.75	COOK, JOHN L & KATHRYN M	88-22	16.1
6.66	SULLIVAN, KEVIN	57-02	16.6
6.52	PIETRO, RALPH A &	82-01	15.8
6.08	JOHNSON CAMBELL REALTY INC	61-05	11.3
5.96	HALLORAN, THOMAS & KATHLEEN	13-18	31.5
5.85	HASEOTES, BYRON & JOYCE E	41-05	22.2
5.85	DOYLE, PATRICIA B & DENNIS M	44-01.D	3.0
5.56	PLB INC	39-29	17.9
5.52	JOHNSON CAMBELL REALTY INC	72-03	15.2
5.49	JACKSON, MATTHEW TRUSTEE	48-18	6.4
5.45	FAY SCHOOL INC	53-17	6.5
5.41	ORENTLICH, FREDERICK M & LINDA	81-22	4.1
5.37	RADLER, STANLEY & GLORIA C TRU	88-03	12.9
5.30	SOUTHBOROUGH TOWN OF	44-10	4.8
5.24	FEINBERG, MICHAEL E & MARIBETH	81-21	2.4
5.23	BALL, SHERMAN H & ADRIENNE F	30-06	15.4
5.11	BLANCHARD, JOHN A & MARY K	89-01	11.7
4.79	CAPASSO, DONATO D TRUSTEE	75-34	18.2
4.77	BLYNN, EDGAR JR & SVETLANA	40-06	8.3
4.65	JOHNSON CAMBELL REALTY INC	61-04	6.5
4.65	MT VICKERY ESTATE CONDOS	29-52	17.1
4.48	FLATLEY, TJ & CR NICHOLS TRS	41-04.A	24.8
4.34	KALLANDER, PETER I &	56-14	11.7
4.33	PEDRAZA, EVARISTO G & NOEMI M	48-37	11.1
4.27	BEALS, PHILIP C & THOMAS R MOUN	72-08	22.5

Priority Score	Owner	Map-Lot	Acreage
4.27	JOHNSON CAMBELL REALTY INC	61-14	2.6
4.24	CAPASSO, DONATO D TRUSTEE	84-22	2.4
4.22	SOUTHBOROUGH TOWN OF	38-45.A	2.2
4.19	HERCZEG, ATTILA E & SUSANNE K H	41-04	1.9
4.19	CARRIAGE HILL LLC	57-20	1.9
4.15	140 TURNPIKE ROAD LLC	29-47	15.4
4.14	HOLMBLAD, CHRISTIAN J &	81-07	1.4
4.13	JOHNSON, MARK W & AMY L	61-13	1.3
4.12	SWANEY, THOMAS II & KELLY D	81-09	1.2
4.12	BRADY, CHARLES D & KEIRENY S	81-08	1.2
4.12	TIEDEMANN, JON C & JOELLEN W	30-09	0.9
4.11	MCGRATH, KEVIN B	81-20	1.1
4.10	STEVENS, RITA	30-14	9.7
4.08	JOHNSON CAMBELL REALTY INC	71-01.A	10.8
4.07	MDC	04-44	0.7
4.03	DEPIETRI, DAVID P TRUSTEE	04-28	3.9
4.02	MBTA	04-41	2.5
3.95	HALL, RICHARD W J & ANN E	49-14	5.0
3.94	HEAVEY, ROBERT J TRUSTEE	38-10	13.3
3.92	JACKSON, MICHAEL JR & JANE L	53-08	5.7
3.91	ROUSSEAU, CHARLES F & J R & A J II	87-01	9.1
3.87	PLB LLC	39-28	6.9
3.84	KAMINSKI, JOHN A & MAUREEN S	79-42	1.0
3.82	JOHNSON CAMBELL REALTY INC	71-06	9.3
3.70	WHITTEMORE, CHARLES RICHARD &	11-02	17.2
3.69	SCHOFIELD, STEPHANIE M & GARY I	02-04	10.4
3.60	ST MARKS SCHOOL	75-34.A	6.0
3.60	SOUTHBORO MEADOWS CONDOS	48-47	17.1
3.52	PEARL, DANIEL D &	84-33	4.0
3.44	KWAN, PETER & AGNES KWAN WEN	65-18	13.8
3.40	TEXEIRA, RUSSELL D & ANITA L	51-18	1.7
3.39	JOHANSEN, KAREN J	63-11	14.7
3.36	CAPASSO REALTY CORP	75-38	3.6
3.36	XIZHONG, ALAN HUANG & HONG CA	49-02	4.5
3.32	NEW ENGLAND POWER COMPANY	80-01.A	13.2
3.31	COLDWELL, STEPHEN O & MARJORIE	35-14.A	9.9
3.31	COLDWELL, RAYMOND E & MARY D	44-08	3.1
3.28	PICARDI, WILLIAM J JR TRUSTEE	53-03	6.0

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Appendix 1 – Priority Scoring Tables

This table displays the wildlife habitat values associated with each of the priority parcels listed in Table 2. The Priority Score is given first, calculated using Equation 1 in the text. The following columns represent the variables used in Equation 1. Percent Habitat is the percent of each parcel that is classed in a potential wildlife habitat category in the MassGIS Land Use/Land Cover map; e.g. a 10 acre parcel that includes 2 acres of buildings and 8 acres of woods would score 80%. "ACREAGE" is area in acres. The remaining columns are binary, or yes-no categories. For example, if a parcel has or is within 100 feet of a Certified or Potential Vernal Pool, it receives a "Buffer of Certified or Potential Vernal Pool" score of 1. "SUASCO Priority Area" refers to priority areas identified by Clark (2000). "FOCUS_AREA" refers to the focus areas for protection identified in this report. "Aquifer" is based on DEP aquifer mapping. "FEMA Flood Zone" is based on Federal Emergency Management Agency flood zone mapping. "Wetland Buffer" includes properties that are within 100 feet of a wetland or 200 feet of a river as mapped by MassGIS. "Important Bird Area" refers to areas of critical importance for bird habitat as identified by Mass Audubon. "Conservation Buffer" refers to properties located adjacent to existing conservation land. "Map-Lot" is the Southborough Assessor reference for each parcel.

PRIORITY SCORE	% Habitat	ACREAGE	Buffer of Certified or Potential Vernal Pool	SUASCO Priority Area	FOCUS_AREA	Aquifer	FEMA Flood Zone	Wetland Buffer	Chapter 61	Important Bird Area	Conservation Buffer	Map-Lot	Address	Owner
18.01	100%	141.1	1	0	1	0	0	1	0	0	0	26-09	Turnpike Road	Emc Corporation
15.14	99%	123.6	0	0	1	0	0	1	0	1	0	96-01	Pine Hill Road	Parmenter Pine Llc
12.03	98%	72.4	1	0	1	0	0	1	0	0	1	06-03	Gilmore Road	Emc Corporation
9.98	78%	88	0	0	1	0	0	1	0	1	1	95-01	1 Pine Hill Drive	President & Fellows Of Harvard
9.21	76%	80.7	1	0	1	0	0	1	0	0	0	53-09	30 Marlboro Road &	St Marks School
7.98	61%	81.2	1	0	0	0	1	1	0	1	0	43-18	53 Parkerville Road	Southborough Town Of
7.54	91%	62.5	0	0	1	0	0	1	0	0	0	33-04	Turnpike Road	Flatley, Tj & Cr Nichols Trs
7.46	100%	4.6	1	0	1	0	1	1	0	1	1	44-01.B	24 Parkerville Road	Mcgillicuddy, J D & E R Trustees
7.09	100%	20.9	0	0	1	0	1	1	1	0	1	52-21	Deerfoot Road	Millea, J Franklin & Dorothy H

PRIORITY SCORE	% Habitat	ACREAGE	Buffer of Certified or Potential Vernal Pool	SUASCO Priority Area	FOCUS_AREA	Aquifer	FEMA Flood Zone	Wetland Buffer	Chapter 61	Important Bird Area	Conservation Buffer	Map-Lot	Address	Owner
6.78	100%	48.2	0	0	1	0	0	1	0	0	0	74-06	Sears Road	St Marks School
6.75	89%	16.1	1	0	1	0	0	1	0	1	1	88-22	11 Graystone Way	Cook, John L & Kathryn M
6.66	100%	16.6	0	0	1	0	0	1	1	1	1	57-02	70 Valley Road	Sullivan, Kevin
6.52	99%	15.8	1	0	1	0	0	1	1	0	0	82-01	Fisher Road	Pietro, Ralph A &
6.08	99%	11.3	0	0	1	0	1	1	1	0	1	61-05	Northboro & Johnson	Johnson Cambell Realty Inc
5.96	97%	31.5	1	0	0	0	0	1	0	0	0	13-18	Rock Point Road	Halloran, Thomas & Kathleen
5.85	94%	22.2	1	0	1	0	0	1	0	0	0	41-05	Lovers Lane	Haseotes, Byron & Joyce E
5.85	80%	3	1	0	1	0	1	1	0	1	1	44-01.D	22 Parkerville Road	Doyle, Patricia B & Dennis M
5.56	96%	17.9	1	0	1	0	0	1	0	0	0	39-29	22 Turnpike Road	Plb Inc
5.52	100%	15.2	0	0	1	0	0	1	1	0	1	72-03	Chestnut Hill Road	Johnson Cambell Realty Inc
5.49	97%	6.4	0	0	1	0	1	1	0	1	1	48-18	Boston Road	Jackson, Matthew Trustee
5.45	97%	6.5	0	0	1	0	1	1	0	1	1	53-17	Main Street	Fay School Inc
5.41	100%	4.1	1	0	1	0	0	1	0	0	1	81-22	8 Schipper Farm Lane	Orentlich, Frederick M & Linda
5.37	85%	12.9	1	0	1	0	0	1	0	1	0	88-03	78 Pine Hill Road	Radler, Stanley & Gloria C Tru
5.3	97%	4.8	0	0	1	0	1	1	0	1	1	44-10	Middle Road	Southborough Town Of
5.24	100%	2.4	1	0	1	0	0	1	0	0	1	81-21	6 Schipper Farm Lane	Feinberg, Michael E & Maribeth
5.23	80%	15.4	1	0	1	0	0	1	0	0	1	30-06	42 Woodland Road	Ball, Sherman H & Adrienne F
5.11	99%	11.7	1	0	1	0	0	1	0	0	0	89-01	Fisher Road Off	Blanchard, John A & Mary K
4.79	99%	18.2	0	0	1	0	0	1	1	0	0	75-34	Newton Street	Capasso, Donato D Trustee
4.77	99%	8.3	0	1	1	0	0	1	0	0	1	40-06	Main Street	Blynn, Edgar Jr & Svetlana

PRIORITY SCORE	% Habitat	ACREAGE	Buffer of Certified or Potential Vernal Pool	SUASCO Priority Area	FOCUS_AREA	Aquifer	FEMA Flood Zone	Wetland Buffer	Chapter 61	Important Bird Area	Conservation Buffer	Map-Lot	Address	Owner
4.65	99%	17.1	1	0	0	0	0	1	0	0	0	29-52	Vickery Road	Mt Vickery Estate Condos
4.65	100%	6.5	0	0	1	0	1	1	0	0	1	61-04	67 Northboro Road	Johnson Cambell Realty Inc
4.48	100%	24.8	0	0	1	0	0	1	0	0	0	41-04.A	Route 495 Off	Flatley, Tj & Cr Nichols Trs
4.34	84%	11.7	0	0	1	0	0	1	0	1	1	56-14	30 Meadow Lane	Kallander, Peter I &
4.33	85%	11.1	0	0	1	0	0	1	0	1	1	48-37	25 Valley Road	Pedraza, Evaristo G & Noemi M
4.27	81%	22.5	0	0	1	0	0	1	0	0	1	72-08	Chestnut Hill Rd Off	Beals, Philip C & Thomas R Moun
4.27	100%	2.6	0	0	1	0	1	1	0	0	1	61-14	Northboro Road	Johnson Cambell Realty Inc
4.24	100%	2.4	0	0	1	0	0	1	0	1	1	84-22	Framingham Road	Capasso, Donato D Trustee
4.22	100%	2.2	0	0	1	0	0	1	0	1	1	38-45.A	Central Street	Southborough Town Of
4.19	100%	1.9	1	0	1	0	0	1	0	0	0	41-04	Lovers Lane (Off)	Herczeg, Attila E & Susanne K H
4.19	100%	1.9	0	0	1	0	0	1	0	1	1	57-20	Valley Road	Carriage Hill LLC
4.15	92%	15.4	0	0	1	0	0	1	0	0	1	29-47	Breakneck Hill Road	140 Turnpike Road Llc
4.14	100%	1.4	1	0	1	0	0	1	0	0	0	81-07	74 Fisher Road	Holmblad, Christian J &
4.13	100%	1.3	0	0	1	0	1	1	0	0	1	61-13	51 Northboro Road	Johnson, Mark W & Amy L
4.12	81%	0.9	1	0	1	0	0	1	0	0	1	30-09	59 Woodland Road	Tiedemann, Jon C & Joellen W
4.12	100%	1.2	1	0	1	0	0	1	0	0	0	81-08	76 Fisher Road	Brady, Charles D & Keireny S
4.12	100%	1.2	1	0	1	0	0	1	0	0	0	81-09	78 Fisher Road	Swaney, Thomas Ii & Kelly D
4.11	100%	1.1	1	0	1	0	0	1	0	0	0	81-20	4 Schipper Farm Lane	Mcgrath, Kevin B
4.1	69%	9.7	1	0	1	0	0	1	0	0	1	30-14	4 Bay Path Lane	Stevens, Rita
4.08	100%	10.8	0	0	1	0	0	1	1	0	0	71-01.A	Northboro Road	Johnson Cambell Realty Inc
4.07	100%	0.7	0	0	0	1	1	1	0	0	1	04-44	Southville Road	MDC

PRIORITY SCORE	% Habitat	ACREAGE	Buffer of Certified or Potential Vernal Pool	SUASCO Priority Area	FOCUS_AREA	Aquifer	FEMA Flood Zone	Wetland Buffer	Chapter 61	Important Bird Area	Conservation Buffer	Map-Lot	Address	Owner
4.03	92%	3.9	1	0	0	0	0	1	0	0	1	04-28	Southville Road	Depietri, David P Trustee
4.02	95%	2.5	0	0	0	1	1	1	0	0	1	04-41	River Street	MBTA
3.95	88%	5	0	1	1	0	0	1	0	0	1	49-14	195 Main Street	Hall, Richard W J & Ann E
3.94	91%	13.3	0	0	1	0	0	1	0	0	1	38-10	84 Turnpike Road	Heavey, Robert J Trustee
3.92	86%	5.7	1	0	1	0	0	1	0	0	0	53-08	55 Main Street	Jackson, Michael Jr & Jane L
3.91	100%	9.1	0	0	1	0	0	0	0	1	1	87-01	Pine Hill Road Off	Rousseau, Charles F & J R & A J Ii
3.87	83%	6.9	1	0	1	0	0	1	0	0	0	39-28	18 Turnpike Road	Plb Llc
3.84	94%	1	0	0	1	0	0	1	0	1	1	79-42	2 Joslin Lane	Kaminski, John A & Maureen S
3.82	97%	9.3	0	0	1	0	0	1	1	0	0	71-06	Northboro Road	Johnson Cambell Realty Inc
3.7	100%	17.2	0	0	1	0	0	1	0	0	0	11-02	Banfill Lane Off	Whittemore, Charles Richard &
3.69	92%	10.4	1	0	0	0	0	1	0	0	0	02-04	236 Parkerville Road	Schofield, Stephanie M & Gary I
3.6	100%	6	0	0	1	0	0	1	1	0	0	75-34.A	Newton Street Off	St Marks School
3.6	54%	17.1	0	0	1	0	1	1	0	1	1	48-47	Boston Road	Southboro Meadows Condos
3.52	80%	4	0	0	1	0	0	1	0	1	1	84-33	15 Buffalo Run	Pearl, Daniel D &
3.44	79%	13.8	0	0	1	0	0	1	0	0	1	65-18	Newton Street	Kwan, Peter & Agnes Kwan Wen
3.4	82%	1.7	0	0	1	0	1	1	0	0	1	51-18	Main Street	Texeira, Russell D & Anita L
3.39	76%	14.7	0	0	1	0	0	1	0	0	1	63-11	40 Sears Road (Lane)	Johansen, Karen J
3.36	100%	3.6	0	0	1	0	0	1	1	0	0	75-38	118 Framingham Road	Capasso Realty Corp
3.36	97%	4.5	0	1	1	0	0	1	0	0	0	49-02	197 Main Street	Xizhong, Alan Huang & Hong Ca
3.32	100%	13.2	0	0	1	0	0	1	0	0	0	80-01.A	Jericho Hill Road	New England Power Company
3.31	100%	3.1	0	0	1	0	0	1	0	1	0	44-08	28 Parkerville Road	Coldwell, Raymond E & Mary D

PRIORITY SCORE	% Habitat	ACREAGE	Buffer of Certified or Potential Vernal Pool	SUASCO Priority Area	FOCUS_AREA	Aquifer	FEMA Flood Zone	Wetland Buffer	Chapter 61	Important Bird Area	Conservation Buffer	Map-Lot	Address	Owner
3.31	83%	9.9	0	0	1	0	1	0	0	1	0	35-14.A	85 Middle Road	Coldwell, Stephen O & Marjorie
3.28	71%	6	0	0	0	0	1	1	0	1	1	53-03	14 Deerfoot Road	Picardi, William J Jr Trustee
3.27	99%	3.1	0	0	0	0	1	1	0	0	1	29-20	5 Breakneck Hill Road	Trolley Tracks Inc
3.27	97%	3.9	1	0	0	0	0	1	0	0	0	29-14	18 Mt Vickery Road	Croatti, Mary Ann L & Donald J
3.27	100%	2.7	0	0	1	0	0	1	0	1	0	35-52	30 Parkerville Road	Stewart, Laura & James R
3.25	90%	16.3	0	0	1	0	0	1	0	0	0	26-01	135 Deerfoot Road	Dowd, Peter G & Betty Jo
3.24	99%	2.7	0	0	0	0	1	1	0	1	0	48-17	Boston Road	Southborough Town Of
3.24	72%	34.9	0	0	0	0	0	1	0	0	0	48-01	1 Harvest Lane	Southborough Warehouse Real
3.24	100%	2.4	0	0	1	0	0	1	0	0	1	66-65	16 Hillside Avenue	Ferris, David M & Ann Salceda F
3.23	99%	2.7	0	0	1	0	0	1	0	1	0	88-19	5 Graystone Way	Veranth, Lauren A
3.22	60%	13.8	1	0	1	0	0	1	0	0	0	31-31	60 Oak Hill Road	Bartolini, Josephine J
3.16	100%	1.6	0	0	0	0	1	1	0	0	1	29-51	Mt Vickery Road	Gulbankian, John & Armine
3.16	100%	11.6	0	0	1	0	0	1	0	0	0	41-32	Lovers Lane	Christopher, Christopher Trust
3.15	70%	5	0	1	1	0	0	1	0	0	1	60-06	11 Bigelow Road	Coffman, Howard M & Cathy S
3.13	100%	1.3	0	0	0	0	1	1	0	0	1	01-25	Southville Road Off	New York Central Lines Llc
3.13	100%	1.3	0	0	1	0	0	1	1	0	0	75-46	Framingham Road	Capasso, Donato D Trustee
3.13	100%	1.3	1	0	1	0	0	0	0	0	0	82-32	92 Fisher Road	Pietro, Matthew A & Allisa A
3.12	76%	1	0	0	1	0	0	1	0	1	1	79-46	2 Witherbee Lane	Partridge, Terri L B & John K
3.12	100%	0.3	0	0	0	0	1	0	0	0	0	04-58	40 Southville Road	Petry, Marjorie I & Charles S Tr
3.11	100%	1.1	0	0	0	0	0	1	0	1	1	57-14	39 Meadow Lane	Borges, Mark A & Lorie Savel Bo
3.1	100%	1	0	0	1	0	0	1	1	0	0	75-47	Framingham Road	Capasso, Donato D Trustee

PRIORITY SCORE	% Habitat	ACREAGE	Buffer of Certified or Potential Vernal Pool	SUASCO Priority Area	FOCUS_AREA	Aquifer	FEMA Flood Zone	Wetland Buffer	Chapter 61	Important Bird Area	Conservation Buffer	Map-Lot	Address	Owner
3.1	100%	1	0	0	1	0	0	1	1	0	0	75-48	Framingham Road	Capasso, Donato D Trustee
3.1	100%	1	0	0	0	0	0	1	0	1	1	79-40	14 Joslin Lane	Farello, Thomas A & Marilyn T
3.1	55%	16.7	0	0	1	0	0	1	0	1	1	53-11	48 Main Street	Fay School Inc
3.09	100%	0.9	0	0	1	0	0	1	0	0	1	52-09	Main Street	Beals, Philip C & Thomas R Moun
3.09	70%	4	0	1	1	0	0	1	0	0	1	60-06.A	11 Bigelow Road	Shea, Christopher & Stacey A
3.08	100%	0.8	0	0	1	0	0	1	0	0	1	66-44	Overlook Drive	Kwan, Peter & Agnes Kwan Wen
3.07	76%	10.6	1	0	0	0	0	1	0	0	0	10-24	Nathan Stone Road	Southborough Town Of
3.07	95%	2.2	0	0	1	0	0	1	0	1	0	88-18	3 Graystone Way	Dewey, Bradley E & Suzanne W M
3.07	99%	1	0	0	1	0	1	1	0	0	0	51-40	151 Main Street	Wang, Desheng & Amy Z Li
3.05	100%	0.6	1	0	0	0	0	1	0	0	0	16-06	Edgewood Road	Kiley, Arthur J Estate
3.04	99%	0.7	0	0	1	0	0	1	0	0	1	30-17	Bay Path Lane Off	Southborough Town Of
3.04	97%	21.5	0	0	0	0	0	1	0	0	0	82-20	Presidential Drive	Northside Corporation
3.01	96%	1.3	0	0	0	0	0	1	0	1	1	79-39	15 Joslin Lane	Antino, Andrea

Figure 1. USGS Topography Map of Southborough, Massachusetts.

0 1 2 Miles

Notes: USGS Marlborough (1983) and Framingham (1987) quads and town boundaries from MassGIS.

Figure 2. Color Aerial Orthophoto of Southborough, Massachusetts.

0 1 2 Miles

Notes: 2005 aerial photography and town boundaries from MassGIS.

Figure 3. Potential Wildlife Habitat in Southborough, Massachusetts.

Non-Habitat Areas Marginal Habitat 0 1 2 Miles

Notes: Land use data, 2005 aerial orthophotography and town boundaries from MassGIS.

Figure 4. Wetland Systems in Southborough, Massachusetts.

Notes: 2005 aerial photography, wetlands, and town boundaries from MassGIS.

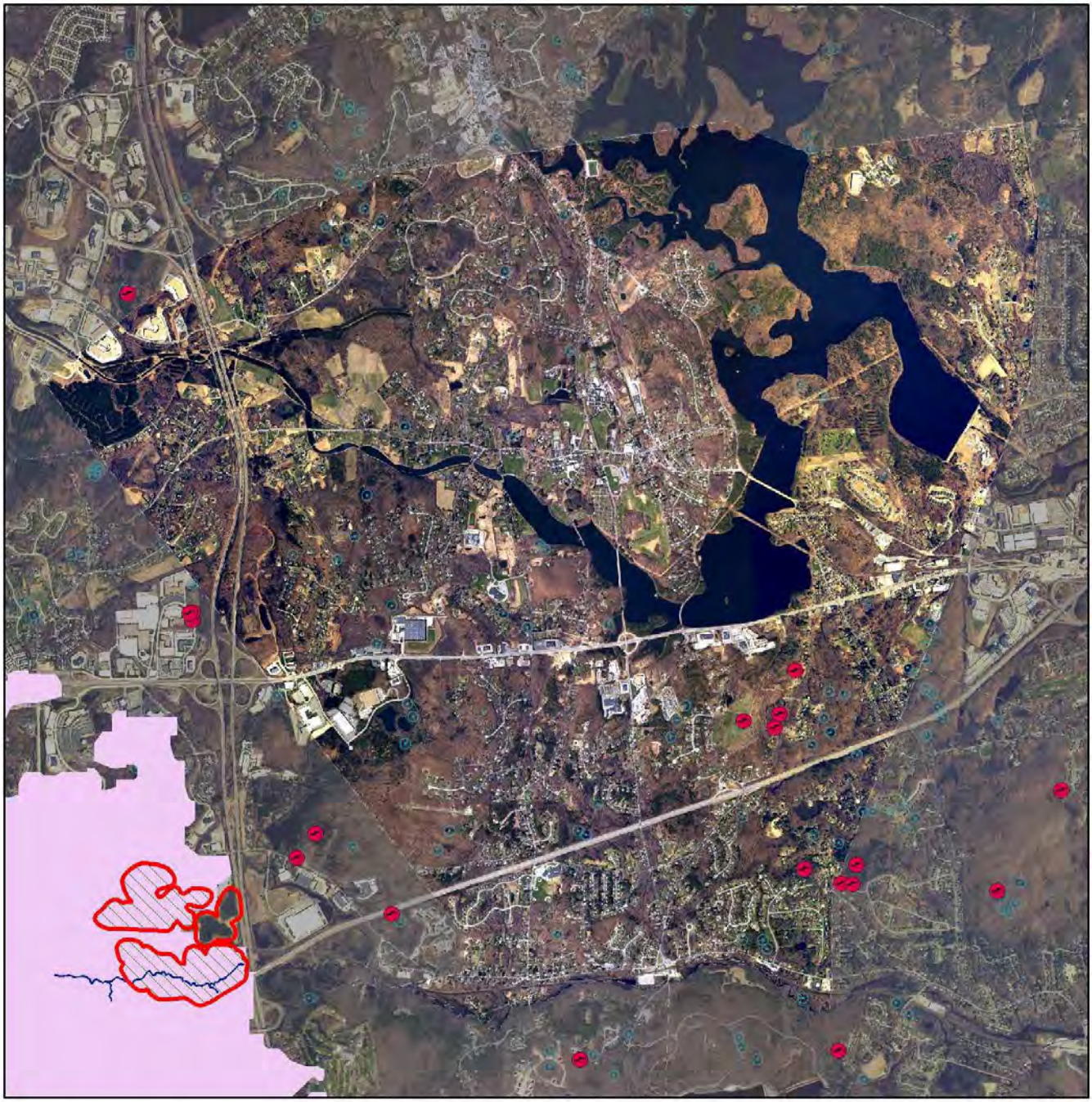

Figure 5. Natural Heritage Program Data for Southborough, Massachusetts.

Notes: 2005 aerial photography, Heritage Program data, and town boundaries from MassGIS.

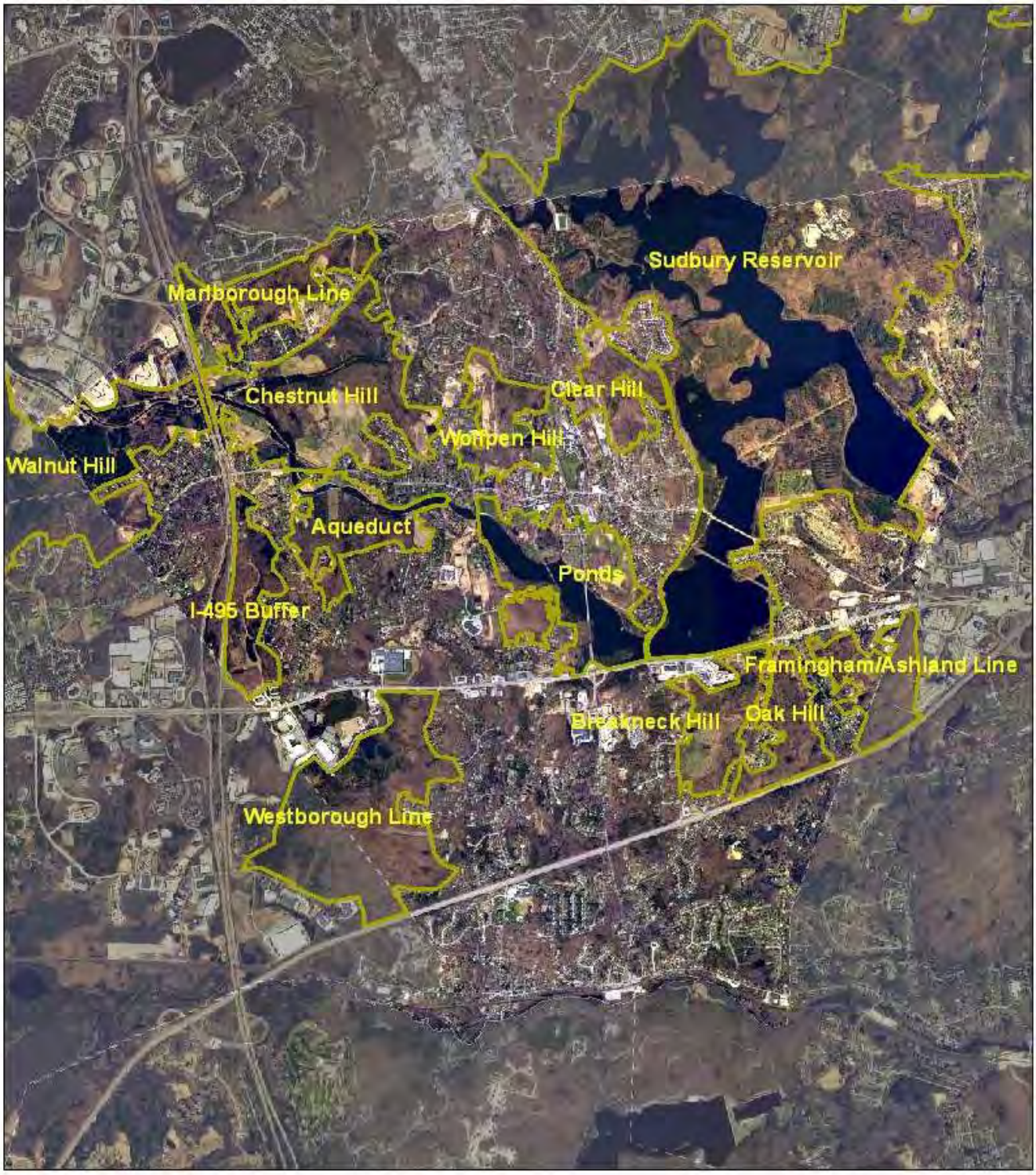

Figure 6a. Focus Areas for Land Protection in Southborough, Massachusetts.

Focus Areas

0 1 2 Miles

Notes: 2005 aerial photography and town boundaries from MassGIS.

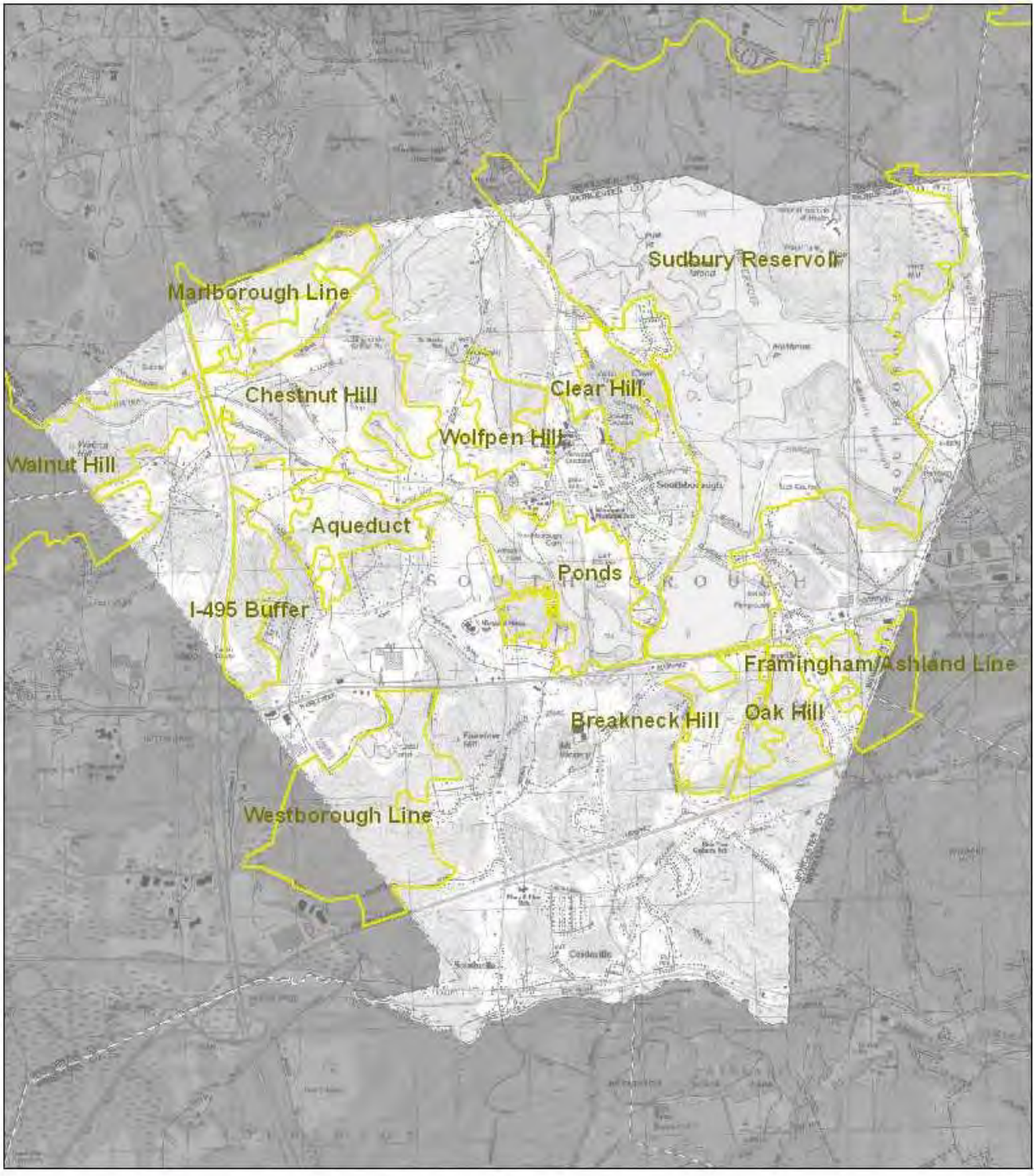

Figure 6b. Focus Areas for Land Protection in Southborough, Massachusetts.

Notes: USGS topo maps and town boundaries from MassGIS.

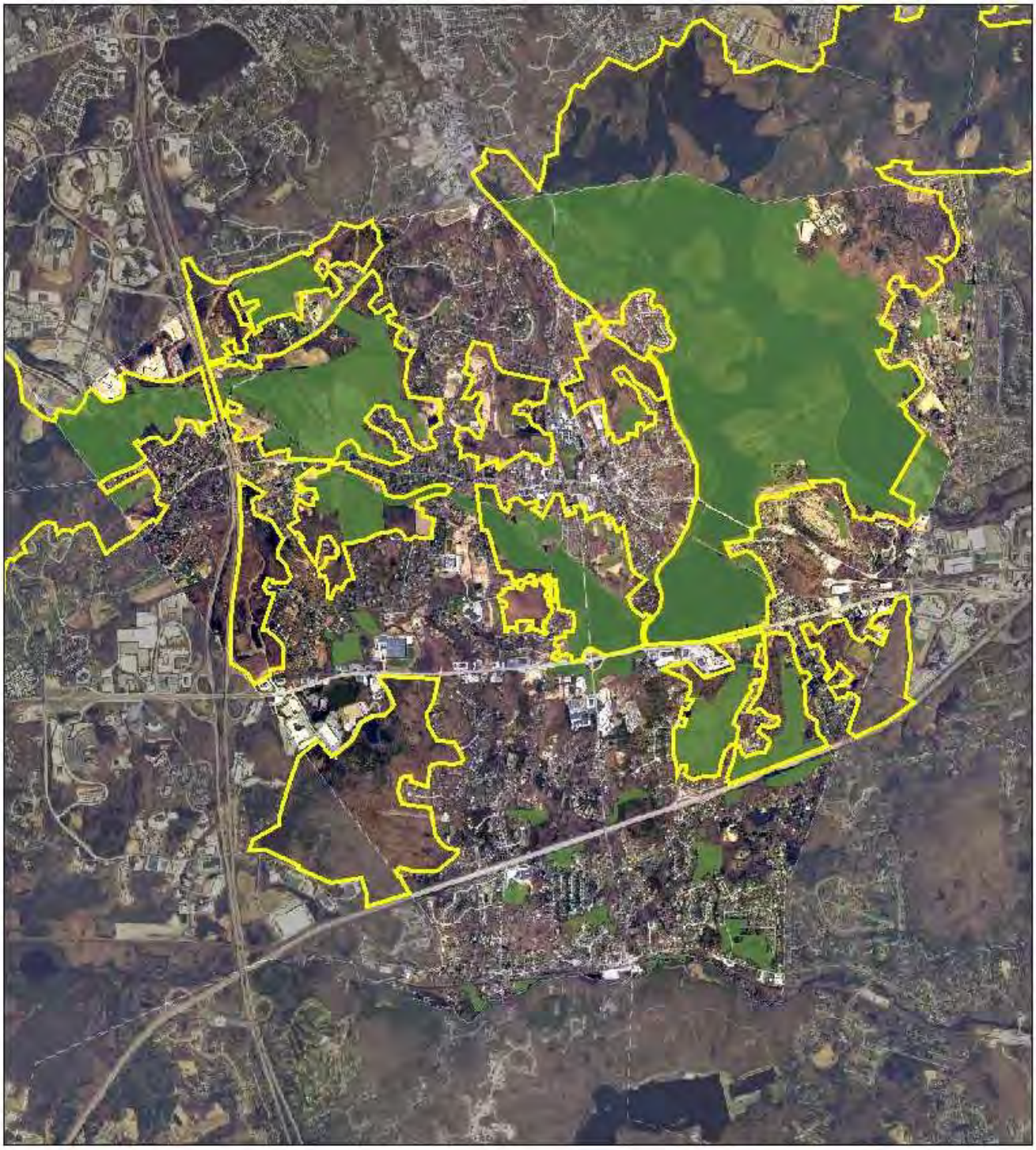

Figure 7. Protected Land in Southborough, Massachusetts.

Notes: 2005 aerial photography and town boundaries from MassGIS. Protected land data from MassGIS, Southborough parcel data, and Sudbury Valley Trustees.

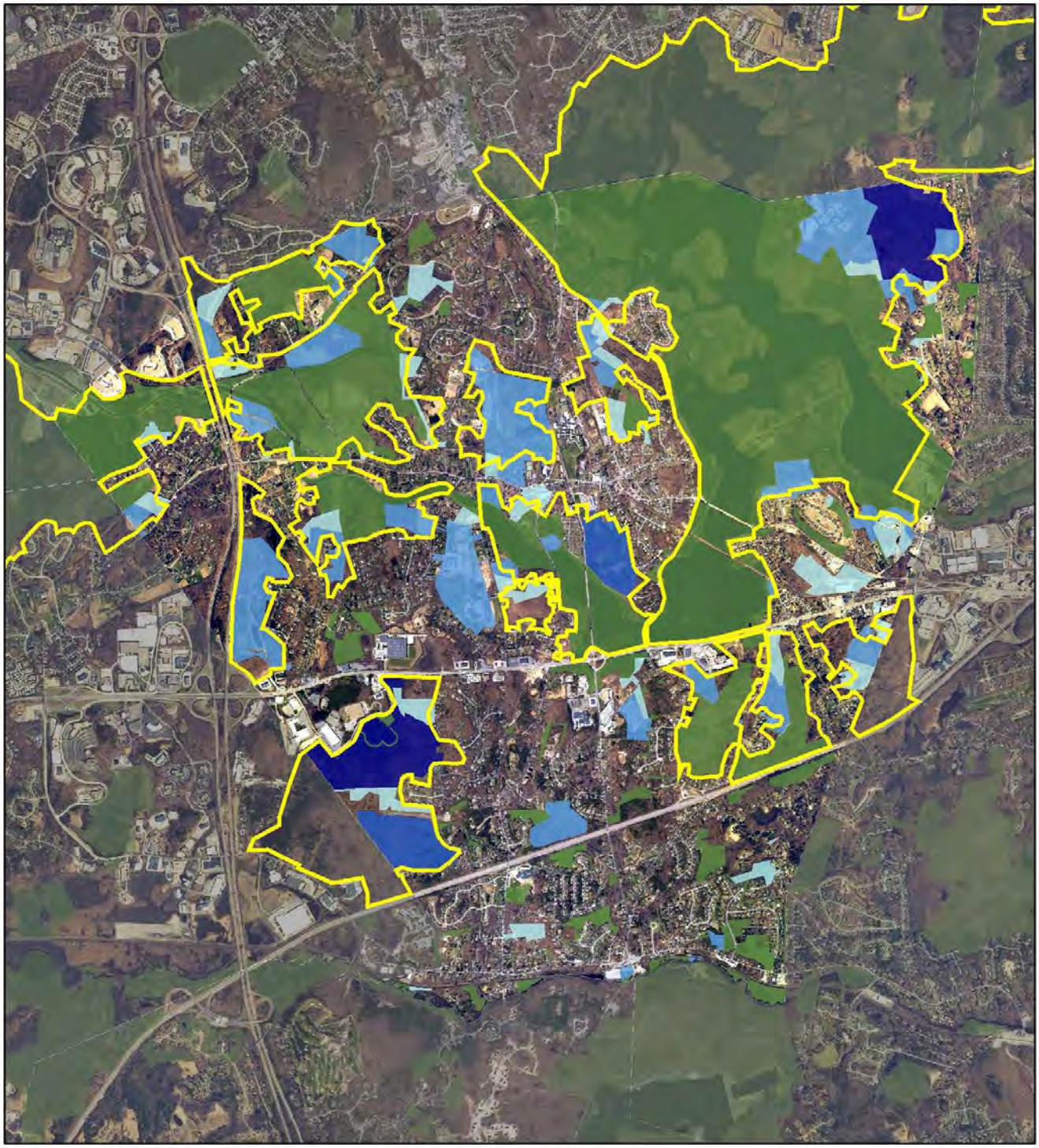

Figure 8. Conservation Priorities in Southborough, Massachusetts.

Notes: 2005 aerial photography and town boundaries from MassGIS. Protected land data from MassGIS, Southborough parcel data, and Sudbury Valley Trustees. Priority data from analysis by Mass Audubon Ecological Extension Service.

Figure 9. Conservation Priorities in the Marlborough Line and Chestnut Hill Focus Areas.

Notes: 2005 aerial photography and town boundaries from MassGIS. Protected land data from MassGIS, Southborough parcel data, and Sudbury Valley Trustees. Priority data from analysis by Mass Audubon Ecological Extension Service.

Figure 10. Conservation Priorities in the Walnut Hill Focus Area.

Focus Areas
Southborough Parcels
Protected Land
72-08 Map/Lot number

Conservation Priority Score
priority — highest priority

0 — 1,000 Feet

Notes: 2005 aerial photography and town boundaries from MassGIS. Protected land data from MassGIS, Southborough parcel data, and Sudbury Valley Trustees. Priority data from analysis by Mass Audubon Ecological Extension Service.

Figure 11. Conservation Priorities in the I-495 Buffer and Aqueduct Focus Areas.

Focus Areas
Southborough Parcels
Protected Land
72-08 Map/Lot number

Conservation Priority Score
priority — highest priority

0 — 1,000 Feet

Notes: 2005 aerial photography and town boundaries from MassGIS. Protected land data from MassGIS, Southborough parcel data, and Sudbury Valley Trustees. Priority data from analysis by Mass Audubon Ecological Extension Service.

Figure 12. Conservation Priorities in the Westborough Line Focus Area.

Notes: 2005 aerial photography and town boundaries from MassGIS. Protected land data from MassGIS, Southborough parcel data, and Sudbury Valley Trustees. Priority data from analysis by Mass Audubon Ecological Extension Service.

Figure 13. Conservation Priorities in the Breakneck Hill, Oak Hill, and Framingham Line Focus Areas.

Notes: 2005 aerial photography and town boundaries from MassGIS. Protected land data from MassGIS, Southborough parcel data, and Sudbury Valley Trustees. Priority data from analysis by Mass Audubon Ecological Extension Service.

Figure 14. Conservation Priorities in the Ponds Focus Area.

Notes: 2005 aerial photography and town boundaries from MassGIS. Protected land data from MassGIS, Southborough parcel data, and Sudbury Valley Trustees. Priority data from analysis by Mass Audubon Ecological Extension Service.

Figure 15. Conservation Priorities in the Wolfpen Hill and Clear Hill Focus Areas.

Notes: 2005 aerial photography and town boundaries from MassGIS. Protected land data from MassGIS, Southborough parcel data, and Sudbury Valley Trustees. Priority data from analysis by Mass Audubon Ecological Extension Service.

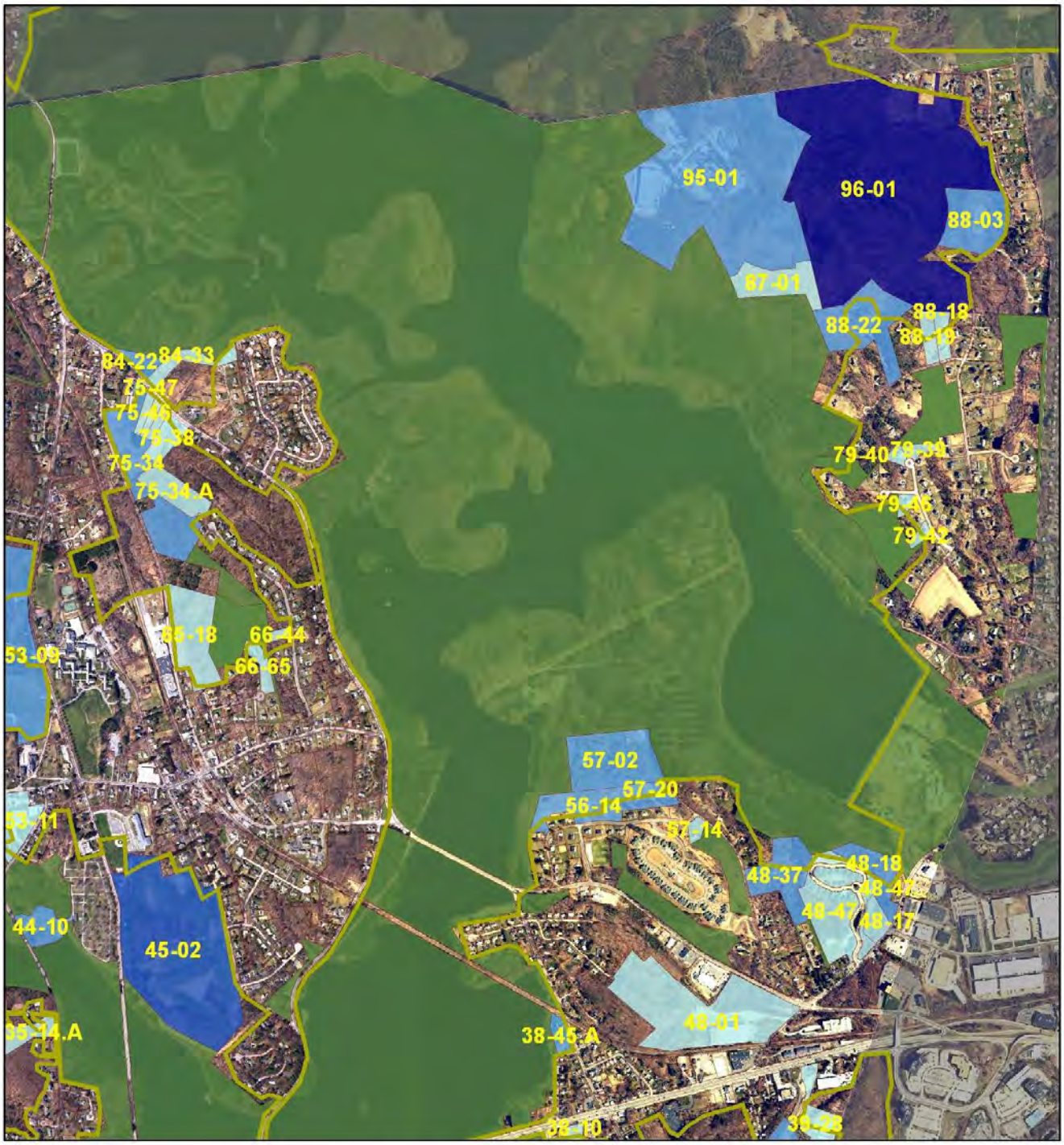

Figure 16. Conservation Priorities in the Sudbury Reservoir Focus Area.

Focus Areas
Southborough Parcels
Protected Land
72-08 Map/Lot number

Conservation Priority Score
priority — highest priority

0 1,000 Feet

Notes: 2005 aerial photography and town boundaries from MassGIS. Protected land data from MassGIS, Southborough parcel data, and Sudbury Valley Trustees. Priority data from analysis by Mass Audubon Ecological Extension Service.

Appendix #6: ADA Self-Evaluation and Transition Plan

Introduction

The ADA Self-Access Evaluation is "a detailed assessment of the recreation department and conservation commission [that]… includes a site-by-site inventory of all recreation and conservation areas and buildings, programs or services and a transition plan if any changes are necessary to make these public facilities, programs, or services accessible. The Assessment should ensure compliance with Federal anti-discrimination regulations under the Americans with Disabilities Act of 1990, as Amended ("ADA").[1]

The requirements of the ADA are administered in Massachusetts by the Architectural Access Board ("AAB"), as set forth in the Code of Massachusetts Regulations.[2] The purpose of the ADA requirements is to "seek to create or adapt sites, buildings and facilities so that they can be approached, entered, and used by persons with disabilities." For the purpose of an OSRP, public recreational and conservation facilities must be evaluated for compliance with the ADA in accordance with the Code of Massachusetts Regulations. It should be noted, however, that the DCS Workbook emphasizes the creation of an accessible system of facilities rather than an inventory of facilities in which every site is fully accessible.

A. ADMINISTRATIVE REQUIREMENTS

1. Designation of an ADA Coordinator

The ADA Coordinator for the Town of Southborough is:

Mark Purple
Southborough Town House
17 Common Street
Southborough, MA 01772-9109
Telephone #: 508-485-0710
Email: mpurple@southboroughma.com

The following letter signed by Brian Shea, Chairman of the Board of Selectmen, officially designates Mark Purple as the ADA Coordinator: A letter from Mark Purple certifying the Town's nondiscrimination policy also follows.

[1] ADA
[2] 521 CMR 19:00

TOWN OF SOUTHBOROUGH

OFFICE OF THE BOARD OF SELECTMEN
TOWN HOUSE · 17 COMMON STREET · SOUTHBOROUGH, MASSACHUSETTS 01772-1662
(508) 485-0710 · FAX (508) 480-0161 · selectmenoffice@southboroughma.com

December 18, 2019

Ms. Melissa Cryan, Grants Manager
Division of Conservation Services
100 Cambridge Street — Suite 900
Boston, MA 02114

Dear Ms. Cryan:

Please be advised that Mark J. Purple is currently Southborough's ADA Coordinator. If you have any questions, please contact me.

Sincerely,

Brian E. Shea, Chairman
Board of Selectmen

TOWN OF SOUTHBOROUGH

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(508) 485-0710 · FAX (508) 480-0161 · selectmenoffice@southboroughma.com

December 18, 2019

Ms. Melissa Cryan, Grants Manager
Division of Conservation Services
100 Cambridge Street — Suite 900
Boston, MA 02114

Dear Ms. Cryan:

As the Town of Southborough's ADA Coordinator, I hereby confirm that Southborough's employment practices, including recruitment, personnel actions, leave administration, training tests, medical exams/questionnaires, social and recreational programs, collective bargaining agreements and wage and salary administration, are consistent with ADA requirements.

In the event you have questions regarding this matter, please advise.

Sincerely,

Mark J. Purple
ADA Coordinator

2. Grievance Procedures

The following ADA Compliance Policy is in place for the public to follow in the event that a complaint must be made in connection with accessibility of conservation or recreation facilities:
Maximum opportunity will be made available to receive citizen comments, complaints, and/or to resolve grievances or inquiries.

The following Grievance Procedure is established to meet the requirements of the Americans with Disabilities Act. It may be used by anyone who wishes to file a complaint alleging discrimination on the basis of disability in employment practices and policies or the provision of services, activities, programs and benefits by the Town of Southborough.

The complaint should be in writing and contain information about the alleged discrimination such as name, address, telephone number of complainant and location, date and description of the problem. Reasonable accommodations, such as personal interviews or a tape recording of the complaint, will be made available for persons with disabilities who are unable to submit a written complaint.

The complaint should be submitted by the grievant and/or his/her designee as soon as possible but no later than 60 calendar days after the alleged violation to:

Mark Purple
ADA Coordinator
Southborough Town House
17 Common Street Southborough, MA 01772-9109
Telephone #: 508-485-1710
Email: mpurple@southboroughma.com

Within 15 calendar days after receipt of the complaint ADA Coordinator will meet with the complainant and the appropriate department head and/or board to discuss the complaint and possible resolutions. Within 15 calendar days after the meeting ADA Coordinator Mark Purple will respond in writing, and where appropriate in a format accessible to the complainant such as audio tape. The response will explain the position of the Town of Southborough and offer options for substantive resolution of the complaint.

If the response by ADA Coordinator Mark Purple, does not satisfactorily resolve the issue, the complainant and/or his/her designee may appeal the decision of the ADA Coordinator within 15 calendar days after receipt of the response to the Board of Selectmen or its designee.

Within 15 calendar days after receipt of the appeal, the Board of Selectmen or its designee will meet with the complainant to discuss the complaint and possible resolutions. Within 15 calendar days after the meeting the Board of Selectmen or its designee will respond in writing, and where appropriate in a format accessible to the complainant such as audio tape, with a final resolution of the complaint.

All complaints received by ADA Coordinator Mark Purple appeals to the Board of Selectmen or its designee and responses from the ADA Coordinator and the Board of Selectmen or its designee will be kept by the Town of Southborough for at least three years. [adopted by Selectmen August 18, 1992]

3. Public Notification Requirements

3.0 EQUAL EMPLOYMENT OPPORTUNITY
3-1. EQUAL EMPLOYMENT OPPORTUNITY POLICY AND AFFIRMATIVE ACTION PROGRAM The Town of Southborough commits itself to the principles and practices of equal

employment opportunity, in compliance with Titles VI and VII of the Civil Rights Act of 1964; Executive Order No. 227 as amended; MGL Chapter 151B; and all other applicable Federal and State laws and regulations. The Town of Southborough, recognizing the right of an individual to work and to advance on the basis of merit, ability, and potential without regard to race, gender, sexual orientation, color, disability, religion, national origin, national ancestry, or age, resolves to take affirmative action measures to ensure equal opportunity in the areas of hiring, promotion, demotion or transfer, recruitment, layoff or termination, rate of compensation, training programs, and all terms and conditions of employment. The Town of Southborough shall strive to eliminate any systemic discrimination that may be pervasive throughout the place of employment, or throughout the personnel program that could adversely affect the Town's goals relative to equal employment opportunity. It is intended that the affirmative action plan of the Town shall constitute a formalization of philosophy and practice sufficient to guarantee equality for all persons employed by or seeking employment with the Town of Southborough, and shall serve as a firm statement of public policy endorsed by the highest levels of Town Government.

3-2. STRUCTURE AND IMPLEMENTATION The Town Administrator shall annually appoint an Affirmative Action Officer. In the absence of such appointment, said position shall be filled by the Town Administrator.

3-3. THE AFFIRMATIVE ACTION OFFICER SHALL (A) Be responsible for the development and implementation of policies, procedures, guidelines, and regulations for the Town to ensure that the Town employment process operates in compliance with Titles VI and VII of the Civil Rights Act of 1964 and all subsequent amendments, relevant State laws, and Municipal policy; and (B) Monitor hiring practices and appointments of all Town departments and agencies of Town Government for compliance with federal and state law as cited above.

3-4. COMPLAINT PROCEEDINGS Any written complaint alleging violation of the procedural terms and intent of this section shall be processed in accordance with the provisions of the Affirmative Action Program, except that complaints of discriminatory treatment on the basis of a disability should be referred to the Affirmative Action Officer.

4. Participation of Individuals with Disabilities or Organizations Representing the Disabled Community

The ADA Coordinator reviewed the report.

B. PROGRAM ASSESSBILITY

The DCS Workbook calls for an inventory and a future transition plan that includes the buildings, recreation facilities and equipment (swimming areas, tot lots, etc.), programs, and services under the jurisdiction of the Conservation Commission or Recreation Department, including lessees or concessionaires. The inventory is an analysis of the existing conditions at conservation and recreation sites for compliance with the Architectural Access Board (AAB) regulations, while the transition plan identifies a path towards improved accessibility and ADA compliance.

Facility Inventory:

There are ten sites in the Town of Southborough that are under the jurisdiction of the Conservation Commission or Recreation Department and include the requisite facilities to require study for ADA compliance. All ten are under the jurisdiction of the Recreation Department. The sites offer a variety of opportunities for public use, however, their most frequently-reviewed facilities were fields or playground equipment with associated parking, paths, picnic areas, and restrooms.

1. Recreation Facilities

Recreation facilities in Southborough include picnic sites, trails, tot lots, and playing fields and courts. The facilities were reviewed for their proximity to accessible paths and their compliance with accessibility requirements set forth by the AAB. Common requirements include accessible dimensions and features on equipment, proper signage including for the visually impaired, and accompanying programs and services that provide opportunities to the disabled community.

2. Parking

Any public recreation or conservation site with designated off-street parking shall comply with the parking and passenger loading zone provisions set forth in 521 CMR 23.00 ("the Parking Requirements"). The Parking Requirements set forth a minimum number of accessible spaces that must be provided according to the number of total spaces available in the lot, as follows:

Total Spaces in Lot	Required Minimum Number of Accessible Spaces
15-25	1
26-50	2
51-75	3
76-100	4
101-150	5
151-200	6
201-300	7
301-400	8
401-500	9
501-1,000	2% of total
1,001+	20 plus 1 for each 100 over 1000

Source: 521 CMR 23.2.1

Furthermore, one in every eight accessible spaces, but not less than one space, shall be van accessible.[3] Van accessible spaces must provide a minimum vertical clearance of eight feet, two inches at the parking space and along at least one vehicle access route to such spaces from site entrances and exits. The space shall also

[3] 521 CMR 23.2.2

have a minimum dimension of eight feet in width as well as an eight-foot-wide adjacent access aisle, and be marked by a sign designating it as "Van Accessible".[4] Alternatively, the van requirement may be satisfied by having all handicapped spaces eleven or more feet wide.[5]

3. Ramps

For the purposes of ADA compliance, any part of an accessible route with a slope greater than 5% shall be considered a ramp.[6] Ramp designation triggers slope, rise, width, and landing requirements as well as gripping requirements on rails and surfaces.

4. Site Access, Path of Travel and Entrances

Any accessible route shall provide a continuous unobstructed path connecting accessible spaces and elements inside and outside a facility.[7] The route must adhere to width, turning radius, passing space, and slope requirements. Furthermore, an accessible route may also be designated as a walkway, giving rise to further requirements set forth in 521 CMR 22:00.

5. Rest Rooms

None of the facilities include permanent public toilet rooms.

6. Picnicking

Picnic areas are regulated under recreational facilities in 521 CMR 19.6. The regulations require that picnic facilities be accessible from an accessible route that is paved or hard packed.[8] Additionally, 5% of tables provided at a site shall comply with 521 CMR 19.5.2, which sets forth dimensional requirements for accessible tables. By and large, the picnic facilities at Southborough recreation sites do not comply with the requirements.

The following Facility Inventory is a comprehensive accessibility evaluation of all under the jurisdiction of the Recreation Department or Conservation Commission with public facilities. The Conservation Commission properties that do not have forms completed are natural areas with no facilities to evaluate.

[4] 521 CMR 23.4.7
[5] 521 CMR 23.4.7
[6] 521 CMR 24:00
[7] 521 CMR 20.1
[8] 521 CMR 19.6.1

911 Memorial Field

Address: Acre Bridge Road
Parcel No.: 58-002A
Acreage: 2± acres (on Department of Conservation and Recreation's Sudbury Reservoir land)
Facilities: Artificial turf field, parking lot

The 911 Memorial Field is on Sudbury Reservoir property but is operated and maintained by the Recreation Commission. It occupies about 2 acres and has a gravel parking lot. There is a small set of bleachers for spectators that can be reached by an accessible path from the handicapped spaces in the parking lot.

911 Memorial Field		
Facilities		
Game Area 1: Multi-purpose turf field	Access Routes	Accessible path provides access to spectator seating but not onto the field
		Access onto the field is difficult at gates due to terrain and physical barriers
	Equipment	One set of open bleachers at the rear of the site can be reached by the accessible path. There is no other equipment
Programming	Special program availability	There is no programming currently available at 911 Memorial Field
PARKING		
Total Spaces	*55*	
Required Accessible Spaces:	3	
Existing Accessible Spaces:	4	Two spaces appear to be van spaces, but there is no specific signage.

Parking Features			
Specification	**Yes**	**No**	**Comments**
Accessible space located closest to accessible entrance	√		All accessible spaces are located at the entrance to the accessible path
Where spaces cannot be located within 200 ft of accessible entrance, drop-off area is provided within 100ft			n/a
Minimum width of 13' includes 8' space plus 5' accessible aisle	√		The spaces are not striped, but dimensions appear sufficient
Van space -minimum of 1 van space for every accessible space. 8' wide plus 8' aisle. Alternative is all spaces are 11' wide with 5' aisle	√		There are two van spaces and two standard handicapped spaces
Sign with international symbol of accessibility at each space or pair of spaces	√		
Sign minimum 5', maximum 8'	√		
Surface evenly paved or hard-packed (no cracks)		√	Gravel surface is difficult to traverse

911 Memorial Field (Continued)			
Parking Features			
Specification	**Yes**	**No**	**Comments**
Surface slope less than 1:20 or 5%	√		
Curb cut to pathway from parking lot at each space or pair of spaces (if applicable)	√		
Curb cut is a minimum width of 3', excluding sloped sides, has sloped sides, all slopes not to exceed 1:12, and textured or painted yellow		√	Not painted, but curb is minimal
Site Access			
Specification	**Yes**	**No**	**Comments**
Accessible path of travel from passenger disembarking area and parking area to accessible entrance	√		
Disembarking area at accessible entrance	√		
Surface evenly paved or hard-packed	√		Hard-packed stone dust could use maintenance.
Path of Travel			
Specification	**Yes**	**No**	**Comments**
Path does not require the use of stairs	√		
Path is stable, firm, and slip resistant	√		
3' wide minimum	√		
Slope maximum 5% and maximum cross pitch 2%	√		Estimated
Continuous common surface	√		Hard-packed stone dust could use maintenance
Any objects protruding into pathway are detectable by a person with a visual disability using a cane			n/a
Objects protruding more than 4% from the wall must be within 27" of the ground or higher than 80%			n/a
Curb on the pathway must have curb cuts at drives, parking, and drop-offs	√		

Fayville Park – Memorial Field

Address: Central Street
Parcel No.: 38-045A
Acreage: 2.37 acres
Facilities: Soccer, outdoor basketball, softball, playground, tot lot

This newly-renovated site features a completely accessible playground and tot lot. It includes several pieces of playground equipment serving younger (2-5) as well as older (5-12) children. It also includes a picnic pavilion, and has 2 van-accessible handicapped parking spaces. It has a soccer and softball field and there is an accessible path to reach those fields.

Fayville Park – Memorial Field		
Facilities		
Picnic Facilities	Tables and Benches	Tables and benches are located adjacent to the accessible path
		There are no back and arm rests on picnic table benches. There are back rests on benches
		There are at least six picnic tables and six benches
	Trash and Recycling	Trash cans, but not recycling bins, were observed adjacent to accessible paths
	Picnic Shelters	A four-table picnic shelter is located along the accessible path.
		The picnic shelter is located near trash cans, porta-potties, and parking.
Play Area-Tot Lot	All play equipment	The same experience is provided to all
	Access Routes	The tot lot is located adjacent to the accessible path
		There is enough space between equipment for wheelchair
Game Area 1: Little League field	Access Routes	The accessible path provides access to the little league field
		A set of open bleachers could be moved closer to the accessible path
Game Area 2: Basketball court	Access Routes	The court is located adjacent to the accessible path
		The accessible path provides a smooth transition onto the court
	Equipment	There is no spectator seating at the basketball court
Programming	Special program availability	There is no programming currently available at Fayville
PARKING		
Total Spaces	2	All facility parking is off-street, but a small paved lot provides two handicap spaces.
Required Accessible Spaces:	1	
Existing Accessible Spaces:	2	One is a van space

Fayville Park – Memorial Field (Continued)			
Parking Features			
Specification	**Yes**	**No**	**Comments**
Accessible space located closest to accessible entrance	√		
Where spaces cannot be located within 200 ft of accessible entrance, drop-off area is provided within 100ft			n/a
Minimum width of 13' includes 8' space plus 5' accessible aisle	√		
Van space -minimum of 1 van space for every accessible space. 8' wide plus 8' aisle. Alternative is all spaces are 11' wide with 5' aisle	√		There is one van space and one traditional accessible space
Sign with international symbol of accessibility at each space or pair of spaces	√		
Sign minimum 5', maximum 8'	√		
Surface evenly paved or hard-packed (no cracks)	√		
Surface slope less than 1:20 or 5%	√		
Curb cut to pathway from parking lot at each space or pair of spaces (if applicable)	√		
Curb cut is a minimum width of 3', excluding sloped sides, has sloped sides, all slopes not to exceed 1:12, and textured or painted yellow	√		
Site Access			
Specification	**Yes**	**No**	**Comments**
Accessible path of travel from passenger disembarking area and parking area to accessible entrance	√		
Disembarking area at accessible entrance	√		
Surface evenly paved or hard-packed	√		New asphalt

Continued

Fayville Park – Memorial Field (Continued)			
Path of Travel			
Specification	**Yes**	**No**	**Comments**
Path does not require the use of stairs	√		
Path is stable, firm, and slip resistant	√		
3' wide minimum	√		
Slope maximum 5% and maximum cross pitch 2%	√		
Continuous common surface	√		
Any objects protruding into pathway are detectable by a person with a visual disability using a cane			n/a
Objects protruding more than 4% from the wall must be within 27" of the ground or higher than 80%			n/a
Curb on the pathway must have curb cuts at drives, parking, and drop-offs	√		
Picnicking			
Specification	**Yes**	**No**	**Comments**
Minimum of 5% of tables are accessible with clear space under table not less than 30" wide and 19" deep per seating space and not less than 27" clear from the ground to the underside of the table. Additional 29" clear space must extend beyond the 19" clear space under the table to provide access.	√		
For tables without toe clearance, the knee space under the table must be at least 28" high, 30" wide, and 24" deep			n/a
Top of table no higher than 32" above ground	√		
Surface of the clear ground space under and around the table must be stable, firm, and slip-resistant, and evenly graded with a maximum slope of 2% in all directions	√		
Accessible tables, grills, and fire rings must have clear ground space at least 36" around perimeter	√		

South Union Playground

Address: 21 Highland Street
Parcel No.: 03-003
Acreage: 3.0 acres
Facilities: Playground

This playground is on the grounds of the historic South Union Building, which now hosts an art center. Access to the playground is from Atwood Street to the rear of the building. There are handicapped spaces and an accessible path to the playground and its equipment.

South Union Playground		
Facilities		
Picnic Facilities	Tables and Benches	The three picnic tables are located adjacent to accessible paths
		There are no back and arm rests on the table benches
		There is an adequate number of tables and benches
	Trash and Recycling	One trash can and zero recycling bins were observed adjacent to accessible paths
	Picnic Shelters	The picnic shelter is located adjacent to the accessible path
		The shelter is located near accessible trash cans, parking, and porta potties.
Play Areas (Tot lots)	All play equipment	The same experience is provided to all
	Access Routes	The tot lot is located adjacent to accessible paths
		There is enough space between equipment for wheelchairs
Programming	Special program availability	There is no programming currently available at South Union Playground
PARKING		
Total Spaces	19	The lot is shared with the South Union building. Designated handicapped spaces are adjacent to the building, but an additional unmarked van-capable space is located adjacent to the tot lot entrance.
Required Accessible Spaces:	1	
Existing Accessible Spaces:	2	One is a van space.

Continued

South Union Playground			
Parking Features			
Specification	**Yes**	**No**	**Comments**
Accessible space located closest to accessible entrance		√	Designated accessible spaces are located at the entrance to the building, and not to the tot lot. However, undesignated spaces meet the physical requirements for handicap accessible spaces at the entrance to the tot lot.
Where spaces cannot be located within 200 ft of accessible entrance, drop-off area is provided within 100ft			n/a
Minimum width of 13' includes 8' space plus 5' accessible aisle	√		
Van space -minimum of 1 van space for every accessible space. 8' wide plus 8' aisle. Alternative is all spaces are 11' wide with 5' aisle	√		
Sign with international symbol of accessibility at each space or pair of spaces	√		
Sign minimum 5', maximum 8'	√		
Surface evenly paved or hard-packed (no cracks)	√		
Surface slope less than 1:20 or 5%	√		
Curb cut to pathway from parking lot at each space or pair of spaces (if applicable)			n/a
Curb cut is a minimum width of 3', excluding sloped sides, has sloped sides, all slopes not to exceed 1:12, and textured or painted yellow			n/a

Continued

South Union Playground			
Site Access			
Specification	**Yes**	**No**	**Comments**
Accessible path of travel from passenger disembarking area and parking area to accessible entrance	√		
Disembarking area at accessible entrance	√		
Surface evenly paved or hard-packed	√		
Path of Travel			
Specification	**Yes**	**No**	**Comments**
Path does not require the use of stairs	√		
Path is stable, firm, and slip resistant	√		
3' wide minimum	√		
Slope maximum 5% and maximum cross pitch 2%	√		
Continuous common surface	√		
Any objects protruding into pathway are detectable by a person with a visual disability using a cane			n/a
Objects protruding more than 4% from the wall must be within 27" of the ground or higher than 80%			n/a
Curb on the pathway must have curb cuts at drives, parking, and drop-offs			n/a

Continued

South Union Playground			
Picnicking			
Specification	**Yes**	**No**	**Comments**
Minimum of 5% of tables are accessible with clear space under table not less than 30" wide and 19" deep per seating space and not less than 27" clear from the ground to the underside of the table. Additional 29" clear space must extend beyond the 19" clear space under the table to provide access.	√		Clearance requirements are met on some but not all sides. Middle table does not meet 29" additional clearance
For tables without toe clearance, the knee space under the table must be at least 28" high, 30" wide, and 24" deep	√		
Top of table no higher than 32" above ground	√		
Surface of the clear ground space under and around the table must be stable, firm, and slip-resistant, and evenly graded with a maximum slope of 2% in all directions	√		
Accessible tables, grills, and fire rings must have clear ground space at least 36" around perimeter	√		Tables have 36" clear ground space on some but not all sides

Lunblad Memorial Field

Address: 53 Parkerville Road
Parcel No.: 43-018
Acreage: 80.7 acres (On Neary School grounds)
Facilities: Baseball, track soccer

This field is on the grounds of the Neary School. There are 2 handicapped parking spaces on a pull-out off Parkersville Road. The pull-out and spaces are in need of repair. There is a paved path up to the fields but stops at the top of the hill. It appears to be too steep to qualify as an accessible path.

Lunblad Memorial Field		
Facilities		
Game Areas: Multiple grass soccer/multi-purpose fields	Access Routes	A paved (but not accessible) path leads to the edge of the field from the drop-off and parking area, but it provides very minimal access.
		No spectator seating or other equipment was observed.
Programming	Special program availability	No programming is currently offered at Lundblad Memorial Field
Parking Count		
Total Spaces	2	
Required Accessible Spaces:	1	
Existing Accessible Spaces:	2	Parking is limited to two parallel spaces, both handicap, but neither van.

Parking Features

Specification	Yes	No	Comments
Accessible space located closest to accessible entrance	√		
Where spaces cannot be located within 200 ft of accessible entrance, drop-off area is provided within 100ft			n/a
Minimum width of 13' includes 8' space plus 5' accessible aisle		√	
Van space -minimum of 1 van space for every accessible space. 8' wide plus 8' aisle. Alternative is all spaces are 11' wide with 5' aisle		√	
Sign with international symbol of accessibility at each space or pair of spaces	√		
Sign minimum 5', maximum 8'	√		
Surface evenly paved or hard-packed (no cracks)	√		
Surface slope less than 1:20 or 5%	√		
Curb cut to pathway from parking lot at each space or pair of spaces (if applicable)	√		
Curb cut is a minimum width of 3', excluding sloped sides, has sloped sides, all slopes not to exceed 1:12, and textured or painted yellow		√	Meets all requirements except texture or yellow paint

Richardson Tennis Courts

Address: 53 Parkerville Road
Parcel No.: 43-018
Acreage: 80.7 acres (On grounds of Trottier Middle and Neary Elementary School)
Facilities: Tennis courts, parking

Richardson Tennis Courts are located on the grounds of the Trottier Middle and Neary Elementary Schools. There are 3 recently repaved courts. There are no handicapped spaces in the parking lot.

Richardson Tennis Courts				
Facilities				
Game Area: Tennis Courts	Access Routes	Accessible path from parking to courts		
		Entryway to parking area would benefit from curb cut at sidewalk		
	Equipment	There is a bench near the accessible path and a handicap porta potty in the parking area.		
Programming	Special program availability	There are no current offerings at Richardson tennis courts		
Parking Count				
Total Spaces	18			
Required Accessible Spaces:	1			
Existing Accessible Spaces:	0			
Parking Features				
Specification			**Yes**	**No**	**Comments**
Accessible space located closest to accessible entrance				√	
Where spaces cannot be located within 200 ft of accessible entrance, drop-off area is provided within 100ft				√	
Minimum width of 13' includes 8' space plus 5' accessible aisle				√	
Van space -minimum of 1 van space for every accessible space. 8' wide plus 8' aisle. Alternative is all spaces are 11' wide with 5' aisle				√	
Sign with international symbol of accessibility at each space or pair of spaces				√	
Sign minimum 5', maximum 8'				√	
Surface evenly paved or hard-packed (no cracks)			√		
Surface slope less than 1:20 or 5%			√		
Curb cut to pathway from parking lot at each space or pair of spaces (if applicable)					n/a
Curb cut is a minimum width of 3', excluding sloped sides, has sloped sides, all slopes not to exceed 1:12, and textured or painted yellow					n/a

Continued

Richardson Tennis Courts (Continued)			
Site Access			
Specification	**Yes**	**No**	**Comments**
Accessible path of travel from passenger disembarking area and parking area to accessible entrance	√		
Disembarking area at accessible entrance	√		
Surface evenly paved or hard-packed	√		
Path of Travel			
Specification	**Yes**	**No**	**Comments**
Path does not require the use of stairs	√		
Path is stable, firm, and slip resistant	√		
3' wide minimum	√		
Slope maximum 5% and maximum cross pitch 2%	√		
Continuous common surface	√		
Any objects protruding into pathway are detectable by a person with a visual disability using a cane			n/a
Objects protruding more than 4% from the wall must be within 27" of the ground or higher than 80%			n/a
Curb on the pathway must have curb cuts at drives, parking, and drop-offs			n/a

Kallander Field

Address: Kallander Drive
Parcel No.: 56-012
Acreage: 2.63 acres
Facilities: Grass field, parking

Kallander Field is a grass field used primarily for soccer. It has a gravel parking lot.

Kallander Field		
Facilities		
Game Area 1: Soccer field	Access Routes	A paved sidewalk and access area provides access to the
	Equipment	There is no spectator seating or additional equipment at the field
Programming	Special program	There are no programs currently offered at the field.
Parking Count		
Total Spaces	30	Count is an estimate since the lot is unpaved and there is neither lines nor signs.
Required Accessible	2	
Existing Accessible Spaces:	0	The gravel lot does not designate spaces, and there are no designated handicapped spaces.

Parking Features			
Specification	**Yes**	**N**	**Comments**
Accessible space located closest to accessible		*V*	
Where spaces cannot be located within 200 ft of accessible entrance, drop-off area is			n/a
Minimum width of 13' includes 8' space plus 5'			Spaces are not striped
Van space -minimum of 1 van space for every accessible space. 8' wide plus 8' aisle. Alternative is all spaces are 11' wide with 5'		*V*	
Sign with international symbol of accessibility at each space or pair of spaces			
Sign minimum 5', maximum 8'		*V*	
Surface evenly paved or hard-packed (no cracks)		*V*	Paved area is good, but gravel is difficult to traverse
Surface slope less than 1:20 or 5%	*V*		
Curb cut to pathway from parking lot at each space or pair of spaces (if applicable)			n/a
Curb cut is a minimum width of 3', excluding sloped sides, has sloped sides, all slopes not to exceed 1:12, and textured or painted			n/a

Site Access			
Specification	**Yes**	**N**	**Comments**
Accessible path of travel from passenger disembarking area and parking area to accessible entrance		*V*	There is no accessible path, but the field directly abuts the parking lot.
Disembarking area at accessible entrance	*V*		
Surface evenly paved or hard-packed	*V*		There is a small paved area, the rest is gravel

Liberty Estates Field

Address: Liberty Road
Parcel No.: 05-050
Acreage: 4.46 acres
Facilities: Grass field

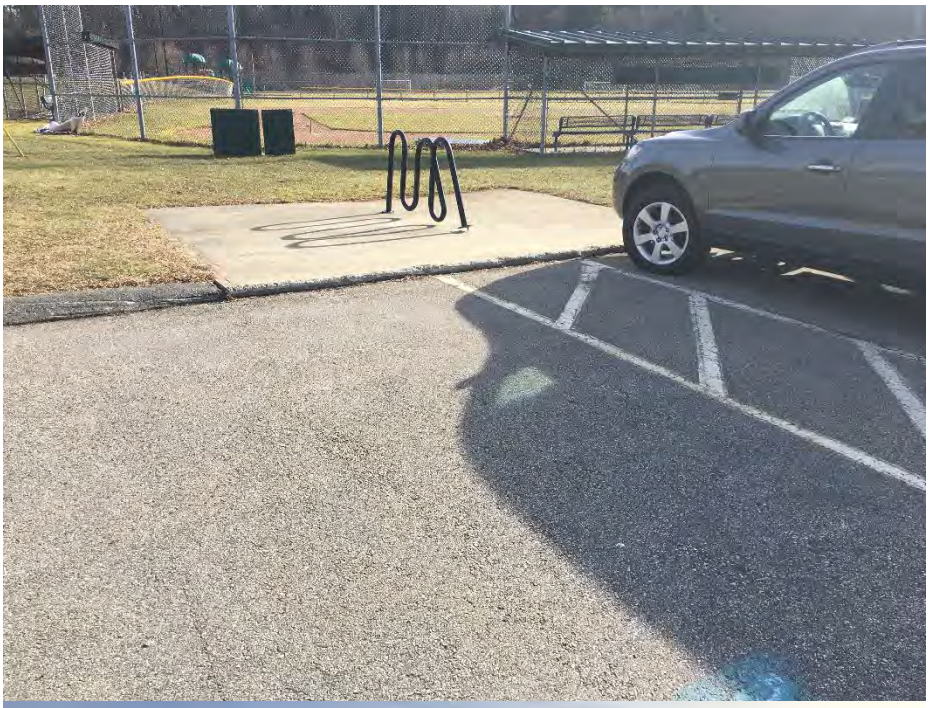
This field occupies about 2-2.5 acres of the 4.46-acre site which the Assessors records indicate is under the jurisdiction of the Conservation Commission. There is no off-street parking, though there is on-street parking. There is no accessible path or any accommodations for the disabled.

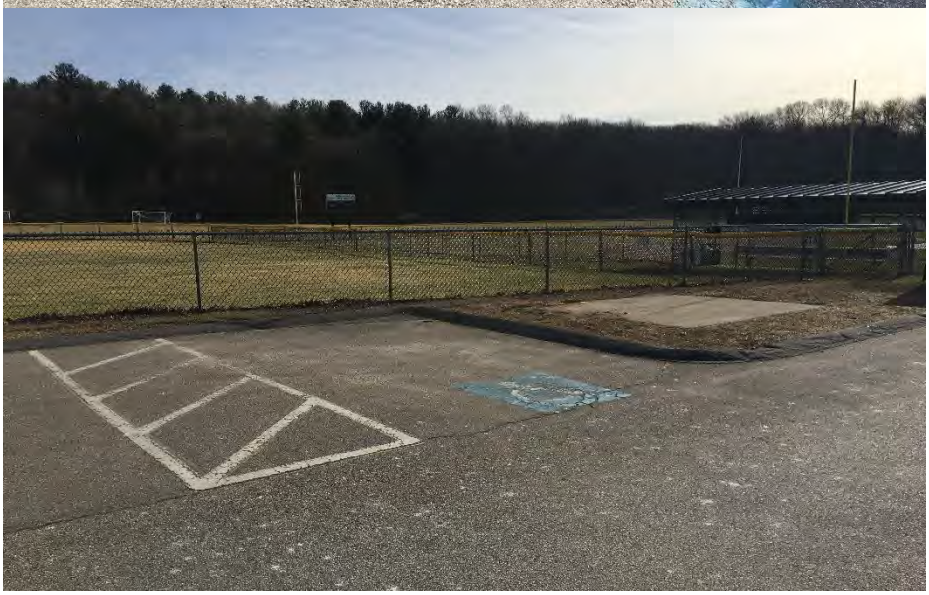
Liberty Estates Field				
Facilities				
Game Area: Grass field	Access Routes	A paved public sidewalk provides access to the edge of		
	Equipment	There is no equipment at the field		
Programming	Special program availability	A "Special Olympics Soccer Challenge" is available in September and October. The program will provide children with intellectual disabilities an opportunity to learn the game in a non-competitive environment.		
Parking Count				
Total Spaces	0	Parking is limited to on-street		
Required Accessible	0			
Existing Accessible Spaces:	0			
Site Access				
Specification			**Yes**	**No**	**Comments**
Accessible path of travel from passenger disembarking area and parking area to accessible entrance				*V*	There is only on-street parking and drop-off.
Disembarking area at accessible entrance				*V*	
Surface evenly paved or hard-packed				*V*	

George Mooney Park

Address: Parkerville Road
Parcel No.: 07-023
Acreage: 7.03 acres
Facilities: Three baseball diamonds, batting cages, softball diamond, 2 tennis courts

George Mooney Park offers multiple baseball and softball venues as well as batting cages and tennis courts. There is a van-accessible handicapped space at each end of the parking lot, but no accessible path from those spaces to anywhere.





George Mooney Park				
Facilities				
Game Areas: Baseball, softball, tennis	Access Routes	No accessible route.		
	Equipment	There is no spectator seating.		
Programming	Special program	There are no programs currently offered at the field.		
Parking Count				
Total Spaces	45			
Required Accessible	2			
Existing Accessible Spaces:	2			
Parking Features				
Specification		**Yes**	**N**	**Comments**
Accessible space located closest to accessible		*V*		But no accessible path
Where spaces cannot be located within 200 ft of accessible entrance, drop-off area is			*V*	n/a
Minimum width of 13' includes 8' space plus 5'		*V*		
Van space -minimum of 1 van space for every accessible space. 8' wide plus 8' aisle. Alternative is all spaces are 11' wide with 5'		*V*		
Sign with international symbol of accessibility at each space or pair of spaces		*V*		
Sign minimum 5', maximum 8'		*V*		
Surface evenly paved or hard-packed (no cracks)			*V*	In lot is good, but no path off lot.
Surface slope less than 1:20 or 5%				n/a
Curb cut to pathway from parking lot at each space or pair of spaces (if applicable)			*V*	n/a
Curb cut is a minimum width of 3', excluding sloped sides, has sloped sides, all slopes not to exceed 1:12, and textured or painted				n/a
Site Access				
Specification		**Yes**	**N**	**Comments**
Accessible path of travel from passenger disembarking area and parking area to accessible entrance			*V*	There is no accessible path, but the field directly abuts the parking lot.
Disembarking area at accessible entrance			*V*	
Surface evenly paved or hard-packed		*V*		

Town Forest

Address: Kidder/Woodland/Walnut
Parcel No.: 22-002, 22-003, 22-014, 22-015, 23-008
Acreage: 45.29 acres
Facilities: Forest

Town Forest is a natural forest area with no facilities for parking other than a spot where people pull off onto the side of the road.

Town Forest		
Facilities		
Trails	Access Routes	n/a
		n/a
Programming		n/a
Parking Count		
Total Spaces	0	
Required Accessible	0	
Existing Accessible Spaces:	0	

Parking Features			
Specification	**Yes**	**N**	**Comments**
Accessible space located closest to accessible		V	
Where spaces cannot be located within 200 ft of accessible entrance, drop-off area is			n/a
Minimum width of 13' includes 8' space plus 5'			n/a
Van space -minimum of 1 van space for every accessible space. 8' wide plus 8' aisle. Alternative is all spaces are 11' wide with 5'		V	
Sign with international symbol of accessibility at each space or pair of spaces			
Sign minimum 5', maximum 8'		V	
Surface evenly paved or hard-packed (no cracks)		V	
Surface slope less than 1:20 or 5%		V	
Curb cut to pathway from parking lot at each space or pair of spaces (if applicable)		V	n/a
Curb cut is a minimum width of 3', excluding sloped sides, has sloped sides, all slopes not to exceed 1:12, and textured or painted		V	n/a

Site Access			
Specification	**Yes**	**N**	**Comments**
Accessible path of travel from passenger disembarking area and parking area to accessible entrance		V	There is no parking or disembarking area.
Disembarking area at accessible entrance		V	
Surface evenly paved or hard-packed		V	

Triangle Park

Address: Southville Road
Parcel No.: 04-001
Acreage: 0.74 acres
Facilities: Walking path, benches, garden

Triangle Park is a passive park located in a triangle of Town-owned land surrounded by Southville Road, Cordaville Road and River Street. It has a walking path and benches as well as several trees, shrubs and flowers. There are no parking facilities, though there is an accessible path from a privately-owned parking lot across River Street.

Triangle Park				
Facilities				
Walking path, benches	Access Routes	A paved walkway provides access throughout the park		
	Equipment	n/a		
Programming		n/a		
Parking Count				
Total Spaces	0			
Required	0			
Existing Accessible Spaces:	0			
Parking Features				
Specification		**Ye**	**N**	**Comments**
Accessible space located closest to			*V*	
Where spaces cannot be located within 200 ft of accessible entrance,				n/a
Minimum width of 13' includes 8' space plus				n/a
Van space -minimum of 1 van space for every accessible space. 8' wide plus 8' aisle. Alternative is all spaces			*V*	
Sign with international symbol of accessibility at each space or pair of				
Sign minimum 5', maximum 8'			*V*	
Surface evenly paved or hard-packed (no cracks)		*V*		
Surface slope less than 1:20 or 5%		*V*		
Curb cut to pathway from parking lot at each space or pair of spaces (if				n/a
Curb cut is a minimum width of 3', excluding sloped sides, has sloped sides, all slopes not to exceed 1:12,				n/a
Site Access				
Specification		**Ye**	**N**	**Comments**
Accessible path of travel from passenger disembarking area and parking area to accessible entrance			*V*	There is no parking or disembarking area.
Disembarking area at accessible entrance				There is an accessible path from an off-site parking area.
Surface evenly paved or hard-packed		*V*		The path is smooth, flat and easily accessible

RECEIVED
By Town Clerk/rhc at 2:22 pm, Oct 22, 2020

Board of Selectmen
Executive Session Meeting Minutes
Tuesday, May 19, 2020
Virtual Meeting through Zoom

Present: Brian Shea, Marty Healey, Lisa Braccio, Daniel Kolenda, Sam Stivers, Town Administrator Mark Purple

At 5:30 P.M. Chairman Shea read the following statement:
Pursuant to Governor Baker's March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, §18, and the Governor's March 15, 2020 Order imposing strict limitation on the number of people that may gather in one place, this meeting of the Southborough Board of Selectmen will be conducted via remote participation to the greatest extent possible. Specific information and the general guidelines for remote participation by members of the public and/or parties with a right and/or requirement to attend this meeting can be found on the Town of Southborough's website, at https://www.southboroughtown.com/. For this meeting, members of the public who wish to watch or participate in the meeting may do so in the following manner by finding the meeting at: https://www.southboroughtown.com/remotemeetings. No in-person attendance of members of the public will be permitted, but every effort will be made to ensure that the public can adequately access the proceedings in real time, via technological means. In the event that we are unable to do so, despite best efforts, we will post on Southborough's website an audio or video recording, transcript, or other comprehensive record of proceedings as soon as possible after the meeting.

At 5:30 P.M. the Board voted to enter into Executive Session per M.G.L. Chapter 30A §21 (Exemption 3) to discuss strategy as it relates to collective bargaining with the DPW Union, and to discuss a successor contract for the Finance Director (Exemption 2), as the Chair has declared an open meeting may have a detrimental effect on the bargaining or litigating position of the public body; Board will not be returning to Open Session at the conclusion of Executive Session. Roll Call: Shea, aye; Healey, aye; Braccio, aye; Kolenda, aye; Stivers, aye.

<u>Discussion with Karen Galligan, RE: Side letter with DPW Union for Operations Supervisor Stipend</u>

[redacted]

[redacted]

Approved by BOS 6-2-20

[redacted] Mr. Kolenda made a motion to approve the side letter with DPW Union for Operations Supervisor Stipend as provided. Ms. Braccio seconded. The motion passed all in favor (5-0-0) by roll call vote, Braccio, aye; Healey, aye; Kolenda, aye; Shea, aye; Stivers, aye.

Discussion with Brian Ballantine, RE: Successor contract for Finance Director

Mr. Healey stated that as he and Mr. Purple have been in discussions with Mr. Ballantine regarding his successor contract, Mr. Ballantine suggested a 2% first year salary increase, a 2.25% second year salary increase and a 2.5% salary increase for the third year. Mr. Healey stated that he felt that was too low but appreciated Mr. Ballantine's understanding of the economic state the Town is in. He suggested to the Board an increase of 2.25% the first year, 2.5% the second, and 2.75% the third to be a total cost of $15,061. Mr. Healey stated that he hopes this suggestion will demonstrate to Mr. Ballantine that the Board appreciates his work but also keeps the fiscal circumstances due to the pandemic in mind. He stated that he is recommending an annual deferred compensation contribution equal to 3% of his base salary be added to his contract as well. Mr. Kolenda voiced his support and Chairman Shea and Ms. Braccio agreed.

Mr. Stivers asked if annual performance reviews were conducted by Mr. Purple as they are helpful during contract negotiations. Mr. Purple explained that he does them in writing and/or verbally multiple times a year and has never had a problem with Mr. Ballantine. Mr. Stivers asked that future performance reviews are written. Mr. Purple stated if there are issues, they are committed to writing for the file. Mr. Healey asked if the fiscal situation becomes better next year, could the Board open the contract to renegotiate the following years. Mr. Purple stated they could.

Mr. Kolenda made a motion to approve Mr. Ballantine's deferred salary compensation of 3% of base salary each year, and increase his salary by 2.25% in year one, 2.5% in year two and 2.75% in year three. Ms. Braccio seconded. The motion passed all in favor (5-0-0) by roll call vote, Braccio, aye; Healey, aye; Kolenda, aye; Shea, aye; Stivers aye.

On a motion made by Chairman Shea, seconded by Mr. Healey and voted by roll call all in favor, Shea, aye; Healey, aye; Braccio, aye; Kolenda, aye; Stivers, aye, the meeting was adjourned at 6:04 P.M.

Respectfully submitted,

Kathleen Barry, Recording Secretary

RCV'D Town Clerk
6/24/2020
4:20 PM
AMB

TOWN OF SOUTHBOROUGH

BOARD OF SELECTMEN Meeting Minutes

Meeting Date: Tuesday, June 2, 2020, 6:30 P.M.
Location: Virtual Meeting through Zoom
Present: Brian Shea, Marty Healey, Lisa Braccio, Daniel Kolenda, Sam Stivers and Town Administrator Mark Purple

I. Chairman Shea called the meeting to order at 6:30 P.M. Chairman Shea read the following statement:

Pursuant to Governor Baker's March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, §18, and the Governor's March 15, 2020 Order imposing strict limitation on the number of people that may gather in one place, this meeting of the Southborough Board of Selectmen will be conducted via remote participation to the greatest extent possible. Specific information and the general guidelines for remote participation by members of the public and/or parties with a right and/or requirement to attend this meeting can be found on the Town of Southborough's website, at https://www.southboroughtown.com/. For this meeting, members of the public who wish to watch or participate in the meeting may do so in the following manner by finding the meeting at: https://www.southboroughtown.com/remotemeetings. No in-person attendance of members of the public will be permitted, but every effort will be made to ensure that the public can adequately access the proceedings in real time, via technological means. In the event that we are unable to do so, despite best efforts, we will post on Southborough's website an audio or video recording, transcript, or other comprehensive record of proceedings as soon as possible after the meeting.

II. **Scheduled Appointments**

Mary O'Brien, Scholarship Committee – Scholarship awards

Ms. O'Brien stated that due to the unprecedented times, the Scholarship Committee was unable to hold a ceremony to present scholarship to recipients. She stated there is wide range of graduates who have excelled academically, have been champions of service and have accomplished many positive milestones who have won scholarships this year. Ms. O'Brien described the individual accomplishments of each and their choice of college for the fall. She listed the scholarship recipients. The 2020 Capital Group Academic Scholarship recipients are David Keefe, Joseph Zhang, Nadia Wong and Arthur Adreyev. The 2020 Carroll Harris Memorial Scholarship recipient is Abigail Dunsmore. The 2020 Southborough Town Scholarship recipient is Caroline Warren.

Chairman Shea thanked Ms. O'Brien and the entire Committee for their continued work facilitating scholarships to deserving students. On behalf of the Board, Chairman Shea congratulated all the scholarship recipients.

Tim Davis, Recreation Director- Recreation update

Mr. Davis stated the COVID-19 pandemic has had significant impact on services and gave a brief summary of the decision process leading to the cancellation of summer camps by the Recreation Department. He added that the decision to cancel summer camp was not an easy one and it was made after six to eight weeks of participating in national planning sessions. He noted that the

State guidelines had not been released but based on the actions of surrounding states and towns including the cancellation of camps from Fay School and the Town of Northborough, the Recreation Department decided to do the same. Mr. Davis stated the American Camp Association released recommended practices which included taking the temperature of every child every day and constant cleaning of equipment and toilets throughout the day. He said after reviewing these with staff, many staffers decided to withdraw employment and most agreed it would be too daunting for their young employees. Mr. Davis said it was agreed that the safety risk was too high to open camp.

Mr. Davis stated that the Recreation Department is very active outside of the summer and are offering additional programs such as yoga and meditation classes. He said currently the staff is working on reimbursing summer camp fees and working with other services to help families in need of child care throughout the summer. He said he is working with the Board of Health and Emergency Management to continue with the Summer Concert Series and other summer programs with social distancing practices. Mr. Kolenda asked why the guidelines for the State to reopen fields is slated for June 28th but Southborough has a date of August 1st. Mr. Davis stated he would not speak for Chief Achilles or the Board of Health but the decision was conservative for safety. He stated that he is meeting with Chief Achilles tomorrow and this concern will be brought to his attention. Mr. Purple added that the decision is data driven and there is the possibility to open earlier. He asked for Mr. Davis to meet with the Chief and report back. Mr. Kolenda requested data from the Board of Health that demonstrates why Southborough would be on a different schedule than the State. Mr. Purple agreed to have information regarding the basis for this decision.

Mr. Davis said construction season has started early due to the closure of fields. He gave a summary of Depietri Field and the lighting project for Neary School. Mr. Healey asked if there was a possibility that the lighting on one or both fields could be completed by the end of summer. Mr. Davis explained that he could not say at the moment and described the process needed to be done before progress can be made. He stated he should know a timeline in approximately two weeks and will share it with the Board.

Jason Malinowski, RE: PSBC update

Mr. Malinowski walked the Board through his presentation included in the packet and explained the Committee feels their work is completed. He walked the Board through the minor open items for which the Committee has authorized Mr. Purple and Mr. Malinowski to manage. He gave the highlights of the project and money saved for the Town. He thanked the Committee members, the Board, and all who supported the project. He asked that the project savings be allocated in a fiscally responsible way. Chairman Shea thanked him and the Committee and referenced the project as a tremendous success story. Ms. Braccio and Mr. Stivers gave their accolades.

Paul Cimino, Moderator, RE: Update on Annual Town Meeting

Mr. Cimino stated that the Annual Town Meeting is June 13, 2020 at 1:00 P.M. with a rain date of June 14, 2020 at 1:00 P.M. He stated that with guidance from the Board of Health and Public Safety, the location has been moved to the athletic fields adjacent to Neary School. He stated that State and Local guidelines will be followed to ensure social distancing and the safety of all participants. He added that the outdoor meeting will be handicap accessible and masks will be required when not seated. He thanked the Town Clerk, Board of Health and public safety officials for collaborating and executing this plan.

Mr. Cimino told the Board of the legalities of possibly deferring a package of non-critical items to a fall town meeting. He spoke with Town Counsel and reminded the Board that only they could control the order, placement and inclusion of articles on the warrant. He asked that the Board reassure the public that the articles deferred out of convenience at this town meeting will be put on a fall town meeting warrant. He also asked that the citizen petitions be included on the fall town meeting warrant without the requirement for the sponsors to collect signatures and officially submit their article a second time. Chairman Shea stated that the Board had discussed the matter of deferring the non-critical articles to a fall town meeting and there was unanimous agreement to do so. The Board agreed with his statement. Chairman Shea asked if there was a different opinion from the Board not to defer any articles that have been previously listed. The Board agreed to defer the list previously voted upon. Mr. Healey stated that the reason for deferring the non-critical articles is not out of convenience but out of the safety concern of all attendees and the potential for some to not attend out of fear. He said the deferment to fall is to ensure more participation for these articles. Mr. Kolenda expressed concern that town meeting may vote to proceed with these articles and those who would like to vote may not be in attendance because of the intention to defer. Mr. Cimino stated that all proponents of non-critical articles have indicated they do not oppose deferring to fall and he does not expect that town meeting would override that request. He asked Mr. Purple to publish a list of Board suggested deferred articles and call out those where sponsors have not objected to deferring. Mr. Purple stated he would create the list and publish once it has been reviewed by Chairman Shea and Mr. Cimino for accuracy.

Chairman Shea stated a question was asked by the public if Girl Scouts would be participating in Town Meeting. Mr. Cimino stated that there is no intention to include Girl Scouts this year and the Pledge of Allegiance will be led by town meeting. Chairman Shea asked if there has been discussion of child care. Mr. Cimino said he has not discussed this with Mr. Hegarty and that would be a question for him. He said he will announce an update soon.

Joint Meeting with Advisory Committee, RE: FY2021 Budget

Chairman Shea stated the two main points where the Board and Advisory disagree are the new hires for fiscal year 2021 and the start date for those new hires. He stated that the vote from the Board was to defer the hiring of those new positions until January 1, 2021 and Advisory is looking for a July 1, 2020 start date. Advisory Chair, Kathy Cook agreed. Chairman Shea summarized his position to defer the start date. Ms. Braccio agreed with Chairman Shea and added that she is uncomfortable with taking the risk of hiring these positions because local aid is unknown and the economic impact for tax payers is substantial. She felt that there may be more information in September or January to understand the sustainability of these positions. Mr. Healey agreed and stated the Board took the position that in the coming weeks, it could be that the State and Town's economy could be in a worse position than it is currently and the Town should not be adding new positions. He felt it did not make sense to add positions in July with so many unknowns and the Town has been functioning without these positions up until now. Mr. Kolenda countered that the Town has lived without them for too long. He stated the IT position would help the Town manage infrastructure that is necessary at this time. He added that Youth and Family services is already understaffed and is in a dramatically different place since the pandemic. He added that this position would be an addition of seven to eight dollars for the average resident. Mr. Stivers agreed with Mr. Kolenda and stated that now is the time to reinforce the IT and Youth and Family Services resources. He added that adjustments may need

to be made in the future, but these positions would address residents' needs during the pandemic.

Ms. Cook stated she does not agree with the need to rely on the numbers from local aid because the Town has a cushion from local revenue. She stated Advisory identifies a structure of one person in the IT Department as a substantial risk. She added that there is no plan to replace Mr. LaFlamme if he is unable to work. She said this position is crucial for a July 1st start date and that Mr. LaFlamme agreed. Ms. Cook made a case for July 1st start date for Youth and Family Services stating that they have been impacted by the pandemic more than any department. She added that Chief Paulhus has been using overtime to fill the third shift and deferring the start date of police officers would not save money. Ms. Malinowski stated her reasons for not being in favor of an additional Youth and Family Services position which included the lack of sustainability. Mr. Rooney stated the question is not need but of timing. He stated that it is a different of forty dollars per year for the average resident if the individuals were hired now. He stated his reasons for supporting the hiring on July 1, 2020 for the IT position and Youth and Family Services which echoed Ms. Cook's.

Mr. Healey stated that he believes that post-pandemic, the Board has the obligation to not raise taxes this year. He stated that after numerous discussions, the Board compromised to a 2% reduced budget and agreed on items that added forty dollars here and there. He said that increase may be an issue for those that are unemployed. Mr. Healey added that the .8% increase was a compromise and he is not willing to compromise any more. Mr. Stivers stated he appreciated that view but felt that a budget increase of under 1% is a substaintial reduction to the budget and he respectfully disagrees with Mr. Healey. Mr. Kolenda agreed with Mr. Stivers. There was more discussion regarding these points and no agreement was made between the Board and Advisory on this aspect of the budget.

Ms. Cook referenced the spreadsheet depicting the twenty-one departments and their 2% reductions. She stated Advisory disagreed with the cuts made in six departments. Chairman Shea suggested conducting another meeting to discuss this matter and to try to compromise on the new position start dates. All agreed to meet on Monday, June 6th at 5:30 P.M.

III. Reports

Chairman's Report

Chairman Shea noted that this meeting marks the final time the Board will meet as currently constituted in a regular meeting. The next regular meeting is after the upcoming Town Election. He thanked the Board for supporting him as Chair and stated there will be at least one new member the next time the Board meets. He asked members to think over who would be best to serve as Chair for the upcoming year. He thanked Ms. Braccio and Mr. Kolenda for their dedication to the position and Town and stated each served well and should take pride in the accomplishments made as selectman. He wished Ms. Braccio and those running good luck in their campaigns and congratulated Mr. Kolenda on his nine years serving on the Board.

Members' Reports

Mr. Kolenda stated though the Memorial Day Service this year was widely different than those before, it was a respectful event that honored the war dead. He thanked Terry from Southborough Access Media and Ms. Braccio for speaking and supporting the Troops throughout the years.

Mr. Kolenda stated he decided not to run for reelection and after nine years and it was time for other voices to put their name on the ballot and run for selectman. He added that serving the Town of Southborough is one of his proudest accomplishments and thanked all of those he served with and Mr. Purple and Ms. Hale.

Ms. Braccio thanked Mr. Kolenda for his service to the Town and Military and she enjoyed their respect for each other's opinions. She stated the Town has been very well served by Mr. Kolenda.

Mr. Stivers thanked Mr. Kolenda. Mr. Healey stated it has been a privilege and a pleasure to work with him. Mr. Kolenda thanked the Board.

Town Administrator Report

Mr. Purple pointed out that Mr. Kolenda is the last member of the Board who appointed him and appreciated him being a part of his onboarding. He said it has been a great number of years working with him.

IV. Consent Agenda

a. Chairman Shea made a motion to approve Open Session Minutes: May 14, 2020; May 19, 2020. Mr. Kolenda seconded. The motion passed all in favor (5-0-0) by roll call vote, Braccio, aye; Healey, aye; Kolenda, aye; Stivers, aye; Shea, aye.

b. Ms. Braccio asked to hold the Reappointments of Board/Committee volunteers for Fiscal Year 2021 for discussion. Ms. Braccio asked if the conditional request for reappointment to the Conservation Committee would be approved in this motion. Chairman Shea stated the Board had not taken any action to agree to the conditions. He stated he would move to reappoint the individual. Mr. Kolenda stated the Board would not approve a reappointment with a condition and the individual can choose not to be sworn in. Mr. Healey stated he encouraged Mr. Guyer to reach out to him or any member of the Board to speak to the matter. Chairman Shea made a motion to approve item "b" as listed in the agenda. Mr. Stivers seconded. The motion passed all in favor (5-0-0) by roll call vote, Braccio, aye; Healey, aye; Kolenda, aye; Stivers, aye; Shea, aye.

c. Chairman Shea asked to hold the Consideration of dissolution or new charge for committees for discussion. Chairman Shea made a motion to dissolve items "i-iv" and to work to create a new a new charge for the Golf Course Committee. Mr. Kolenda seconded. The motion passed all in favor (5-0-0) by roll call vote, Braccio, aye; Healey, aye; Kolenda, aye; Stivers, aye; Shea, aye.

    i. Main Street Working Group
    ii. Public Safety Building Committee
    iii. Town Property Review Committee
    iv. PILOT Committee
    v. Golf Course Committee

d. Chairman Shea made a motion to approve the Trails Committee request for installation of map kiosks and recycling receptacles. Mr. Kolenda seconded. The motion passed all in favor (5-0-0) by roll call vote, Braccio, aye; Healey, aye; Kolenda, aye; Stivers, aye; Shea, aye.

e. Chairman Shea made a motion to approve the Capital Planning Committee request to spend $15,000 from engineering article for Town House analysis. Mr. Kolenda seconded. The motion passed all in favor (5-0-0) by roll call vote, Braccio, aye; Healey, aye; Kolenda, aye; Stivers, aye; Shea, aye.

f. Chairman Shea made a motion to approve the Executive Session Minutes: May 19, 2020. Mr. Kolenda seconded. The motion passed all in favor (5-0-0) by roll call vote, Braccio, aye; Healey, aye; Kolenda, aye; Stivers, aye; Shea, aye.
g. Chairman Shea made a motion to approve the Public Safety Building Committee Open Session Minutes: April 2, 2020. Mr. Kolenda seconded. The motion passed all in favor (5-0-0) by roll call vote, Braccio, aye; Healey, aye; Kolenda, aye; Stivers, aye; Shea, aye.
h. Chairman Shea made a motion to approve the appointment of Mary Ann S. Anderson to Taxation Aid Committee, term 6/30/21. Mr. Kolenda seconded. The motion passed all in favor (5-0-0) by roll call vote, Braccio, aye; Healey, aye; Kolenda, aye; Stivers, aye; Shea, aye.

V. Update on impact of COVID-19

Mr. Purple stated that work is continuing to bring staff back into buildings on Monday, June 8th. He has been working with Ms. Hale, Chief Achilles and Public Health nurses Emily Amico and Leslie Chamberlain. He stated that there will be training for all employees regarding social distancing and Mr. Parent has been working to make improvements to the buildings in order to follow State guidelines. Mr. Purple added that some departments will have staggered shifts. He thanked all of those who helped in this process. Mr. Purple stated that it has been over a week without any new positive COVID-19 cases, zero cases remain in isolation and all positive cases are out of isolation and have recovered. He added that the Town is trending in the right direction and is working on a reasonable approach to inviting the public back into buildings in a systematic way.

Ms. Hale thanked the Fay School for their substantial donation of masks and gloves for use at the Town House, Senior Center, Library, Public Safety among other areas. Ms. Hale congratulated Public Health Nurse Leslie Chamberlain on her semi-retirement. She noted that Ms. Chamberlain was working 24 hours a day at the onset of the pandemic and is still working with the Town. She thanked Ms. Chamberlain and congratulated her.

VI. Other Matters Properly Before the Board

Correspondence from Atty. John Davis, RE: Louise Barron, et al. vs. Daniel L. Kolenda, et al.
Chairman Shea read into the record the May 29, 2020 retention letter provided to the Town by Attorney Davis. Chairman Shea stated the Board will not entertain any conversations or questions and will not discuss this matter at this time as suggested by Counsel.

Correspondence from Town Counsel RE: OML complaint filed by Ginny Kremer, dated 5/13/2020
Chairman Shea stated the Board had received correspondence from the Attorney General that a complaint was made from Attorney Ginny Kremer regarding the May 13, 2020 meeting. He stated the alleged circumstance is related to the notice of Executive Session to discuss pending litigation. He said the name of the particular legislation was omitted from the notice and Ms. Kremer alleges the public has a right to know these details. Chairman Shea asked the Board to consider amending the agenda item to specify the name of the case. He added a second item asked for the Executive Session minutes reflect the names in the case for which they do. Chairman Shea made a motion that the Board submit a revised agenda to include the specific name of the case with wording recommended by Attorney Davis. Mr. Healey seconded. Mr. Healey stated that his view is that this step is not necessary and the Board followed Open Meeting Law without these amendments. He added that he agrees to the amendment to put the matter to rest. Chairman Shea and Mr. Kolenda agreed. The motion passed all in favor (5-0-0) by roll call vote, Braccio, aye; Healey, aye; Kolenda, aye; Stivers, aye; Shea, aye.

VII. **Public Comment**

David Fialkow, VP of Southborough Little League (10 Lyman Street) thanked Mr. Kolenda for his comments regarding the reopening of the fields and Mr. Davis for his work to do the same. He stated that Phase II of the State reopening calls for limited practices with certain guidelines for youth sports on June 8th with the addition of limited games with guidelines for Phase III projected for the end of June. He stated his concern that the Recreation Department announced an August 1st opening for youth sports. He highlighted surrounding Towns that are following the State guidelines for youth sports and explained a plan setup for opening youth baseball. Mr. Fialkow added that a survey was distributed and most responses were in favor of conducting youth baseball following the State guidelines.

Kristin LeVault (12 Southwood Drive) stated she is on the Recreation Commission but is speaking as a citizen. She thanked Ms. Braccio and Mr. Kolenda for their service. She stated that providing child care for Annual Town Meeting has not been discussed with the Commission but asked if it were feasible for June 13th. Ms. LeVault stated this was an important aspect to holding a Saturday meeting. Mr. Cimino stated that as moderator he is not in favor of this suggestion due to safety reasons. He encouraged Ms. LeVault to speak to the Board of Health regarding this matter. Ms. LeVault stated she will add this as an agenda item to the next Commission meeting. She stated she was in favor of hiring the additional IT position in July and asked if there was a mitigation strategy if Mr. LaFlamme was unavailable to work for a certain period of time. Chairman Shea replied that public comment is reserved for comments and not questions. Mr. Kolenda agreed and stated Ms. LeVault could reach out to a Board member individually to discuss. Ms. LeVault asked if the public could speak after each agenda item. Chairman Shea stated that is a topic to discuss at a future meeting.

Paul Cimino (3 Austin Kelly Lane) stated he was not speaking as the Moderator but as a former selectman. He said he was in favor of dissolving the Main Street Working Group and noted that two of those members are now selectmen. He stated that the intent of the Group was to work until construction was complete but felt confident that the project will be well maintained. He reminded the public that public comment is not a discussion and anything one may choose to speak about may not be on the agenda. He stated the Board is not avoiding a discussion but due to Opening Meeting Law, they are not able to discuss items outside of the agenda. Mr. Cimino congratulated Ms. Braccio for a term well served. He congratulated Mr. Kolenda on his nine years of service. Mr. Kolenda thanked Mr. Cimino.

Ryan Donovan, Library Director, stated that the Library staff has been working in the building since May 18th. He thanked Mr. Purple, Chief Achilles, and Ms. Amico for their help to setup the facility to maintain social distancing. Mr. Donovan added that an announcement for curbside pickup at the Library will be coming soon.

VIII. On a motion made by Mr. Kolenda, seconded by Ms. Braccio and voted all in favor, the meeting was adjourned at 9:27 P.M. by roll call vote, Braccio, aye; Healey, aye; Kolenda, aye; Stivers, aye; Shea, aye.

Upcoming Meetings
June 13, 2020 – Annual Town Meeting
June 23, 2020

Respectfully submitted,

Kathleen Barry, Recording Secretary

List of Documents referred to at the June 2, 2020 BOS Meeting:

- Regular Session Minutes, May 14, 2020
- Regular Session Minutes, May 19, 2020
- BOS Appointment Requests 6.2.20
- Memorandum from Lori Esposito to Carl Guyer dated 5.4.20
- Current Committee Information for Main Street Working Group
- Current Committee Information for Public Safety Building Committee
- Current Committee Information for PILOT Committee
- Current Committee Information for Golf Course Committee
- Current Committee Information for Town Property Review Committee
- Letter from Trails Committee to Head of St. Mark's School re: Choate Fund Grant Proposal: "Enhancing Southborough's Trails" 4.30.20
- Letter from Jason Malinowski to Mark Purple re, Authorization to use Engineering Fund 5.29.20
- Public Safety Building Committee Meeting Minutes, April 2, 2020
- Citizen Activity Form, Mary Ann S Anderson
- Letter from Attorney Davis to Mark Purple dated May 29, 2020
- Public Safety Building Committee Presentation

Committee Name	First Name	MI	Last Name	Title	Term Expires	Term Length	Response/Action Requested
ADA Committee							
	Vincent	P.	Acampora		6/30/20	1	reappoint
	Heidi	M	Davis		6/30/20	1	No
	Bonnie	J.	Phaneuf		6/30/20	1	reappoint
	William	W.	Sines		6/30/20	1	reappoint
	William	B.	Warren		6/30/20	1	reappoint
ADA Coordinator							
	Mark	J.	Purple		6/30/20	1	reappoint
Cable Television Committee							
	Barry	J.	Rubenstein		6/30/20	3	reappoint
	VACANCY				6/30/20	3	
	VACANCY				6/30/20	3	
Capital Planning Committee							
	Brian	P.	Ballantine		6/30/20	1	reappoint
	Lisa	M.	Braccio		6/30/20	1	reappoint
	Kathryn	M.	Cook		6/30/20	1	reappoint
	Jeffrey		Hark		6/30/20	1	reappoint
	Jason	W.	Malinowski		6/30/20	1	reappoint
	Joseph	E.	Palmer		6/30/20	1	reappoint
	Andrew	T.	Pfaff		6/30/20	1	reappoint
	Mark	J.	Purple		6/30/20	1	reappoint
Community Preservation Committee							
	Mark	W.	Murphy	Citizen-at-large	6/30/20	3	reappoint
	VACANCY			Housing Authority Rep.	6/30/20	3	
	VACANCY			Citizen-at-large	6/30/20	3	
Conservation Commission							
	Carl	C.	Guyer		6/30/20	3	conditional*
	Mark	S.	Possemato		6/30/20	3	reappoint
	Benjamin	B.	Smith		6/30/20	3	reappoint
Constable							
	Paul		Tavalone		6/30/20	1	reappoint
	William	E.	Pickett, Jr.		6/30/20	1	No
Council on Aging							
(Special Municipal Employees)	Vincent	P.	Acampora		6/30/20	3	reappoint
	Douglas	C.	Peck		6/30/20	3	No response
	Judith	B.	Boland	Alternate Member	6/30/20	1	No
	Arthur	K.	Holmes	Alternate Member	6/30/20	1	No
	VACANCY			Alternate Member	6/30/20	1	

Committee Name	First Name	MI	Last Name	Title	Term Expires	Term Length	Response/Action Requested
Cultural Arts Council							
	Kerry		Trippi		3/14/20	2	reappoint
Economic Development Committee [EDC]							
(Special Municipal Employees)	Julie	W.	Connelly		6/30/20	3	reappoint
	John	M.	Wood		6/30/20	3	reappoint
Golf Course Committee							
? Dissolve/reconsider charge/eliminate PSBC rep.	Kevin	J.	Battles		6/30/20	1	reappoint
	John	W.	Boland, Jr.		6/30/20	1	reappoint
	Andre	R.	Fortin		6/30/20	1	reappoint
	Joyce		Macknauskas		6/30/20	1	No
	Sheila	M.	Monterastelli		6/30/20	1	No
	VACANCY				6/30/20	1	
	Gordon	E.	Guss		6/30/20	1	reappoint
	Mark	J.	Purple	(ex-officio)	6/30/20	1	reappoint
	John	M.	Wood	PSBC Rep (ex-officio)	6/30/20	1	No
	VACANCY				6/30/20		
Historical Commission							
	VACANCY				6/30/22	3	
	VACANCY				6/30/20	3	
	VACANCY				6/30/20	3	
Main Street Working Group							
?Dissolve?	Susan	G.	Baust		6/30/20	1	reappoint
	John	W.	Boland, Jr.		6/30/20	1	reappoint
	Martin	F.	Healey		6/30/20	1	No
	Brian	E.	Shea		6/30/20	1	reappoint
	VACANCY				6/30/20	1	
	VACANCY				6/30/20	1	
	VACANCY				6/30/20	1	
Master Plan Committee							
	Lisa	M	Braccio		6/30/20	1	reappoint
	Sam		Stivers		6/30/20	1	reappoint
Metropolitan Area Planning Council							
	VACANCY				6/20/22	3	
	VACANCY			Alternate member	6/20/22	3	
MetroWest Regional Collaborative							
	Meme		Lutrell	Planning Board Rep	6/30/20	1	Pending PB vote
	Brian	E.	Shea	Selectmen Rep	6/30/20	1	No
MetroWest Regional Transit Authority							

Committee Name	First Name	MI	Last Name	Title	Term Expires	Term Length	Response/Action Requested
MetroWest Regional Transit Authority	Kathleen	B.	Bartolini		6/30/20	1	No response
Municipal Technology Committee							
	VACANCY				6/30/22	3	
Open Space Preservation Commission							
	Karen		Sorine Cvitkovich		6/30/20		reappoint
	VACANCY				6/30/24		
Phase II Stormwater Committee							
	Karen	M.	Galligan	Public Works Rep	6/30/20	1	reappoint
	Paul	C.	Pisinski	Board of Health Rep	6/30/20	1	reappoint
	VACANCY			Administration Rep	6/30/20	1	
	VACANCY			Con Comm Rep	6/30/20	1	
	VACANCY			Citizen-at-large	6/30/20	1	
PILOT Committee							
?Dissolve?	**VACANCY**				6/30/20	1	
	VACANCY				6/30/20	1	
	VACANCY				6/30/20	1	
Public Safety Building Committee							
? Dissolve?	Brennan	R.	Barry		6/30/20	1	
	Peter	J.	Goodney		6/30/20	1	
	John	F.	Lyons		6/30/20	1	
	Jason	W.	Malinowski		6/30/20	1	
	Michael	D.	Moorehead		6/30/20	1	
	John	M.	Wood		6/30/20	1	
	John	F.	Rooney,III		6/30/20	1	
	Kathryn	M.	Cook	Advisory Comm. Rep.	6/30/20	1	
	David	J.	Officer		6/30/20	1	
Recreation Commission							
	David	J.	Candela		6/30/20	3	No response
	Donald	P.	Dumont		6/30/20	3	reappoint
Registrar of Voters							
(Special Municipal Employees)	Keith	L.	Ackley		6/30/20	3	No response
Sboro Housing Opp Partnership Comm- SHOPC							
	Alexander	S.	Frisch	Housing Authority Rep.	6/30/20	3	ReappointContingent upon Housing Auth. vote as their rep.
Southborough Scholarship Advisory Committee							
	Sarah	C.	Hegarty		6/30/20	3	No

Committee Name	First Name	MI	Last Name	Title	Term Expires	Term Length	Response/Action Requested
	VACANCY				6/30/20	3	
	VACANCY				6/30/21	3	
	VACANCY				6/30/21	3	
Southborough Stewardship Committee							
	Frederica	J.	Gillespie	OSPC Rep	6/30/20	1	reappoint
	James	F.	Gorss	Citizen-at-large	6/30/20	1	reappoint
	Joyce	M.	Greenleaf	Citizen-at-large	6/30/20	1	reappoint
	Kathryn		McKee	Citizen-at-large	6/30/20	1	reappoint
	Jenny	S.	Peet	Citizen-at-large	6/30/20	1	reappoint
	VACANCY			Con Comm Rep	6/30/20	1	
	VACANCY			Recreation Comm Rep	6/30/20	1	
Southborough Trails Committee							
	Kathryn		McKee		6/30/20	1	reappoint
	Satyendra		Sharma		6/30/20	1	reappoint
	Luisa		Vargas		6/30/20	1	reappoint
	Isabelle	Q.	Murphy		6/30/20	1	reappoint
	Thomas	L.	Marcoulier		6/30/20	1	reappoint
Taxation Aid Committee							
	Brian	P.	Ballantine	Treasurer/Collector	6/30/20	1	reappoint
	Elizabeth	S.	Kesselman	Citizen-at-large	6/30/20	1	reappoint
	Jeffrey		Klein	Bd of Assessors Chair	6/30/20	1	reappoint
	Harold	O.	Kiess	Citizen-at-large	6/30/20	1	reappoint
	VACANCY			Citizen-at-large	6/30/20	1	
Town Property Review Committee							
? Dissolve?	VACANCY			Representative	6/30/20	1	
	VACANCY			Facilities Representative	6/30/20	1	
	VACANCY			Citizen-at-large	6/30/20	1	
	VACANCY			Citizen-at-large	6/30/20	1	
	VACANCY			Citizen-at-large	6/30/20	1	
Youth Commission							
	Nital		Gandhi		6/30/20	3	No response
	Sara	B.	Michas		6/30/20	3	reappoint
Zoning Board of Appeals							
	Paul	N.	Drepanos		6/30/20	5	reappoint
	Doris	M.	Cahill	Alternate Member	6/30/20	1	reappoint
	Jamie		Mieth	Alternate Member	6/30/20	1	reappoint

Committee Name	First Name	MI	Last Name	Title	Term Expires	Term Length	Response/Action Requested
		= Action Requested					
		= Volunteer response: does NOT wish to be reappointed					
		= Efforts to reach volunteer will continue					
		= New, not reappointment; experienced volunteer					
	*	= Attachment					

Southborough, MA
17 Common Street

Phone: 508-485-0710

Citizen Activity Form

Good Government Starts with You

Date Submitted:	May 12, 2020
Name:	Mary Ann S Anderson
Home Address:	1 Meadow Lane 01772
Mailing Address:	1 Meadow Lane 01772
Phone Number(s):	
Email Address:	
Current Occupation/Employer:	Retired Educator
Narrative:	Am available at the convenience of the Committee. As an educator, I was on the negotiating team and organized professional development. In the Southboro community, I was a member of the Recycling Committee, Algonquin School Council, Boy Scouts merit badge counselor, and currently on the Council on Aging Board.
Board(s) / Committee(s):	___TAXATION AID COMMITTEE

Name: **GOLF COURSE COMMITTEE**

Active Members: 8

Vacant Terms: 1

Appointed By: SELECTMEN

Charge: MEMBERSHIP

• THE COMMITTEE SHALL CONSIST OF UP TO 7 MEMBERS, CONSISTING OF AT-LARGE REPRESENTATIVES OF THE COMMUNITY, WITH PROFESSIONAL BACKGROUNDS AND QUALIFICATIONS CONSISTENT WITH THOSE NEEDED FOR DESIGN, MAINTENANCE AND OPERATION OF A MUNICIPAL GOLF COURSE FACILITY IN MASSACHUSETTS;
• EX-OFFICIO MEMBERS [WHO SHALL NOT COUNT TOWARDS A QUORUM] WILL INCLUDE THE TOWN ADMINISTRATOR, AND A MEMBER DESIGNATED FROM THE PUBLIC SAFETY BUILDING COMMITTEE;
• MEMBERS WILL BE APPOINTED BY THE BOARD OF SELECTMEN AT A DULY POSTED PUBLIC MEETING FOLLOWING THE ADVERTISEMENT FOR INTEREST IN SERVING ON THE COMMITTEE;
• APPOINTED COMMITTEE MEMBERS MUST BE SWORN IN BY THE TOWN CLERK'S OFFICE ACCORDING TO PERTINENT TOWN BY-LAWS.

TERM AND ORGANIZATION

• THE TERM OF OFFICE SHALL BE FOR ONE (1) YEAR;
• THE COMMITTEE SHALL REPORT TO THE BOARD OF SELECTMEN AS REQUIRED, BUT NO LESS THAN ON A BI-MONTHLY BASIS;
• THE COMMITTEE SHALL ELECT ITS OWN CHAIR, AND SHALL ESTABLISH A REGULAR MEETING SCHEDULE. ALL RECORDS OF THE COMMITTEE SHALL BE FILED WITH THE TOWN CLERK AND OPEN TO PUBLIC INSPECTION IN ACCORDANCE WITH APPLICABLE OPEN MEETING LAW AND PUBLIC RECORD STATUTES;
• THE COMMITTEE SHALL OPERATE IN ACCORDANCE WITH THE STATE CONFLICT OF INTEREST LAWS;
• MEMBERS SHALL SERVE WITHOUT FINANCIAL COMPENSATION.

DUTIES

• THE COMMITTEE SHALL DEVELOP A PLAN WHICH MAKES IT FEASIBLE TO MAINTAIN A FUNCTIONING GOLF COURSE NOW AND INTO THE FUTURE AND TO TAKE THE NECESSARY STEPS TO ACHIEVE THIS PURPOSE;
• THE COMMITTEE SHALL ENGAGE WITH THE CURRENT MANAGEMENT COMPANY FOR THE ST. MARK'S GOLF COURSE, TO BETTER UNDERSTAND THE MAINTENANCE AND OPERATION ASPECTS OF THE GOLF COURSE, AS WELL AS OPPORTUNITIES TO CONTINUE THE RELATIONSHIP;
• THE COMMITTEE SHALL WORK COLLABORATIVELY WITH THE PUBLIC SAFETY BUILDING COMMITTEE TO EXPLORE ECONOMIES OF SCALE WITH REGARDS TO ACCESS, PARKING, LOCATION OF CLUBHOUSE AND AMENITIES, UTILITIES, AND COURSE MODIFICATIONS;
• THE COMMITTEE SHALL WORK WITH THE COMMUNITY PRESERVATION COMMITTEE (CPC) TO EXPLORE OPPORTUNITIES TO MAKE APPLICATION TO CPC FOR ADMINISTRATIVE, CONSULTANT, STUDY AND/OR DESIGN FUNDING FOR THE GOLF COURSE;
• THE COMMITTEE SHALL PREPARE DRAFT BUDGETS FOR OPERATIONS AND CAPITAL IMPROVEMENTS TO BE CONSIDERED BY THE BOARD OF SELECTMEN FOR FUTURE TOWN MEETINGS;
• THE COMMITTEE SHALL COMMUNICATE WITH TOWN DEPARTMENTS, OFFICIALS, AND OTHER RESOURCES AS NEEDED [I.E. INSPECTIONAL DEPARTMENTS, TOWN ADMINISTRATOR, PERMITTING BOARDS, ETC.].

Name: **MAIN STREET WORKING GROUP**

Active Members: 4

Vacant Terms: 3

Appointed By: SELECTMEN

Charge: THE CHARGE OF THE MAIN STREET WORKING GROUP IS TO PROVIDE ASSISTANCE TO THE PUBLIC WORKS SUPERINTENDENT, AS NEEDED, DURING CONSTRUCTION OF THE MAIN STREET PROJECT.

THIS COMMITTEE WAS INITIALLY CREATED BY THE BOS ON APRIL 27, 2017, AS THE MAIN STREET DESIGN WORKING GROUP (MSDWG) AND WAS CHARGED WITH REVIEWING THE PROPOSED MAIN STREET RECONSTRUCTION PROJECT. THE NAME AND CHARGE WERE CHANGED BY THE BOS ON APRIL 16, 2018.

Name: **PILOT COMMITTEE**

Active Members: 0

Vacant Terms: 3

Appointed By: SELECTMEN

Charge: THE PILOT COMMITTEE SHALL DEVELOP A PAYMENT IN LIEU OF TAXES POLICY WITH THE GOAL OF ENCOURAGING TAX-EXEMPT INSTITUTIONS TO MAKE VOLUNTARY PAYMENTS TO HELP OFFSET THE COSTS OF PROVIDING TOWN SERVICES TO THOSE INSTITUTIONS. WHILE MONETARY PAYMENTS IN LIEU OF TAXES ARE PREFERABLE, THE BOARD RECOGNIZES THAT, IN SOME CASES, IN-KIND CONTRIBUTIONS AND/OR COMMUNITY PARTNERSHIPS MAY BE ACCEPTABLE. THE PILOT COMMITTEE SHALL DEVELOP A METHODOLOGY FOR VALUING ANY SUCH PROPOSED IN-KIND CONTRIBUTION OR COMMUNITY PARTNERSHIP.

Name: **PUBLIC SAFETY BUILDING COMMITTEE**

Active Members: 9

Vacant Terms: 0

Appointed By: SELECTMEN

Charge: MEMBERSHIP

THE COMMITTEE SHALL CONSIST OF UP TO 9 MEMBERS, CONSISTING OF 8 AT-LARGE REPRESENTATIVES OF THE COMMUNITY AND A REPRESENTATIVE OF THE ADVISORY COMMITTEE, EACH WITH PROFESSIONAL BACKGROUNDS AND QUALIFICATIONS CONSISTENT WITH THOSE NEEDED FOR DESIGN AND CONSTRUCTION OF A MUNICIPAL PUBLIC SAFETY FACILITY IN MASSACHUSETTS;

MEMBERS WILL BE APPOINTED BY THE BOARD OF SELECTMEN AT A DULY POSTED PUBLIC MEETING FOLLOWING THE ADVERTISEMENT FOR INTEREST IN SERVING ON THE COMMITTEE;

APPOINTED COMMITTEE MEMBERS MUST BE SWORN IN BY THE TOWN CLERK'S OFFICE ACCORDING TO PERTINENT TOWN BY-LAWS;

COMMITTEE MEMBERS SHALL MAINTAIN FISCAL RESPONSIBILITY IN ENSURING THE NEEDS OF PUBLIC SAFETY ARE MET, FROM DESIGN TO COMPLETION OF THE PROJECT;

TERM AND ORGANIZATION
THE TERMS OF OFFICE SHALL BE FOR ONE-YEAR TERMS ENDING JUNE 30, BUT SHALL CONTINUE FOR THE DURATION OF THE PROJECT AND/OR UNTIL THE COMMITTEE IS DISCHARGED;

THE COMMITTEE SHALL REPORT TO THE BOARD OF SELECTMEN AS REQUIRED, BUT NO LESS THAN ON A QUARTERLY BASIS;

THE COMMITTEE SHALL ELECT ITS OWN CHAIR, VICE CHAIR AND CLERK AND SHALL ESTABLISH A REGULAR MEETING SCHEDULE. ALL RECORDS OF THE COMMITTEE SHALL BE FILED WITH THE TOWN CLERK AND OPEN TO PUBLIC INSPECTION IN ACCORDANCE WITH APPLICABLE OPEN MEETING LAW AND PUBLIC RECORD STATUTES;

THE COMMITTEE SHALL OPERATE IN ACCORDANCE WITH THE STATE CONFLICT OF INTEREST LAWS;

MEMBERS SHALL SERVE WITHOUT FINANCIAL COMPENSATION.

DUTIES
THE COMMITTEE SHALL WORK TO ADVANCE THE PUBLIC SAFETY FACILITY TO FINAL DESIGN AND CONSTRUCTION IN ACCORDANCE WITH THE RECOMMENDATIONS OF THE PUBLIC SAFETY STUDY COMMITTEE, AND IN ACCORDANCE WITH ARTICLE 1 AS APPROVED AT THE MARCH 8, 2017 SPECIAL TOWN MEETING;

THE COMMITTEE SHALL WORK TO IMPLEMENT THE COLLABORATIVE APPROACH WITH NEIGHBORING PARCELS, INCLUDING WOODWARD SCHOOL AND THE SOUTHBOROUGH GOLF CLUB, AS ADOPTED BY THE ST. MARK'S GOLF COURSE MASTER PLAN COMMITTEE, AND FURTHER SUPPORTED BY THE PUBLIC SAFETY STUDY COMMITTEE AND AS PRESENTED AT THE MARCH 8, 2017 SPECIAL TOWN MEETING. THE COMMITTEE SHALL APPOINT A LIAISON(S) TO WORK WITH OTHER COMMITTEES AS THEY MAY BE FORMED FOR WOODWARD SCHOOL AND SOUTHBOROUGH GOLF CLUB;

THE COMMITTEE SHALL WORK COOPERATIVELY WITH AN ARCHITECTURAL/ENGINEERING FIRM(S) AND THE OWNER'S PROJECT MANAGER

(OPM) IN THE DEVELOPMENT OF BIDDABLE BUILDING PLANS TO INCORPORATE THE POLICE, FIRE, AMBULANCE, DISPATCH AND EMERGENCY MANAGEMENT DEPARTMENTS. PURSUANT TO MGL CHAPTER 30B AND 149 REGULATIONS, THE COMMITTEE SHALL ASSIST THE TOWN ADMINISTRATOR IN PROCUREMENTS INCLUDING BUT NOT LIMITED TO THE ENGAGEMENT OF A PROJECT DESIGNER/ENGINEER, OPM, AND CLERK-OF-THE-WORKS (COW). THE COMMITTEE SHALL WORK COOPERATIVELY WITH AN ARCHITECTURAL/ENGINEERING FIRM(S), THE OWNER'S PROJECT MANAGER (OPM), AND CLERK-OF-THE-WORKS (COW) TO INCORPORATE THE POLICE, FIRE, AMBULANCE, DISPATCH AND EMERGENCY MANAGEMENT DEPARTMENTS AND THE CONTRACTOR, THROUGH PROJECT CONSTRUCTION. THE BOARD OF SELECTMEN SHALL BE THE AWARDING AUTHORITY FOR ANY AND ALL PROCUREMENTS RECOMMENDED BY THE COMMITTEE;

THE COMMITTEE SHALL COMMUNICATE WITH TOWN DEPARTMENTS, RESOURCES, AND OFFICIALS AS NEEDED [I.E. INSPECTIONAL DEPARTMENTS, TOWN ADMINISTRATOR, PERMITTING BOARDS, ETC.]. ISSUES RELATED TO THE PROJECT SHALL BE BROUGHT TO THE ATTENTION OF THE BOARD OF SELECTMEN AT THE TIME THEY ARE KNOWN.

Town Property Review Committee

The primary charge of the Town Property Review Committee is as follows:

- Review previous analysis and studies of Town-owned buildings as conducted by previous iterations of the Municipal Buildings Committee, including but not limited to the report done by the Cecil Group in 2004;
- Prepare a Request for Proposals (RFP) to update the Cecil Group Report. Scope should include all Town-owned properties, including those that do not have buildings and/or are tax title properties;
- Request funding authorization from the Board of Selectmen for the RFP (likely funding source would be the engineering/consultant article approved at the 2015 Annual Town Meeting);
- Review proposals and make recommendation for bid award to the Board of Selectmen;

- Work with the selected vendor to update the study, including recommendations for each Town-owned building, including operational and maintenance (O&M) needs, municipal use, and future disposition. Improvements to buildings should be included in the Town's Capital Plan and/or debt schedule planning, as may be applicable;
- Provide periodic updates to the Board of Selectmen, and solicit public input as necessary;
- Provide Final Report to the Board of Selectmen.

PIERCE DAVIS & PERRITANO LLP
10 Post Office Square, Suite 1100N, Boston, MA 02109-4603
Phone: 617.350.0950 | Fax: 617.350.7760

John J. Davis
Ext. 102
jdavis@piercedavis.com

May 29, 2020

Via Electronic Mail
Mark J. Purple
Town Administrator
Southborough Town House
17 Common Street
Southborough, MA 01772

Re: *Louise Barron, et al.*
vs. *Daniel L. Kolenda, et al.*
United States District Court (D. Mass.), C.A. No. 4:20-cv-40056-TSH

Dear Mr. Purple:

This is to confirm that the Town of Southborough's liability insurer, MIIA Property & Casualty Group, Inc., has retained this firm to represent the Town and the Southborough Board of Selectmen, individually and in their capacity as members of the Board, in the above-captioned civil action originally filed in Worcester Superior Court. On May 21, 2020, we removed the case to the United States District Court for the District of Massachusetts sitting in Worcester pursuant to 28 U.S.C. § 1441(a). As grounds for the removal, we cited Count II of the Complaint wherein one of the plaintiffs seeks recovery under 42 U.S.C. § 1982 for alleged civil rights violations. This federal cause of action gives the United States District Court subject matter jurisdiction under 28 U.S.C. § 1331. On May 28, 2020, we filed an Answer and Jury Demand in the District Court on behalf of all defendants, a copy of which was recently forwarded to you.

I look forward to working with you, the Board, and the Town in the defense of this action.

Very truly yours,

PIERCE DAVIS & PERRITANO LLP

John J. Davis

JJD/bf

From: Jason W. Malinowski <jmalinowski@southboroughma.com>
Sent: Friday, May 29, 2020 10:42 AM
To: Mark Purple <mpurple@southboroughma.com>
Cc: Brian Shea <bshea@southboroughma.com>
Subject: Authorization to use Engineering Fund

Mark,

As discussed at the Capital Planning Committee meeting on May 26th, the Committee voted unanimously to approach the Board of Selectmen for authorization to spent an amount not to exceed $15K from the Engineering Fund to assist in the required engineering analysis to bring forward the Town House exterior project to CPC for consideration of a future warrant article.

As mentioned in my prior communication for the last meeting, the Capital Planning Committee believes this is the most fiscally responsible approach to bundle multiple exterior projects that are planned for the coming years, which includes projects that have been put off for up to five years already.

Please let me know if you require any more details.

Thanks,

Jason Malinowski
Chair, Capital Planning Committee

TOWN OF SOUTHBOROUGH

TRAILS COMMITTEE

17 COMMON ST · SOUTHBOROUGH, MASSACHUSETTS 01772

http://www.southboroughtrails.org

April 30, 2020

Mr. John C. Warren
Head of School
St. Mark's School
25 Marlboro Road
Southborough, MA 01772

RE: Choate Fund Grant Proposal: "**Enhancing Southborough's Trails"**

Dear Mr. Warren:

The Southborough Trails Committee is pleased to present this proposal for the Choate Fund Trustees' review. The Committee is seeking funding to support our proposed project, "Enhancing Southborough's Trails". The objectives of the project are to enhance our local trails through improved signage and to install microfilament fishing line recycling receptacles to protect wildlife and reduce litter in our community.

Statement of Purpose

The Trails Committee has been working on projects to increase the community's awareness about the recreational opportunities and resources available in town. One of the ways we are doing this is by adding signage at key locations to increase trailhead visibility. We would also like to install two microfilament fishing line recycling receptacles to protect wildlife and reduce litter along the Sudbury Reservoir. The funding will be used to purchase four wooden signs for existing trailhead map kiosks and to purchase the materials to build the recycling receptacles.

Background

The Trails Committee develops, enhances, maintains, and monitors trails in town. We also work closely with local and state entities and adjacent towns to explore interconnecting open spaces. Our goal is to support a network of trails and encourage community members of all ages to enjoy Southborough's open spaces and conservation land.

In 2019, the Trails Committee worked with two Boy Scouts on their Eagle Scout projects. The Scouts designed and built four trailhead map kiosks in Southborough. One project was completed last year and the other project is scheduled for completion this spring. The map kiosks enhance visibility of the trails, provide maps of surrounding trails, and help to communicate the appropriate passive recreational activities allowed on the trails. The funding from this grant would enable the Committee to install a wooden "Southborough Trails" sign on each kiosk. The kiosks are located at the intersection of Rt.30/Old Northboro Road; Rt.30/Framingham Rd; Rt.85 near the Cemetery; and, Fayville Park – pending installation.

A few added benefits of Southborough Trails are the proximity to the Sudbury Reservoir, the great views, and convenient access to fishing along the shoreline. Unfortunately, we have noticed an increase in fishing line debris which can have a negative impact on wildlife and the environment. The Monofilament fishing line takes up to 600 years to decompose according to The Stow It-Don't Throw It Project[1]. Wildlife can become entangled or ingest the fishing line which can lead to drowning, starving, and death. The funding from this grant would also be used to build two receptacles to address this issue. The Trails Committee, with the support of local volunteers, will maintain the receptacles and recycle the fishing line.

Intended Beneficiaries

The importance of having adequate open space in communities is well known. Communities that offer open space can benefit economically by attracting more permanent residents as well as visitors. Trails also create healthy recreational opportunities for people of all ages. The Committee's efforts are focused on improving the community's awareness about the local trail resources. Signage at trailheads is an important component to this objective. Spring is the perfect time of year to increase trail visibility and encourage outdoor activities.

The recycling receptacles will help to educate the public about the impacts of fishing litter and encourage proper disposal of it. Our community members and precious wildlife will benefit from this initiative.

A few sample pictures and the project budget are included below. The Committee appreciates the opportunity to submit this proposal. Please reach out with any questions or if you would like to receive additional information.

Sincerely,
Kathryn

Kathryn C. McKee
Southborough Trails Committee Chair
18 Walnut Drive
Southborough, MA 01745
508-479-0971

Examples of Signage & Recycling Receptacles

[1] "*The Stow It-Don't Throw It Project is a youth-driven fishing line recycling and marine debris prevention project coordinated in partnership with Mote Marine Laboratory and the Sarasota Dolphin Research Program.*" http://stowitdontthrowitproject.weebly.com/

Proposed Budget:

Southborough Trails Signage		
Item	**Cost**	**Notes**
Wooden Signs	$1,060	$265/sign 1” western red cedar panels, stained. White painted letters, carved
Hardware/Brackets	$35	May include additional lumber to install sign on kiosk
Installation	$175	Cost to install all signs
Total Signage	**$1,270**	
Monofilament Fishing Line Recycling Receptacles		
6” PVC Pipe	$32	Qty 1; long enough to make two
6” PVC Elbows	$26	Qty 2
6” PVC Threaded Adaptors	$33	Qty 2
6” PVC Threaded Plug	$20	Qty 2
4x4 8’ pressure treated posts	$18	Qty 2
4x4 post caps	$4	Qty 2
PVC Adhesive	$10	
Recycling Decals	$20	
20” cable ties	$9	
Total Receptacles	**$172**	
Total Project Budget	**$1,442**	

MEMORANDUM

To: Board/Committee Member

From: Lori Esposito, Executive Assistant

Date: May 4, 2020

Re: Fiscal Year 2021 Annual Board/Committee Appointments

Thank you for volunteering your time and talent to the Town of Southborough. Your service is greatly appreciated!

Your current board/committee appointment will expire on June 30th. Kindly indicate if you would like to continue serving by completing this form. Please note, in order for us to maintain accurate records, we need this form returned, even if you do not wish to be reappointed. Once completed, please return to the attention of Lori Esposito via email to: lesposito@southboroughma.com no later than May 14, 2020. If we do not receive written verification of your intent to serve, your position will be considered vacant as of July 1, 2020.

[x] I wish to be reappointed to Conservation Commission
(Board or Committee)

[ ] I DO NOT wish to be reappointed to _____
(Board or Committee)

Name (please print): Call Guyer

Mailing Address: 146 Middle Road

Telephone Number: _____(H) _____(W)

Email address: _____

Date: 5/11/2020

1. Are you able to continue to serve on your board(s) or committee(s)? Yes

2a. How often has your board(s) or committee(s) met in the last twelve months? More than 15 times

2b. How many meetings have you attended? All except 1-2 meetings

3. Do you have any additional comments? My reappointment is conditional on the Board of Selectmen committing to remediation of the un-permitted landfill on the Breakneck Hill conservation land by January 1, 2021. (see attached)

Southborough's Conservation Commission has a problem. Charged with ensuring private citizens and commercial interests comply with environmental laws, the Commission finds itself owning possibly the worst environmental issue in town. The issue is a large unpermitted landfill (aka illegal commercial dump) on the Breakneck Hill Conservation property. The Commission is accountable for the care and management of this property; therefore as a Commissioner, I am responsible for addressing this issue. Not a situation I envisioned when volunteering to serve as a member of this organization.

The existence of this landfill has been known for decades. Failure by the Conservation Commission to address the problems at the site for so many years now erodes the moral authority of the Commission. The old adage of "heal thyself" is more than appropriate here.

In 2005 the Commission attempted to remedy this situation and failed. From 2005 until now no action has been taken by the Commission or any other town organization resulting in the remediation of this land. Those prior commissioners were so upset they wanted to sue the deceased prior owner. All this, and the specifics of what needs to be done, is detailed in the 2005 Conservation Commission's executive meeting notes. Documents Town Counsel does not want fully released to the public.

As a member of the Commission I became aware of the landfill in the fall of 2018. During a site visit with other Commissioners it was immediately clear what needed to be done. Following the site visit we requested steps to remediate this situation be initiated. As I thought was my duty, I continued to raise this issue at Conservation Commission meetings as time passed. After months of inaction, I escalated from being a "squeaky wheel" to what was characterized as improper actions outside of the Commission. Guilty as charged. That characterization is memorialized in the Conservation Commission's meeting notes from October 24, 2019 and letters from Town Counsel addressed to me and the Supervisor of Records at the Massachusetts Secretary of the Commonwealth. Now, here we are in May of 2020 without any definitive plan to remedy the situation.

Environmental issues are tough; they can cut at the core our moral fiber when you are faced with accepting responsibility of being a contributor. This landfill is now a heritage issue for our town, passed down over the past decades as a result of a tendency towards avoidance. As a community we cannot expect others to carry the burden of protecting the environment and shirk our collective duty to lead by doing.

So, I am tired of swimming upstream against the current of inaction. My present term as a Conservation Commissioner is expiring. For me to raise my hand and swear to again uphold the laws and regulations of the town, state and federal government is not something I wish to do unless I have an assurance from the Board of Selectmen the Town of Southborough will commit to remediation of this shameful situation. Remediation by January 1, 2021 should be the stated goal.

Name: **MAIN STREET WORKING GROUP**

Active Members: 4

Vacant Terms: 3

Appointed By: SELECTMEN

Charge: THE CHARGE OF THE MAIN STREET WORKING GROUP IS TO PROVIDE ASSISTANCE TO THE PUBLIC WORKS SUPERINTENDENT, AS NEEDED, DURING CONSTRUCTION OF THE MAIN STREET PROJECT.

THIS COMMITTEE WAS INITIALLY CREATED BY THE BOS ON APRIL 27, 2017, AS THE MAIN STREET DESIGN WORKING GROUP (MSDWG) AND WAS CHARGED WITH REVIEWING THE PROPOSED MAIN STREET RECONSTRUCTION PROJECT. THE NAME AND CHARGE WERE CHANGED BY THE BOS ON APRIL 16, 2018.

Public Safety Building Committee-Meeting Minutes

Date: Thursday, April 2, 2020, 7:00PM

Location: Zoom Meeting

Committee Members Present: Jason Malinowski-Chairman, Peter Goodney-Vice-Chairman, John F. Lyons-Clerk, Brennan Barry, John Rooney, and John Wood
Absent: Kathryn Cook (Resigned), Michael Moorehead, David Officer

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Item 1: Call Meeting to Order

- Chairman Jason Malinowski called the meeting to order at 7:00PM. Jason read the following statement from the top of the meeting agenda:

  Pursuant to Governor Baker's March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, §18, and the Governor's March 15, 2020 Order imposing strict limitation on the number of people that may gather in one place, this meeting of the Southborough Public Safety Building Committee will be conducted via remote participation to the greatest extent possible. Specific information and the general guidelines for remote participation by members of the public and/or parties with a right and/or requirement to attend this meeting can be found on the Town of Southborough's website, at https://www.southboroughtown.com/remotemeetings. For this meeting, members of the public who wish to watch or participate in the meeting may do so by using the joining instructions/link included above. No in-person attendance of members of the public will be permitted, but every effort will be made to ensure that the public can adequately access the proceedings in real time, via technological means. In the event that we are unable to do so, despite best efforts, we will post on Southborough's website an audio or video recording, transcript, or other comprehensive record of proceedings as soon as possible after the meeting.
- Jason reminded Committee Members that this meeting is being recorded and it will be posted on the Town's website. Members of the public are welcome to participate if they log into this Zoom Meeting. All questions will be answered at the end of the meeting.

Item 2: Approval of the Meeting Minutes from February 7, 2020

- Chairman Jason Malinowski asked the Committee Members if there were any questions for Mr. Lyons.
- **Motion:** John Wood made a motion to accept the meeting minutes as written. Seconded by John Rooney. Roll Call vote is as follows: Malinowski- "Aye", Barry-Brennan said that he was not at that meeting, but he said, "Aye", Rooney- "Aye", Wood- "Aye", Goodney- "Aye", and Lyons- "Aye". Motion carries unanimously (6-0).

Item 3: Chairman's Update

- Jason Malinowski informed the Committee that Kathryn Cook is no longer a member of the Public Safety Building Committee. Kathy had to resign, because as chairman of Advisory she could only be on one ad-hoc committee. Kathy was recently appointed to the Capital Planning Committee that was recently formed in Town. That Committee kicked off yesterday, so Kathy submitted her resignation

from this Committee. Jason said that he thanked Kathy for all her work on the Public Safety Building Committee and has been a valuable member of this team. Kathy wanted to pass along the joy that she had working with her fellow Committee Members on this project.

- Prior to the closing of the Public Safety Building, because of the COVID-19, to members of the public, including contractors, the problem with the counter tops in the Police Booking area has been resolved. Chief Paulhus and his Staff were patient with the contractor's sub-contractor and allowed them to exhaust all means before finding another solution. The quality installation of the stainless-steel counter tops is very poor. The general contractor (CTA) has exhausted all efforts with the sub-contractor who installed the stainless-steel counter tops in the booking area. CTA has agreed to install a new material for the booking area counter tops, which has been agreed upon by the design team and Chief Paulhus. Jason said that he would like to thank Chief Paulhus and his Officers for their patience until this issue has been resolved. The Town had legal requirements to go through to let the contractor (CTA) try and resolve the counter top issues, but in the end Jason commended CTA for working with us to resolve the poor quality of the installation and install a new material. John Wood asked what material was going to be used instead of stainless-steel. Jason Malinowski said that he thinks it is going to be Corian. John Wood asked if it was going to be the same price or are, we going to get a credit. Jason Malinowski said that it was going to be a "net wash".
- Jason said that there are still some items that are outstanding. The epoxy floors on the Police side and the door jams on the overhead doors in the apparatus bay that we will still be holding back money for. There are resolutions in place for these items, but it will be up to the Chiefs as to when to relax the access restrictions to the building to allow the work to be done. Jason said that we are lucky to have the building in place, so that the Police and Fire personnel can spread out. Jason said that he couldn't imagine what we would be going through right now if we were still in construction mode.

Item 4: Approval of Payment for CTA Requisition #20

- Jason Malinowski informed the Committee Members that Requisition #20 was distributed in the packet for everyone to review. Jason also said that he has been working with Heidi (Town Accountant) to make sure that we are within "dollars and pennies" as we go through all of this. Jason said that as he was reviewing everything, he realized that the version that was sent out to the Committee Members did not reflect an actual payment that was made at our last meeting.
  Motion: Chairman Jason Malinowski moved that we authorize a payment of $78,069.49 for CTA Requisition #20. Seconded by John Wood. Jason asked if there were any questions from the Committee Members on the disconnect that was in the packets versus what Jason moved. It was just simply the delta of the payment made on the Town's behalf from our last meeting. Roll Call vote on this motion: Malinowski- "Aye", Barry- "Aye", Wood- "Aye", Goodney- "Aye", Lyons- "Aye", Rooney- "Aye". This motion passes unanimously (6-0).
- Jason Malinowski informed the Committee that there will be one more invoice from CTA for the balance of $34,500. This will be for the epoxy flooring in the Police Booking Area and the door jams in the Fire apparatus bay overhead doors. Jason said that given the conditions that we are in we can look to approve this last invoice in two ways. The Committee can conditionally approve this invoice pending approval from the Town Administrator and Jason Malinowski or we can call another meeting when the invoice comes in. Jason reminded the Committee Members that our term will expire on June 30, 2020 regardless of when this last invoice will come in. Jason said that this will be the last item of business that we will have as a Committee. John Rooney said that it makes sense to conditionally approve this invoice now, so that we don't have to call another meeting, just for this invoice. John

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Wood said that he agreed. Peter Goodney and Brennan Barry also agreed that we should conditionally approve that last CTA Requisition.

Motion: Chairman Jason Malinowski moved that this Committee authorize the Town Administrator in conjunction with the Chairman, Town Accountant, and both Chiefs to authorize payment of any final CTA requisitions in line with what has already been contractually obligated. John Wood Seconded the motion (so moved). Roll call vote on this motion: Malinowski- "Aye", Barry- "Aye", Rooney- "Aye", Wood- "Aye", Goodney- "Aye", Lyons- "Aye". This motion carries unanimously (6-0).

Item 5: Summary of Invoices Approved Since Last Meeting

- Jason Malinowski informed the Committee that the items that were paid since the last meeting were the security contract that we approved many months ago and the work has been completed. The fencing has been completed to separate the golf road area from the building and the final commissioning invoices for Vertex. The final invoice for the Stair 2 window on the Police side has also been paid to Vertex. Jason wanted to commend Vertex, because they re-bid the installation of the Stair 2 window and they found a better installation contractor who did the installation at a lower price. It was a total savings of about $1,500.00.

Item 6: Project Budget Update

- Chairman Jason Malinowski said that they have been working with Heidi (Town Accountant) to make sure that "all the final ducks are in a row" and we are still in a range of between 3.1 million to 3.2 million that will be left on the side when this is all said and done. This includes any anticipated payments between now and the end of the fiscal year. Jason said that we don't know when Town Meeting will be held, but there is an article on the warrant to rescind 3 million dollars. The rest of the money (around $100,000.00) can be rescinded at a future Town Meeting.

Item 7: Public Comment

- Jason Malinowski asked Tom LaFlamme if there was anyone logged into the Zoom meeting for public comment. Tom LaFlamme confirmed that no one was logged in for public comment.

Item 8: Other Business That May Properly Come Before the Committee

- Jason said that he anticipates having one more meeting of the Committee to approve these meeting minutes and to approve the last meeting minutes, so that we are in compliance with the open meeting laws. If the next meeting does not happen within 45 days, then the Draft meeting minutes will be posted until we can meet and approve them.

Item 9: Adjournment

Chairman Jason Malinowski made a motion to adjourn. Seconded by Peter Goodney. Roll call vote on this motion: Malinowski- "Aye", Barry- "Aye", Rooney- "Aye", Wood- "Aye", Goodney- "Aye", Lyons- "Aye". This motion carries unanimously (6-0). Meeting adjourned at 7:17PM.

Documents Reference

- Draft Meeting Minutes from Committee Meeting dated February 7, 2020 presented by John Lyons, Clerk.
- CTA Application for Payment #20 dated 3/18/2020.

DRAFT

Respectfully Submitted,

John F. Lyons
Clerk

DRAFT

Public Safety Building Committee

Board of Selectmen Final Report

June 2, 2020

Committee Members

- Jason Malinowski, Chair
- Peter Goodney, Vice Chair
- John Lyons, Clerk
- Brennan Barry
- Kathy Cook, Advisory Representative
- Michael Moorehead
- David Officer
- John Rooney
- John Wood

Current Project Status

- General Contractor continues to work through punch list and landscaping with limited number of items remaining
- Walkthrough scheduled at 10 month point to work through warranty items
- Driveway situation resolved in late Fall with the help of DPW
- Majority of invoices have been paid with largest outstanding being
  - Final payment to General Contractor
  - BDA System

Goals Achieved

- Built a long overdue facility that meets today and tomorrow's public safety needs
- Transparency
- Set clear tone and outline of objectives
- Project Timeline
- Kept promises made from onset of this entire process
- Open lines of communication
- Accountability of all vendors

Project Cost Comparison as of June 1, 2020

	Special Town Meeting 2007	Est. Amount at Project Completion
Building Construction	$14,270,000	
Site Construction	$1,400,000	
Gas/Water Extension	$500,000	
Traffic Signal	$400,000	
Communications Tower	$150,000	
Escalation to Spring 2018 Bid	$678,000	
Total Hard Construction Costs	$17,398,000	$16,400,000
Design and Engineering	$1,554,500	
Professional Services (OPM)	$602,000	
Furniture & Fixtures	$857,000	
Project Related Expenses	$160,000	
Total Soft Costs	$3,173,500	$3,100,000
Project Contingency	$2,058,000	
Total Projected Cost	$22,629,500	$19,500,000

SLIDE FROM 2017 Special Town Meeting

Average Cost Per Household on Annual Basis (Land Purchase plus Building Construction)

Total Project Cost	Gross Cost Per Household	Retired School Debt	Net Cost Per Household
$26 Million	$377	($254)	$123
$27 Million	$391	($254)	$137
$28 Million	$406	($254)	$152

- Purchase would be funded through borrowing over a period of 30 years
- Average appraised house - $577,456
- Source: Finance Department

Total Project Cost Comparison

	Total Cost over 30 years Principal and Interest	Average Gross Cost Per Household (Avg/Year for 30 Years)
Estimates used at Town Meeting	$46,160,451	$391
Current Cost Projections	$35,442,606	$295
Savings Against Projection	$10,717,845	$94

Above amounts are average per year. Impact per year is not exactly the same due to length of bonds.
Assumptions: No Split Tax Rate. Based on latest valuation figures.
Source: Finance Department

Keys to Project Financial Success

- Ability to get project out to bid in early 2018 (one year from approval)
  - Led to significant bid savings from original budget
- Rigorous change order management process
  - Less than 30 % of budgeted project contingency was utilized
- Lower cost of overall project led to Finance Team being able to shorten bond period
- Lower interest rates due to AAA bond rating

Thank You!

TOWN OF SOUTHBOROUGH

BOARD OF SELECTMEN Meeting Minutes

Meeting Date: Thursday, May 14, 2020, 6:00 P.M.
Location: Virtual Meeting through Zoom
Present: Brian Shea, Marty Healey, Lisa Braccio, Daniel Kolenda, Sam Stivers and Town Administrator Mark Purple

I. Chairman Shea called the meeting to order at 6:00 P.M. Chairman Shea read the following statement:

Pursuant to Governor Baker's March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, §18, and the Governor's March 15, 2020 Order imposing strict limitation on the number of people that may gather in one place, this meeting of the Southborough Board of Selectmen will be conducted via remote participation to the greatest extent possible. Specific information and the general guidelines for remote participation by members of the public and/or parties with a right and/or requirement to attend this meeting can be found on the Town of Southborough's website, at https://www.southboroughtown.com/. For this meeting, members of the public who wish to watch or participate in the meeting may do so in the following manner by finding the meeting at: https://www.southboroughtown.com/remotemeetings. No in-person attendance of members of the public will be permitted, but every effort will be made to ensure that the public can adequately access the proceedings in real time, via technological means. In the event that we are unable to do so, despite best efforts, we will post on Southborough's website an audio or video recording, transcript, or other comprehensive record of proceedings as soon as possible after the meeting.

II. Continued discussion of revised Fiscal Year 2021 budget

Mr. Purple told the Board that they will need to approve or make changes to the list of exempt departments from further reductions of their budgets and review the 2% and 0% tax rate increase exercises. He added that recommendations from the Capital Committee are included in Mr. Ballantine's presentation. Mr. Purple told the Board he would like to have a revised budget approved at the meeting on May 19th.

Mr. Ballantine presented the updates to the revised budget which created a .83% tax rate increase with a levy capacity increase of about $1.1 million. He explained that local receipts and local aid were adjusted down and capital articles were adjusted. The Board would need to review and support these changes. He reviewed budget changes which included a deferment of the $70,000 DPW diesel truck to fiscal year 2022, deferment of the windows at the Town House which will be pursued another year and pointed out that the Finn boiler replacement is still included in the revised budget. He continued to list the capital items deferred to a future year and stated that the Capital Committee recommended that the hook and lift truck be taken up at the spring Town Meeting in bond form. Mr. Ballantine stated the Mr. Cimino would decide whether this could be added to the spring warrant. Chairman Shea recommended this item be included in the fall town warrant as previously decided. Mr. Purple explained that Ms. Galligan met with the Capital Committee and stated the current truck has over 120,000 miles and needed $12,000 for a new transmission. He stated she made a strong case that replacing the truck may be the wisest financial decision. He stated the new truck is $225,000 and recommended placing

this item into a capital article for the general fund. He added that $60,000 would come out of the water fund for the truck. Ms. Braccio explained if the DPW does not get the new truck, it could mean there is one less truck for snow plowing and that could create a large potential cost for the Town. Mr. Ballantine explained that another suggestion from the Capital Committee was to appropriate $25,000 from a $375,000 bond recommendation for Cordaville Hall to be used to add a bathroom at the Senior Center. The timing would be advantageous as the Senior Center is vacant during the pandemic.

Chairman Shea stated Mr. Malinowski had reached out to him to speak with the Board as a representative from the Capital Committee at the next meeting. The Board agreed. Mr. Ballantine summarized the exercise done to reach a 0% tax rate increase. He stated this is not recommended and a lot of hours and services were cut. Mr. Purple stated the .83% tax rate increase includes all the capital recommended by the Capital Committee and the 2% reductions listed in the documents included in the packet. He stated the budgets from the schools are also included and they had done the same exercise. Mr. Purple stated the only pending item not included is the National Grid parcel that the Town could purchase.

Mr. Healey stated that the decision to include new positions into the budget was done after robust discussions prior to the pandemic. He asked what the budget would look like if all new hours approved at that time were removed. Mr. Purple explained how projected benefits work within a budget and stated the tax rate increase would be .52%. Mr. Healey stated that with the private sector unemployment rate between 15% and 20% and furloughs and layoffs in the State and municipalities, he is not convinced adding new positions is in the best interest of the Town. He said all departments made strong arguments for their needs but with the extenuating circumstances and status of the economy brought on by the pandemic, he is not in support of adding any new positions without a corresponding budget cut. Mr. Stivers stated the new positions voted for approval were public safety needs and these departments are more in need of staff now than before the pandemic. He stated the addition of these positions would enable the Town to provide the right level of service to its residents. Ms. Braccio suggested job sharing. Mr. Stivers felt it was a good idea but it would not work for Southborough Youth and Family Services. Mr. Healey countered that these are important positions but the current economy is the worst its been since the Depression and he is not in support adding these positions in perpetuity when the economic future is unknown. Mr. Purple explained the onboarding process for police officers and reminded the Board that the full financial impact of these hires would not be seen until fiscal year 2023. He stated the Board could vote to freeze the new hires previously approved until January 2021 when more information may be available. Mr. Healey asked if there could be a hiring freeze on these positions in January 2021 if it was decided to be in the best interest of the Town. Mr. Purple stated it could be done and reminded the Board that due to unique onboarding of police officers, theirs is the only naturally deferred financial impact.

Mr. Kolenda stated he remains in support of public safety and he supports Mr. Purple's suggestion for freezing the hires until January 2021. Mr. Stivers suggested reviewing current staff positions and trading those that are not critical to enable the Town to provide the resources needed. Mr. Purple disagreed and stated that some departments have one or two people and added that it is very hard to replace a position once it is removed. Mr. Stivers asked if the new positions for the Technology Department are included and stated he is in support of a July 1st hire for this department. Mr. Purple stated that the ability for the staff to work from home for the past two months is a testament to bringing IT services in house. He said the department is

looking for an additional part-time position and reminded the Board that there is no backup or redundancy plan for this department. Chairman Shea stated he agreed with the approach to deffer police officer hiring until January 1, 2021 and moving forward quickly with a Youth and Family Services position. Mr. Stivers agreed.

Mr. Ballantine reviewed the list of exempt departments and asked the Board to consider including the Board of Health, Treasury Department, Recreation and Town Clerk. He reviewed the reasoning behind the request. Chairman Shea and Mr. Stivers agreed to include the Board of Health on the exemption list. Chairman Shea asked Mr. Ballantine to reach out to Assabet Valley Regional Technical School to discuss their budget and Mr. Ballantine agreed. Mr. Purple asked if there were any other departments the Board would like to add to the exemption list. Ms. Braccio stated she would like to review the Police and Fire budgets and possibly include them. Mr. Healey asked to see the exemption list again and identified others that should be contributing that are on the exemption list. He added that the Selectmen budget should be reduced to help offset the budget increase. Ms. Braccio did not agree with all of Mr. Healey's suggestions but did agree with reducing the Selectmen's budget.

Mr. Ballantine recapped the budget reductions and reminded the Board that local aid and local receipts will be set at a tax rate setting meeting and more information will be available in the fall. Mr. Purple reviewed the budget the Superintendent is presenting to the Regional School Committee and the amount the Town will receive from their proposed cuts. Mr. Healey stated that he could not support adding new positions at this time without cutting other items out of the budget unless absolutely necessary. He said he begrudgingly approves of moving the positions start dates for police to January 1, 2021. Mr. Kolenda made a motion to add two additional police officers with a hiring date of January 1, 2021. Mr. Stivers seconded. The motion passed all in favor (5-0-0) by roll call vote. Roll call: Shea, aye; Healey, aye; Braccio, aye; Kolenda, aye; Stivers, aye. Mr. Healey stated he is in favor of a position for Youth and Family Services if the cost was covered through the removal of another budget item. Mr. Kolenda spoke about the tradeoff of positions and stated he felt it was important to add the new positions without removing others. He reminded the Board that Mr. Ballantine had removed his request for a part-time employee which would cover half of the Youth and Family Services position. Mr. Kolenda made a motion to support a full-time position for Youth and Family Services. Mr. Stivers seconded. Mr. Healey stated he is not in support without corresponding budget cuts. The motion passed (4-1-0) by roll call vote. Roll call: Shea, aye; Braccio, aye; Kolenda, aye; Stivers, aye; Healey, nay. Chairman Shea stated the Zoom connection was spotty and he was having trouble hearing the rest of the Board. Mr. Kolenda and Mr. Ballantine stated the same. Mr. Kolenda made a motion to support the addition of a part-time position for the Technology Department. Ms. Braccio seconded. Mr. Healey asked the total cost of this addition and Mr. Ballantine stated $26,283. Mr. Healey stated his position to not include additional positions unless there was a corresponding cut in the budget. Mr. Purple asked the Board to consider two part-time positions for the Technology department instead of one full-time position. He said this would create full-time hours without incurring the cost of benefits. Chairman Shea made a motion to support one part-time position for the Technology Department as proposed with a start date of July 1, 2020. Mr. Kolenda withdrew his motion and seconded Chairman Shea's motion. The motion passed (4-1-0) by roll call vote. Roll call: Shea, aye; Braccio, aye; Kolenda, aye; Stivers, aye; Healey, nay.

Mr. Purple summarized the decisions made by the Board and stated he will incorporate them into the revised budget for review at the next meeting on May 19th.

III. On a motion made by Mr. Healey, seconded by Mr. Stivers and voted by roll call all in favor, Shea, aye; Healey, aye; Braccio, aye; Kolenda, aye; Stivers, aye, the meeting was adjourned at 7:31 P.M.

Upcoming Meetings *May 19. 2020* *June 2, 2020*

Respectfully submitted,

Kathleen Barry, Recording Secretary

List of Documents referred to at the May 14, 2020 BOS Meeting:

- May Budget Recap 5.14.20 BOS
- April Budget Recap with budget adjustments

DRAFT

TOWN OF SOUTHBOROUGH

BOARD OF SELECTMEN Meeting Minutes

Meeting Date: Tuesday, May 19, 2020, 6:30 P.M.
Location: Virtual Meeting through Zoom
Present: Brian Shea, Marty Healey, Lisa Braccio, Daniel Kolenda, Sam Stivers and Town Administrator Mark Purple

I. Chairman Kolenda called the meeting to order at 6:30 P.M. Chairman Shea read the following statement:

Pursuant to Governor Baker's March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, §18, and the Governor's March 15, 2020 Order imposing strict limitation on the number of people that may gather in one place, this meeting of the Southborough Board of Selectmen will be conducted via remote participation to the greatest extent possible. Specific information and the general guidelines for remote participation by members of the public and/or parties with a right and/or requirement to attend this meeting can be found on the Town of Southborough's website, at https://www.southboroughtown.com/. For this meeting, members of the public who wish to watch or participate in the meeting may do so in the following manner by finding the meeting at: https://www.southboroughtown.com/remotemeetings. No in-person attendance of members of the public will be permitted, but every effort will be made to ensure that the public can adequately access the proceedings in real time, via technological means. In the event that we are unable to do so, despite best efforts, we will post on Southborough's website an audio or video recording, transcript, or other comprehensive record of proceedings as soon as possible after the meeting.

II. Scheduled Appointments

<u>James Blaschke – volunteer interview for Historical Commission appointment; term 6/30/22</u>

Chairman Shea welcomed Mr. Blaschke and asked him for a brief background and reasons for volunteering. Mr. Blaschke said he has been a resident of Southborough for twenty years, had a forty-five-year career in technical engineering and marketing and sales and was a founding member of five startups. He stated that he has recently retired and wanted to volunteer. He had recently joined the Historical Society. Chairman Shea asked if he had attended any meetings yet and he said he joined one meeting. Mr. Stivers asked if there were any projects he was focused on and Mr. Blaschke replied there was not. Mr. Kolenda asked how he would balance the needs and wants of property owners and those of the Historical Commission. Mr. Blaschke responded that as a philosophy he believes in the principle of tradeoffs between what the homeowner wants and the bylaws. He added that he is a believer in communication and negotiations to come to a fair conclusion for all involved. He said the structure would have to be historically meaningful in some way for him to move forward. Ms. Braccio asked if there was a letter of recommendation from the Commission and Mr. Purple stated Mr. Mauro had sent one but it cannot be found. Mr. Healey stated that as a founder of five businesses, he has the skills to creatively suggest projects and initiatives for the Town. Chairman Shea made a motion to appoint Mr. Blaschke to the Historical Commission; term 6/30/22. Mr. Stivers seconded. The motion passed all in favor (5-0-0) by roll call vote, Braccio, aye; Healey, aye; Kolenda, aye; Shea, aye; Stivers, aye.

DRAFT

Brian Stearns, Veterans' Agent – Memorial Day observance update

Mr. Stearns listed the events scheduled for Memorial Day weekend which include a flag ceremony this Saturday, flags will be placed on the veteran's graves and Representative Dykema produced a Memorial Day message that will be shown on Southborough Access Media. He added that Ms. Hale coordinated with the churches and there will be twenty-one bell rings at 10:30 A.M. instead of a twenty-one-gun salute. He added that there will be a small contingent of veterans that will march and perform a ceremony while maintaining social distancing. Mr. Stearns stated that the event is not public but will be viewable on SAM. Ms. Braccio thanked him for his work and reiterated that the public should not attend. Mr. Kolenda agreed and thanked Vanessa for organizing the bell ringing. Mr. Kolenda thanked Mr. Stearns for coordinating with the State and other towns to create an appropriate event. Chairman Shea stated the event will be viewable on Verizon channel 37.

Mark Pietrewicz, Assabet School Committee Rep. – update to the Board

Mr. Pietrewicz explained he joined the Assabet School Committee in August to fill a vacancy and he will be running a write-in campaign to be full term member for the June election. He summarized the challenges the school is facing which include difficulties with remote learning as most is hands-on and ensuring the senior class receives the rest of their hours in order to graduate. He stated that the 2021 budget was finalized and that a five-year bus contract was agreed upon with NRT. Mr. Pietrewicz stated his main goal is to bring more visibility to the school and inform Southborough residents the school is a viable option for students. He said that Assabet has all sports with high engagement and graduates have the requirements needed to attend a two- or four-year college. He broke down the number of Southborough students currently enrolled which total twenty-one.

Ms. Braccio asked Mr. Pietrewicz to thank the students for their work on the deck at the golf course club house. She asked what the plans were for graduation. Mr. Pietrewicz stated they are planning a summer graduation at the DCU Center for the 1,200 graduating seniors.

Brian Ballantine, Finance Director – Continued discussion of revised FY2021 Budget

Mr. Purple walked the Board through the PowerPoint presentation included in the packet. He showed the Board the changes made and voted on recently to adjust the budget due to the pandemic. Chairman Shea asked to review and discuss the next steps slide. Mr. Healey stated he would like to hear from Advisory before making any more budgetary decisions. He asked that Advisory discuss the items the Board has already addressed. Mr. Stivers agreed. Ms. Braccio stated that after reviewing other towns' budgets and noting the number of layoffs and furloughs, she would like to revisit the new hires approved for July 1, 2020. She suggested the Youth and Family Service position become a job share with other employees who may not be busy at this time. Mr. Kolenda stated he is comfortable with the vote from the previous meeting and supports filling the open positions at Youth and Family Services and the Technology Department July 1, 2020. Mr. Healey restated his previous position to postpone all but the Police Department positions until January 1, 2021. Chairman Shea stated he felt it were more prudent to hold off on all hiring until January 1st when more information is available from the State and Local levels.

Mr. Kolenda asked the dollar savings from deferring the Youth and Family Services position. He noted his concerns about a lack of resources for public health issues stemming from the pandemic. Ms. Braccio stated it was not a matter of money but sustainability. Mr. Kolenda

respectfully disagreed. Mr. Stivers stated he is willing to take the risk to provide Youth and Family Services with the resources they need in order to support the residents starting July 1, 2020. Ms. Braccio stated her stance does not reflect non-support of Youth and Family Services. Mr. Healey made a motion to delay all hiring until January 1, 2021. Ms. Braccio seconded. Mr. Kolenda asked for clarification on the motion and Chairman Shea stated this motion will impact Youth and Family Services and the Technology Department. Mr. Kolenda said he will not support a motion that impacts Youth and Family Services. The motion passed (3-2-0) by roll call vote, Braccio, aye; Healey, aye; Kolenda, nay; Shea, aye; Stivers, nay. Chairman Shea made a motion to approve the amended 2% budget as prepared by Mr. Purple and Mr. Ballantine. Mr. Kolenda seconded. The motion passed (3-2-0) by roll call vote, Braccio, aye; Healey, nay; Kolenda, aye; Shea, aye; Stivers, nay.

Ms. Cook stated she supports the hiring freeze for flexibility. She stated that she believes there are people who have the time and ability to fill the Youth and Family Services position due to the impact of the virus. She added that Advisory is not worried about just this year's budget, but the budget for the next five years.

Continued discussion about Open Space & Recreation Plan

Mr. Kolenda stated the document is a solid product that took a lot of time, effort, and research to create. He stated that he felt there is commentary in the document that could be read as anti-building or anti-development and this should be stripped out. He said he sent a redlined version to Mr. Purple and felt that the commentary regarding an explosion of population in Southborough is no longer an accurate description. Mr. Kolenda added he would like to see the document in a more neutral fashion that still advocates for need and want for open space in Town while respecting other aspects of tax relief.

Mr. Healey spoke about his concern over the lack of timing for the Board's approval and the inability for the Board to give feedback on the document. He described the process he took to research who owned and how the document was developed which included reading many board and committee meeting minutes. Chairman Shea invited Ms. Danza to speak. Ms. Danza explained the document was created from surveys from the public and all boards and citizens were invited to take part. She stated that it is not bias towards Open Space or any other entity and the parcels listed are those the Town would like review if they happened become for sale. She explained her predecessor Ms. Rosenbloom and Ms. Ferguson from Recreation were highly involved in this process. She added that Ms. Cryan from the EEA had a lot of feedback for updates and changes to the document. Ms. Braccio added that the document was generated by surveys and public outreach. She said two consultants worked to create the majority of the document which was funded by the Recreation Committee and CPA funds.

Mr. Healey stated he compared this document with other community's and this document is much different. He added that the Town is receiving numerous OML complaints and he would like a timeline put together of how this was created as he had not found any minutes to reflect this. He also requested to know what group is responsible for this document. Mr. Stivers stated this document has had a long and difficult past and suggested the Board should approve this in order to move it forward. Mr. Kolenda stated he had responsibility to entire Town and if he were to sign off on it, he would like the anti-development rhetoric removed. Chairman She stated that this should be an agenda item at a future date to address the questions regarding the history of the document and process that was followed. Mr. Healey asked for a timeline, what committees

or boards were appointed to work on this, when and where meetings were held and any minutes reflecting vote taken.

Ms. Gillespie stated that this is not an Open Space Preservation Commission document and explained some of the history of its origin. She added that discussions related to this document are not included in any minutes because it was created by Town employees. She stated that if the Board is finding fault with the document, it is not the fault of the OSPC as they did not write or edit the document. Ms. Gillespie stated that the Board can choose to support the 2019 document and it will move forward or not support and it would have to be recreated from scratch. She said there is no going back to edit it. Chairman Shea asked Mr. Purple and Ms. Danza to work on producing a timeline for the origination of this document and answers to the questions provided by the Board. Mr. Purple agreed.

III. Reports

Chairman's Report

Chairman Shea reminded the public that the town election is June 16, 2020 from 8:00 A.M to 4:00 P.M. at the Trottier School. He encouraged people to vote early and vote for contested and uncontested races.

Chairman Shea stated that documents were distributed in early winter for performance reviews for the Town Administrator and due to personal issues and the pandemic, the completion of the forms fell in the priority list. He asked the Board for a consensus on schedules. Mr. Shea asked to move as quickly as possible as the renewal of Mr. Purple's contract is soon. The Board agreed to have comments complete and submitted through emails to Ms. Hale by June 2, 2020.

Members' Reports

Ms. Braccio praised the Police and Fire Departments for their work coordinating the successful search and rescue of a missing 86-year-old woman. She listed and gave thanks to the units that worked together which included Police and Fire Duty Crews, Fire Recall, Southborough CERT, Department of Fire Services, Special Operations Drum Unit, and the Grafton and Weston K-9 Units.

Mr. Healey thanked Ms. Hale, Ms. LeFrancois and Southborough Youth and Family Services for sending the town-wide mailer with updated information regarding available resources for those in need. Mr. Healey stated that the Main Street Project has begun work and he has heard feedback from affected residents that they would like improved communications and updates from MASS DOT. He and Ms. Galligan are attempting to work with MASSDOT on this but because it is a State project, they are having difficulties. They will continue to push the issue.

Town Administrator Report

Mr. Purple updated the Board on the current status of COVID-19 in Southborough. He stated there have been 38 positive cases and 34 have been released from isolation. The Public Health Nurse is monitoring four cases currently. He praised the work of the Board of Health and the Public Health Nurse for the contact tracing they have been doing.

He stated that he is coordinating with Ms. Hale, the Public Health Nurse and Chief Achilles to formulate a phasing plan to bring employees back to work that follows the guidelines from the

Governor. Mr. Purple stated that currently the date to open buildings to employees may be June 1st or June 8th.

Mr. Purple stated Ms. Hale has been leading the interview team for the Town Accountant position as Ms. Kriger is retiring at the end of June. Two finalists will be invited for in person meetings with Mr. Purple. He hopes to have a recommendation for appointment in the beginning of June.

IV. Consent Agenda

Chairman Shea asked to hold agenda items b, c and d. Chairman Shea made a motion to approve agenda items a, f, g, h and i. Mr. Healey seconded. The motion passed all in favor (5-0-0) by roll call vote, Braccio, aye; Healey, aye; Kolenda, aye; Shea, aye; Stivers, aye.

a. Approve Open Session Minutes: May 5, 2020
b. Reappointments of staff positions for Fiscal Year 2021
   Chairman Shea stated that the Board committed to review the list of municipal employees yearly and pointed out that the Tree Warden and Special Counsel Talerman have been added to this list. Chairman Shea made a motion to approve the staff appointments for fiscal year 2021. Ms. Braccio seconded. Mr. Stivers said he would like to review legal services provided to the Town and proposed a 90-day approval to put out a bid for alternative legal service options. Chairman Shea stated that the appointments are set to take effect July 1, 2020 and this process can take time. He listed the advantages and disadvantages of regularly submitting RFPs. Mr. Healey stated he was in support of reviewing all contractual services on a more global level. Ms. Braccio agreed and stated she was not in support of this review so late in the year. Mr. Kolenda stated he was having trouble hearing Mr. Healey and Ms. Braccio but stated this topic should have been brought up months ago and he felt submitting RFPs and not acting on them could be dangerous. He added that if the Town were to approve the lowest bidder, service could suffer. Mr. Kolenda stated he supports the approval of legal services for the next year. Mr. Healey made a motion to approve the reappointments of staff positions for Fiscal Year 2021. Ms. Braccio seconded. Chairman Shea wanted clarification on Special Legal Counsel Lacey and Mr. Purple stated that the Law Firm should be listed and not the individual lawyers. Mr. Healey stated his motion stands as amended. The motion passed (4-1-0) by roll call vote, Braccio, aye; Healey, aye; Kolenda, aye; Shea, aye; Stivers, nay.
c. Assignment of 5/13/2020 OML Complaint from Ginny Kremer to counsel for response
   Chairman Shea asked which counsel was appropriate to provide a response and Mr. Purple stated Town Counsel. Chairman Shea made a motion to assigned the 5/13/2020 OML Complaint from Ginny Kremer to Town Counsel. Mr. Healey seconded. Mr. Kolenda stated that OML complaints are free to the tax payer to pursue and it is their right but there is a cost to the Town. He said there have been many filed from the same people and many of theirs have lost but still a cost to the Town. Mr. Kolenda asked Mr. Purple to find out how much money has been spent on these OML Complaints from these individuals. Mr. Purple agreed to do so. The motion passed all in favor (5-0-0) by roll call vote, Braccio, aye; Healey, aye; Kolenda, aye; Shea, aye; Stivers, aye.
d. Town Administrator to sign Cemetery deeds on behalf of Board of Selectmen
   Chairman Shea stated that because the Board is unable to meet in the Meeting Room and there are a number of documents requiring signatures. He said allowing the Town Administrator to sign cemetery deeds on behalf of the Board saves time and resources. Chairman Shea made a motion to allow the Town Administrator to sign Cemetery deeds on

behalf of the Board of Selectmen. Mr. Stivers seconded. The motion passed all in favor (5-0-0) by roll call vote, Braccio, aye; Healey, aye; Kolenda, aye; Shea, aye; Stivers, aye.

e. Approve successor contract for Finance Director
Mr. Healey summarized the agreement already approved in Executive Session which approved a first-year salary increase of 2.25%, a second-year salary increase of 2.5% and a third-year salary increase of 2.75%. He added the Board agreed to create a 457 deferred compensation plan for three years annually representing 3% of Mr. Ballantine's pay for each year. Mr. Healey reviewed the additional item in paragraph eleven to buy back unused vacation time up to five days or forty hours at the end of the vacation year. Mr. Healey made a motion to approve the agreement described. Chairman Shea seconded. The motion passed all in favor (5-0-0) by roll call vote, Braccio, aye; Healey, aye; Kolenda, aye; Shea, aye; Stivers, aye.

f. Approve side letter for DPW Union, RE: Supervisor stipend

g. Authorize support for Capital Committee to file CPA applications for Town House improvements

h. Approve Executive Session Minutes: May 5, 2020

i. Accept donations totaling $100.00 for Fire Department Ambulance Fund

c. Update on impact of COVID-19

Mr. Purple suggested inviting the Recreation Director to the June 2nd meeting to give an update as to the status of their programs. He said the Recreation Commission made the decision to cancel summer camps this year and it would be beneficial to have him explain what they are working on and their plans moving forward. Chairman Shea agreed.

d. Other Matters Properly Before the Board

<u>List of Board/Committee reappointment requests for Fiscal Year 2021</u>

Chairman Shea stated that there were members of the Golf Course Committee that do not want to be reappointed. He said they have requested to dissolve the Committee or reconsider a new charge. Mr. Stivers said the Committee spoke about a refocus from design and construction to marketing and better utilization of the course at their last meeting. He said there is value in having strong citizen input in doing this. Mr. Purple stated this was always the intention for the Committee and once the Public Safety Building was complete, they would pivot to a conduit role between the Town and management company. Chairman Shea stated this will be considered at the next meeting.

Mr. Healey gave his reasons for not requesting reappointment to the Main Street Working Group which included the fact that they had not been utilized in years. Chairman Shea stated he was in support of dissolving the Group. Mr. Stivers noted a conditional request for reappointment from Mr. Geyer of the Conservation Commission. Chairman Shea stated that a licensed site professional engaged by the Board is working on this issue and the Town is following their recommendations completely. He said he is not interested in providing a conditional approval for Mr. Geyer but acknowledged his tremendous work on the Conservation Commission. Chairman Shea added he would welcome him back but without any conditions. Mr. Kolenda agreed and stated Mr. Geyer is a great advocate for Conservation but he would not support any person who provided conditions to their reappointment. Mr. Healey asked Mr. Geyer to reach out to any Board member to discuss further.

Chairman Shea stated the PILOT Committee is vacant and asked that it be removed from the list. Mr. Purple agreed. Chairman Shea stated the charge of Public Safety Building Committee is complete. Mr. Purple agreed and said Mr. Malinowski has given authority to both him and Mr. Purple to close out the project. He added that Mr. Malinowski forwarded the final meeting minutes for Board approval. Chairman Shea stated Mr. Purple suggested dissolving the Town Property Review Committee as it has been vacant for some time. He said unless there are residents interested in joining this committee, it is best to dissolve it. Chairman She stated this item will be on the Consent Agenda for the next meeting.

e. Public Comment

Sue Butka (8 Hubley Lane) stated she is Chair of Southborough Youth and Family Services and does not believe they can wait until January for the addition of their new position. She said she spoke with Ms. Cassell recently and this is a crisis situation that will get worse before it gets better. She added there have been serious domestic abuse situations prior to the lockdown and the pandemic has created more need for the services they provide.

Mr. Purple asked the Board if the vote to delay any new hires until January 1, 2021 does not include additional hours for the Fire Department or Council on Aging. Mr. Healey stated his motion was focused on new hires and not additional hours.

f. On a motion made by Mr. Stivers, seconded by Chairman Shea and voted all in favor by roll call, Shea, aye; Healey, aye; Braccio, aye; Kolenda, aye; Stivers, aye, the meeting was adjourned at 9:10 P.M.

Upcoming Meetings *June 2, 2020* *June 13, 2020 – Annual Town Meeting*

Respectfully submitted,

Kathleen Barry, Recording Secretary

<u>List of Documents referred to at the May 19, 2020 BOS Meeting:</u>

- Citizen Activity Form, James Blaschke
- Draft Meeting Minutes, May 5, 2020
- BOS Appointments FY21
- OML Complaint Form dated May 5, 2020
- Letter from Jason Malinowski to Brian Shea re: Capital Planning Committee Request dated May 15, 2020
- Letter from Chief Achilles to BOS dated May 14, 2020
- Board and Committee volunteer status as of May 15, 2020
- Open Space and Recreation Plan Update 2019

RCV'D Town Clerk
6/24/2020
4:50 PM
CAMB

TOWN OF SOUTHBOROUGH

BOARD OF SELECTMEN Meeting Minutes

Meeting Date: Monday, June 8, 2020, 7:00 P.M.
Location: Virtual Meeting through Zoom
Present: Brian Shea, Marty Healey, Lisa Braccio, Sam Stivers and Town Administrator Mark Purple
Absent: Daniel Kolenda

I. Chairman Shea called the meeting to order at 7:06 P.M. Chairman Shea read the following statement:

Pursuant to Governor Baker's March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, §18, and the Governor's March 15, 2020 Order imposing strict limitation on the number of people that may gather in one place, this meeting of the Southborough Board of Selectmen will be conducted via remote participation to the greatest extent possible. Specific information and the general guidelines for remote participation by members of the public and/or parties with a right and/or requirement to attend this meeting can be found on the Town of Southborough's website, at https://www.southboroughtown.com/. For this meeting, members of the public who wish to watch or participate in the meeting may do so in the following manner by finding the meeting at: https://www.southboroughtown.com/remotemeetings. No in-person attendance of members of the public will be permitted, but every effort will be made to ensure that the public can adequately access the proceedings in real time, via technological means. In the event that we are unable to do so, despite best efforts, we will post on Southborough's website an audio or video recording, transcript, or other comprehensive record of proceedings as soon as possible after the meeting.

II. **Scheduled Appointments**

Joint Meeting with Planning Board and SHOPC, RE: Housing Production Plan

Mr. Morris called the Planning Board meeting to order at 7:04 P.M. and read the above statement. Ms. Jasinski called the SHOPC meeting to order at 7:09 P.M. and read the above statement. The Planning Board agreed to move the discussion regarding the Housing Production Plan up in the agenda to accommodate the Board of Selectmen and SHOPC. Ms. Hoecker introduced Courtney Starling and Roberta Cameron from the Community Opportunities Group. Ms. Hoecker gave a summary of the community outreach done to create the document with the collaboration of the consultants. Ms. Quinn stated that the DHCD requires the plan to be approved by both the Planning Board and Board of Selectmen before submission. Ms. Starling stated the Housing Production Plan has been created and reviewed over the last several months to look at Southborough's progress on affordable housing. The goal is to identify opportunities to meet the Chapter 40B requirement for 10% of year-round housing to be deeded as affordable. Ms. Cameron added that the approval of the Housing Production Plan does not mean the Town is making a commitment to follow through with every action item. She stated it was more of an endorsement of the goal to meet the affordable housing requirement and the potential to carry out strategies recommended in the plan.

Mr. Stein made a motion that the Southborough Planning Board recommend to endorse the Housing Production Plan as written. Ms. Luttrell seconded for discussion. Ms. Luttrell stated she felt the statement regarding the Town's deliberate effort to homogenize housing through local

zoning was not true. Ms. Starling stated that historically zoning regulations have been passed by the Town that consequently reduced development opportunities. She added the point of the comment was that more effort needs to be made if the goal is to create more types of housing outside of single-family homes. Mr. Morris stated he felt the same as Ms. Luttrell but overall the document is excellent. He asked if there were any other questions or comments from the Planning Board and there were not. The motion passed all in favor by roll call vote.

Chairman Shea made a motion for the Board of Selectmen to endorse the Housing Production Plan as written. Ms. Braccio seconded. Mr. Healey stated he reviewed the Mass Court of Regulations and it states that the Board of Selectmen, Planning Board and Conservation Commission need to adopt the plan before submission to the DHCD. Chairman Shea amended his motion for the Board of Selectmen to adopt the Housing Production Plan as written. Mr. Healey cited 760 CMR 56.03 (4) (e) and asked if the Conservation Commission had adopted the Plan. Ms. Starling stated that the DHCD does not require adoption from the Conservation Commission though they are consultative. Mr. Healey stated that agency regulations do not override legally adopted State Regulations. Ms. Starling stated that this has never been part of their process with DHCD but agreed to review this matter with them for clarification. Mr. Stivers suggested the Board ask the Conservation Commission to vote to adopt the Plan. Mr. Healey stated he would be more comfortable with that process. Karina stated she has never heard of this requirement and will vet the issue and forward the Plan to the Conservation Commission if required. Marty added that otherwise he supported the Plan. Mr. Stivers stated his support for the plan and felt the Town should be focusing on diversifying the housing stock moving forward. Chairman Shea asked if there were any other Board comments and there were not. The motion passed all in favor (4-0-0) by roll call vote, Braccio, aye; Healey, aye; Stivers, aye; Shea, aye.

III. On a motion made by Ms. Braccio seconded by Chairman Shea and voted by roll call all in favor, Braccio, aye; Healey, aye; Stivers, aye; Shea aye, the meeting was adjourned at 7:43 P.M.

Upcoming Meetings
June 13, 2020 – Annual Town Meeting
June 23, 2020

Respectfully submitted,

Kathleen Barry, Recording Secretary

List of Documents referred to at the June 8, 2020 BOS Meeting:

- Town of Southborough Housing Production Plan

Town of Southborough

Housing Production Plan

Prepared by:

Community Opportunities Group, Inc.

April, 2020

TOWN OF SOUTHBOROUGH
INCORPORATED
JULY 6, 1727.
MASSACHUSETTS

Acknowledgements

This Housing Production Plan was produced for the Town of Southborough under the guidance of the Southborough Housing Opportunity Partnership Committee (SHOPC) and Planning Department:

Doriann M. Jasinski, Chair, SHOPC
John M. Wood, Vice Chair, SHOPC
Thomas Bhisitkul, Member, SHOPC
Lisa M. Braccio, Member, SHOPC
Alexander S. Frisch, Member, SHOPC
Thomas L. Marcoulier, Member, SHOPC
Jesse T. Stein, Member, SHOPC
Karina Quinn, P.E., Town Planner
Sarah Hoecker, Business Administrator I to Planning

SHOPC would like to extend its gratitude to the Affordable Housing Trust Fund Committee for providing funding for this initiative.

In addition, SHOPC thanks the following town staff, departments, boards, and other local entities for
providing valuable local data and insights:

Assessor's Department
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Planning Board
Community Preservation Committee
Open Space Preservation Commission
Economic Development Committee
Mark Purple, Town Administrator
Laurie Livoli, Building Commissioner
Pam LeFrancois, Senior Center Director
Paul Pisinski, Board of Health
Lynn Moreno, Southborough Housing Authority Director
Gregory Martineau, Superintendent, Public Schools of Northborough and Southborough
Marijke Munsiff-Vegting, Economic Development Coordinator

SHOPC would like to also thank all the residents and members of the community who participated in the Housing Production Planning process. Your feedback was invaluable to the formation of this plan and is greatly appreciated.

This report builds on past work, particularly the 2009 Affordable Housing Strategy, the 2008 Southborough Master Plan, and the 2015 Housing Production Plan.

Report prepared by Community Opportunities Group, Inc.
Principal Author: Roberta Cameron, AICP with assistance from Courtney Starling, AICP

All Photography by Community Opportunities Group, Inc. unless otherwise noted.

Southborough Housing Production Plan

Table of Contents

Executive Summary 1
Introduction 3
Needs Assessment 6
Demographic Profile 6
Economic and Employment Profile 12
Housing Inventory 14
Housing Cost 18
Affordability 20
Housing Development Framework & Challenges 24
Physical Conditions 24
Regulatory Context 29
Existing Housing Resources 39
Affordable Housing Inventory 39
Organizational Capacity 41
Housing Needs and Goals 45
Implementation Strategies 47
Rate of Affordable Housing Creation 54
Appendix 1: 2020 HPP Survey Results A1-1
Appendix 2: SHOPC Priority Action Checklist A2-1

Tables

Table 1: Population and Household Growth 7
Table 2: Disability Status 8
Table 3: Social Characteristics 8
Table 4: Household Composition 9
Table 5: Median Household Incomes 9
Table 6: Household Income by Age of Householder 10
Table 7: Regional Context, Population and Households 10
Table 8: Industry of Employment for Southborough Workforce 13
Table 9: 2018 Employment and Wages in Southborough 13
Table 10: Residential Vacancy 14
Table 11: Residential Properties by Land Use 15
Table 12: Regional Context, Housing Inventory 17
Table 13: Characteristics of Homeowner and Renter Households 19
Table 14: Households by Cost Burden by Tenure 20
Table 15: Cost Burden by Income, Age Householder 21
Table 16: Housing Demand and Supply by Income Threshold 21
Table 17: Commercial Tax Base Comparison 21
Table 18: Change in Median Housing Costs and Median Income 22
Table 19: Change in Cost Burden 2000-2016 22
Table 20: Historic School Enrollment 29
Table 21: Summary of Residential Zoning Requirements 31
Table 22: Income Eligibility Guidelines 39
Table 23: SHI Comparison 39
Table 24: Southborough Subsidized Housing Inventory 40
Table 25: CPA Housing Expenditures Summary 42
Table 26: Chapter 40B Housing Goals 46

Figures

Figure 1: Comparison of Population Projections 7
Figure 2: Southborough Population by Age: Historic/Projected 7
Figure 3: Age Profile Comparison 8
Figure 4: Household Income Distribution 10
Figure 5: Unemployment Rates 12
Figure 6: Characteristics of Southborough Housing Inventory (ACS 2013-2017) 14
Figure 7. Average Value by Year Built / Quantity of Units 16
Figure 8: Range of House Values, Regional Comparison 17
Figure 9: Median Sales Price, 1999 – 2018 18
Figure 10: Housing Affordability and Wage/Income Comparison 23

Executive Summary

Southborough's Housing Goals

1. Provide housing options that attract families and enable older adults to remain in Southborough as their needs change
2. Reinforce Southborough's economic goals by supporting local businesses through the provision of expanded housing choices that serves a diverse local workforce
3. Encourage alternative housing styles to single-family homes, such as townhouses, duplexes, and small apartment buildings in contextually appropriate locations to provide residents with a wider range of housing options
4. Maintain Southborough's character by supporting the design of housing development that is compatible with and complementary to the Town's architectural character and wooded landscapes.
5. Minimize impacts of new development on priority areas for open space, conservation, and natural resource protection purposes
6. Maintain and improve the condition of the Town's housing stock and encourage high quality new construction

"Being able to live and own this affordable home has brought tremendous stability to our lives... Being able to have this stability from owning an affordable home has brought immeasurable opportunity to my family--a place to have roots, a place to grow, a place to thrive."

- Southborough Affordable Homeowner

Introduction

Southborough has traditionally been a high value community, in terms of its location, natural beauty, quality of life, and (historically) comparatively affordable home prices. However, due to a scarcity of developable land, environmental constraints, and limited infrastructure, the cost of housing in Southborough is now the highest in Worcester County. Over recent decades most new housing that has been constructed consists of increasingly larger and more expensive single-family homes. Many who work in Southborough cannot afford to live in town, which is exacerbated by half of Southborough jobs paying less than the income required to rent or buy a local apartment or house. Moreover, the housing stock offers relatively few and highly competitive options for young adults, individuals living alone, small households, and seniors.

Nearly 900 of Southborough's roughly 3,400 households today are cost-burdened (paying more than 30% of their income on housing). This includes 1/2 of Southborough's renters and 1/4 of homeowners. Young adults (under age 35) have the highest rate of housing cost burden, while seniors are also disproportionately cost-burdened as many live on fixed-incomes. Housing cost burden is most common among households who earn less than $100,000; afflicting the overwhelming majority of those with incomes below $50,000.

Southborough's Priority Housing Needs:

- Housing affordable to lower income households, with an emphasis those earning less than $50,000 per year, and to families earning below $100,000 per year.
- Housing affordable to low and moderate income households earning $80,000 per year.
- Housing designed for and affordable to seniors and/or disabled residents, especially when located in high-amenity areas that promote community health.
- More diverse housing styles; in particular, rental housing of all sizes, and ownership housing appropriate for smaller households, including condominiums and modest-sized single-family houses.

The "Comprehensive Permit Law" (M.G.L. Ch.40b)

Chapter 40B Housing Goals

Total Year- Round Housing Units (2010 Census)	3,433
Affordable Housing Units Required (10% of 3,433)	343
Current SHI Units	294
Units needed to reach 40B minimum goal through 2020	49
Annual production target for Housing Certification	17
Projected Year-Round Housing Units (2020 Census)	3,600
Projected Affordable Housing Units Required (10% of 3,600)	360
Projected units needed to reach 40B minimum goal beyond 2020	66
Annual production target for Housing Certification after 2020	18

Massachusetts General Law Ch.40b went into effect in 1969. The law requires every municipality in the state to maintain at least 10 percent of their year-round housing stock (as determined in the decennial census) as "affordable housing" in order to maintain local control over land use decisions involving affordable housing. To count toward this 10 percent, affordable housing units must meet the criteria for inclusion on the State's Subsidized Housing Inventory (SHI) (defined on page 39, Affordable Housing Inventory).

Housing Strategies

1. Enhance local capacity to plan, advocate for, develop, and manage affordable housing units.
   - Strengthen and expand partnerships to develop housing or provide supportive services
   - Secure and coordinate use of funding for affordable housing
   - Guide development through establishment of Project Review Guidelines for 40B/affordable housing proposals
   - Educate/communicate with the public

2. Identify sites for creation of affordable housing through new development, redevelopment, or preservation.
   - Explore or facilitate affordable housing on publicly- and privately-owned sites such as:
     - Properties taken by tax title
     - Municipal buildings, should any become surplus in the future
     - Vacant or underutilized commercial properties, where appropriate
     - Religious, fraternal, or social organizations, if any have surplus property
   - Continue to explore wastewater treatment options for Downtown

3. Update zoning to create opportunities for development of affordable housing, and to encourage diversity in housing options.
   - Strengthen inclusionary requirements
   - Revise zoning regulations to provide for mixed-use buildings including housing where appropriate
   - Remove barriers for provision of multifamily housing and provide greater ability to create "lifecycle" housing units
   - Ensure that parking requirements are commensurate with the size and type of use

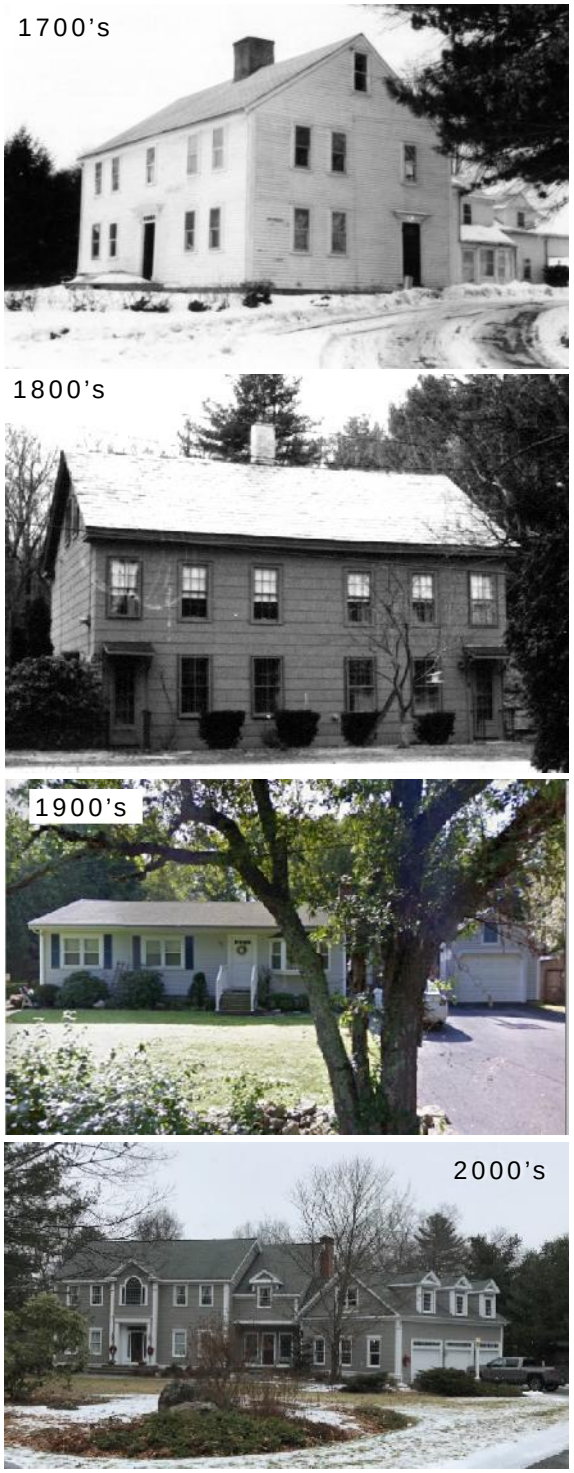
4. Assist Southborough residents to obtain or maintain housing that they can afford.
   - Expand utilization of senior tax deferral and work-off programs
   - Support first-time homebuyers through a down payment assistance program

Introduction

Since the inhabitants from the southern portion of Marlborough broke away to incorporate as the Town of Southborough in 1727, the town has always maintained some housing support for its poorest residents as dictated by custom and state law. For most of the 19th and early 20th centuries, Southborough housed individuals at the Poor Farm which was located near the former intersection of Breakneck and Woodland Roads.[1] Prior to that, the poor were typically supported by the Town through the practice of boarding individuals and families with other residents. The 20th century saw the formalized involvement of state and federal governments in housing with the introduction of public housing and other social programs. Modern affordable housing programs rely on a mix of local, state, federal, and private funding sources and a wide array of strategies to accomplish housing goals.

While many housing programs were initially geared toward housing returning GIs and their families or the elderly, the need for affordable housing by many types of households has grown over time. In Southborough, the cost of housing has become out of reach for many workforce households, as well as retirees and young adults. Historically, workforce housing was often provided directly by employers, or working individuals could commonly find rooms for rent as boarders. The owners of industrial mills that produced shoes and boots constructed housing for workers in Cordaville, Fayville, and Southville, creating villages of modest single-family and small-scale multifamily structures. Later in the mid-20th Century, the Federal government generously subsidized loans for veterans and middle-income households to become homeowners in suburban communities, sparking a proliferation of low-density development. In recent decades, a variety of regulatory and market constraints and the scarcity of land have constricted the availability of housing for moderate income residents, while new homes are increasingly high priced.

Reflecting the changing needs and standards for affordable housing and to counteract a trend toward more restrictive zoning, a Massachusetts law went into effect in 1969, widely known as the "Comprehensive Permit" law or "Chapter 40B", that establishes a goal for all communities in the state to dedicate a minimum of 10% of their housing stock to be affordable to lower- income households. To count toward this 10%, affordable housing units must have a permanent or long-term restriction requiring the unit to be sold or rented to households earning less than 80% of the median income in the local area (Area Median Income or AMI). The 10% minimum is based on the number of year-round housing units reported in the most recent decennial Census; for



18th Century farmhouse; 19th Century Cordaville Manufacturing Company Worker Housing; mid-20th Century single-family home; 21st Century single-family home
Photo Credit: Massachusetts Historic Commission, MACRIS Inventory Forms

[1] Narrative History of Southborough, written in conjunction with the Historic Properties Survey of Southborough, June, 2000

Southborough, this currently means that as of the 2010 Census, 343 year round housing units out of a total of 3,433 would need to be officially designated as "Affordable Housing" and eligible for inclusion on the Subsidized Housing Inventory (SHI) to meet the 10% threshold.

The intent of Chapter 40B is to provide a fair-share distribution of affordable housing throughout the Commonwealth. In order to address zoning and permitting barriers that make it too expensive to build low- and moderate-income housing, Chapter 40B supersedes zoning and other local regulations. M.G.L. c. 40B, Sections 20-23 authorizes the Zoning Board of Appeals (ZBA) to grant a comprehensive permit to qualified affordable housing developers. A comprehensive permit is a single permit that replaces the approvals otherwise required from separate town permitting authorities that would usually be required (such as from the Planning Board or Conservation Commission). The ZBA may approve, conditionally approve, or deny a comprehensive permit, but in communities that do not meet the 10% minimum threshold, developers may appeal to the state's Housing Appeals Committee (HAC), who may overturn a local denial. Although comprehensive permits may still be granted after a town achieves the 10% minimum, the HAC no longer has authority to overturn a local board's decision.

As revised in 2008, Chapter 40B encourages communities to be proactive in guiding the development of affordable housing to meet local needs through Housing Certification. To become Certified, communities must prepare a Housing Production Plan that promulgates proactive strategies toward meeting the 10% threshold (if they have not already done so), which may include the provision of affordable homeownership units and all rental units that are part of an eligible mixed income development, whether they are market rate or affordable. Where communities have Housing Production Plans approved by the Department of Housing and Community Development (DHCD), and implement strategies which result in the creation of affordable housing units equal to 0.5% of their year-round housing units in a calendar year, communities can deny unfavorable Comprehensive Permit projects for a period of one year. If the number of affordable units created in a year is equal to 1% of year-round housing units, the Certification lasts for 2 years.

HOUSING CERTIFICATION

METHODS TO QUALIFY

- 10% of housing units are listed on SHI
- 1.5% of land area in use for Affordable Housing purposes
- Active HPP + Safe Harbor

SAFE HARBOR TARGETS

1 Year: 0.5% of Year-Round Housing Units permitted as SHI eligible housing

2 Year: 1% of Year-Round Housing Units permitted as SHI eligible housing

Southborough has made considerable progress over the past decade to meet its affordable housing obligations under Chapter 40B. Since 2010 the town has added approximately 172 units to its subsidized housing inventory, including Madison Place with 168 rental units, 30 units at Fairfield Green (in Marlborough), three units which the Town created through its Affordable Housing Trust, and several homeownership units created through Comprehensive Permits and Flexible Development Zoning. A 40B development approved in 2016 (The Residences at Park Central) would add 180 units to the Town's SHI. The development is currently under appeal, but will bring the Town above its 10% affordability threshold if the appeals are resolved and the project is built. In the meantime, the Town continues to identify strategies to address its local affordable housing needs.

Process

A Housing Production Plan addresses local housing needs, goals, and preferences, along with proposed techniques for implementation. The plan must be adopted by the Board of Selectmen and the Planning Board before it is submitted to DHCD for approval.

This plan was prepared by Community Opportunities Group, Inc. with significant input from the Town Planner, and the Southborough Housing Opportunity Partnership Committee (SHOPC). The consultant facilitated a public input-gathering session at the Senior Center, and conducted interviews with Town staff, members of various committees, and some local real estate and development professionals to learn anecdotally about housing needs and opportunities.

Prior Planning

Over the past decade, Southborough has undertaken two significant planning efforts related to affordable housing. This Housing Production Plan builds on these efforts, and in accordance with requirements for Housing Certification recommends more specific locations and characteristics of affordable housing that would be appropriate for the development of affordable housing.

Housing Production Plan (2015) Strategies:

- Permit mixed use buildings in the village areas,
- Improve flexible zoning provisions
- Ease restrictions on duplexes and multifamily in appropriate locations,
- Encourage accessory apartments
- Consider a 40R district near the commuter rail station
- Permit congregate senior housing
- Facilitate conversion of Town-owned buildings to multifamily
- Acquire properties to expand Housing Authority inventory
- Explore wastewater infrastructure in village center areas
- Facilitate advocacy and education

Master Plan (2008) Strategies:

- Ensure that future generations of Southborough citizens and people who work in Southborough are able to remain as residents of the Town.
- Encourage a more diverse population.
- Expand the housing choice in Southborough for families.
- Encourage small lot zoning in villages and other appropriate areas in Town.
- Encourage multifamily housing in appropriate locations and at an appropriate scale.
- Maintain Southborough's attractive and aesthetically diverse housing stock and continue to promote quality in future development.

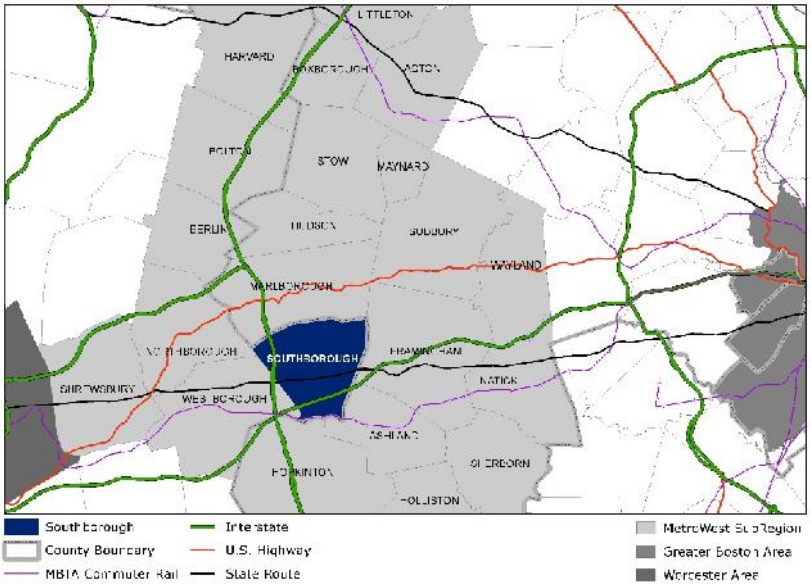
Few of the housing-specific strategies recommended in the Master Plan have been implemented. Some recommendations which have not yet been implemented but may still be relevant include considering zoning initiatives to allow more flexible, diverse, small-scale multifamily and senior housing alternatives, developing a plan for utilizing CPA funding for housing, converting existing homes to affordable units via acquisition or committing tax title properties, and addressing the need for wastewater infrastructure to support affordable housing.

Needs Assessment

The needs assessment takes into consideration the current and projected demographic profile of the community, as well as the existing housing supply, market trends, and projected housing growth over the next two years. A comparison of household incomes and housing costs provides an indication of the gap in affordability for different types of households and forms of housing.

Data for this analysis comes from public sources, including the US Census/American Community Survey (ACS), Town of Southborough Assessor, Massachusetts Department of Housing and Community Development (DHCD), Executive Office of Labor and Workforce Development (EOLWD); as well as proprietary data sources such as The Warren Group.

Southborough Regional Context Map



The Federal Department of Housing and Urban Development (HUD) establishes income guidelines that are used to define housing affordability and defines median incomes on a regional basis in order to identify households with low and moderate incomes in relation to the communities in which they live. Southborough is located in the Eastern Worcester County, MA Fair Market Rent Area (HMFA). While the analysis focuses on the Town of Southborough, data for larger geographical areas is provided for context. Southborough is an "outer belt" suburban community located in Worcester County at the western fringe of the Boston metropolitan area. It is located within the MetroWest Regional Collaborative (MWRC) sub-region of the Metropolitan Area Planning Council (MAPC).

Demographic Profile

This Housing Production Plan is grounded in a thorough examination of Southborough's demographic makeup. An analysis of the current and projected population, household composition, and social and income characteristics provides insight into existing housing need and demand.

Key Findings

- Southborough's population growth leveled in the past decade, after previously experiencing rapid growth. The rate of growth is expected to tick up again in the next decade.
- Southborough has a high concentration of families with school-aged children; however, the trend has been shifting toward smaller households and a growing senior population.
- While school enrollment has surged over past decades, the population of school-aged children has more recently declined, a trend that is projected to continue.
- Of Southborough's total households, 77% are families; a large (and growing) share of non-family households are seniors living alone.
- Comparable to some communities in the MWRC sub-region, Southborough's median household income of $142,426 is very high compared to the state as a whole and is the highest in Worcester County. However, there is a steep disparity between median incomes for different types of households. For households headed by seniors (over age 65), the median income is $80,526 compared with $167,083 for householders between the ages of 45-64. The median income for non-family households (who are primarily seniors, young adults, and people living alone) is only $50,439 per year.

Population Trends

As of 2017, Southborough's total population is just over 10,000, with over 3,400 households. Average household size has declined since 2000, and the rate of household growth exceeded population growth.

Southborough's population climbed by double digit growth rates over the past few decades, but has markedly slowed since 2010. While the population has grown more slowly during the past decade, the implications of a decline in household size while there is growth in the number of households is that it takes more housing units to house relatively fewer people than have historically been required. A need for smaller housing units is also correlated with a reduction in household sizes.

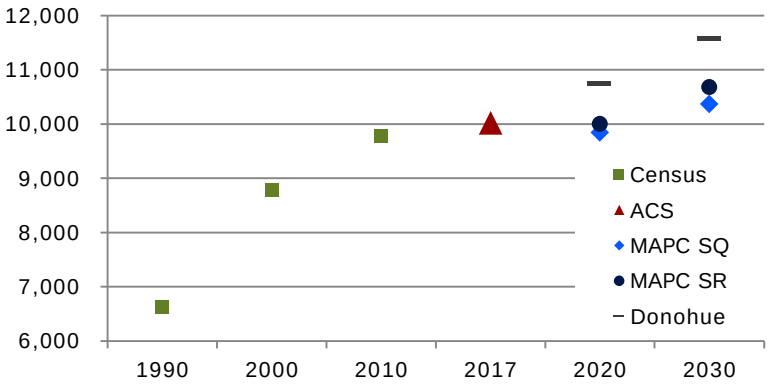
Table 1: Population and Household Growth

	2000	2010	2017
Population	8,781	9,767	10,021
% Change		11%	3%
Households	2,952	3,332	3,403
% Change		13%	2%
Average Household Size	2.97	2.89	2.90

Source: US Census 2000 and 2010; ACS 2013-2017

As shown in Figure 1, the Metropolitan Area Planning Council (MAPC) offers two projection scenarios for Southborough: The "Strong Region" projection makes assumptions about development-friendly regulatory changes throughout its region over the coming decade, while the "Status Quo" projection assumes no regulatory changes. Differences between the Status Quo and Strong Region projections are minimal for Southborough, although the Strong Region scenario more closely reflects the actual rate of growth reflected in latest American Community Survey (ACS) estimates. A third projection provided by the University of Massachusetts Donohue Institute does not reflect the slow-down in growth since 2010. All three projections show growth resuming at a higher rate after 2020.

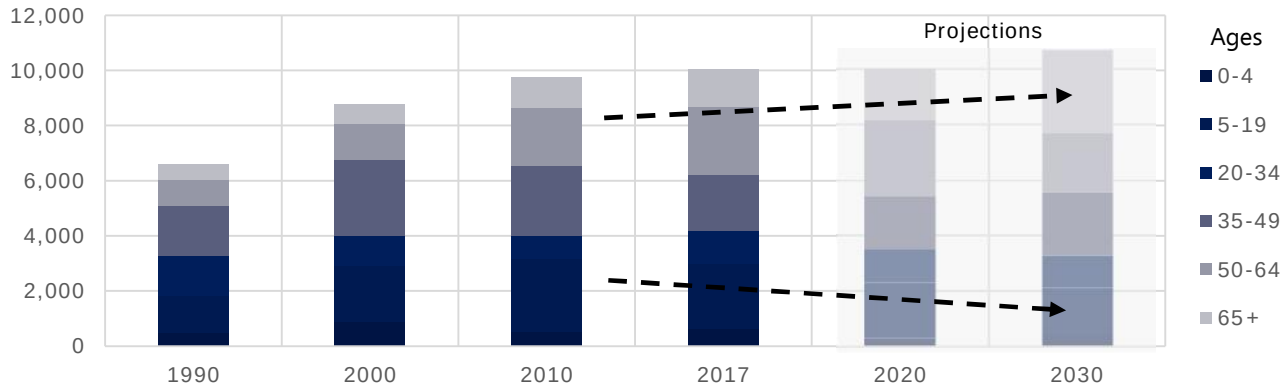
Figure 1: Comparison of Population Projections



Source: US Census, ACS (2017), MAPC Status Quo and Strong Region, Donohue Institute

Figure 2 shows population trends and projections by age. Since 1990, the number of adults over age 50 has grown consistently, and is expected to continue to climb. Comprising 23% of Southborough residents in 1990, 38% of the population is over 50 today. By Status Quo estimates for 2030, it is expected that 48% of the population will be over 50, and of those residents nearly 30% will be over the age of 50. The population of younger adults and children has fluctuated in recent time. In particular, the share of young adults (age 20-34) diminished significantly between 1990 and 2010, but more recently has

Figure 2: Southborough Historic & Projected Population by Age Cohort

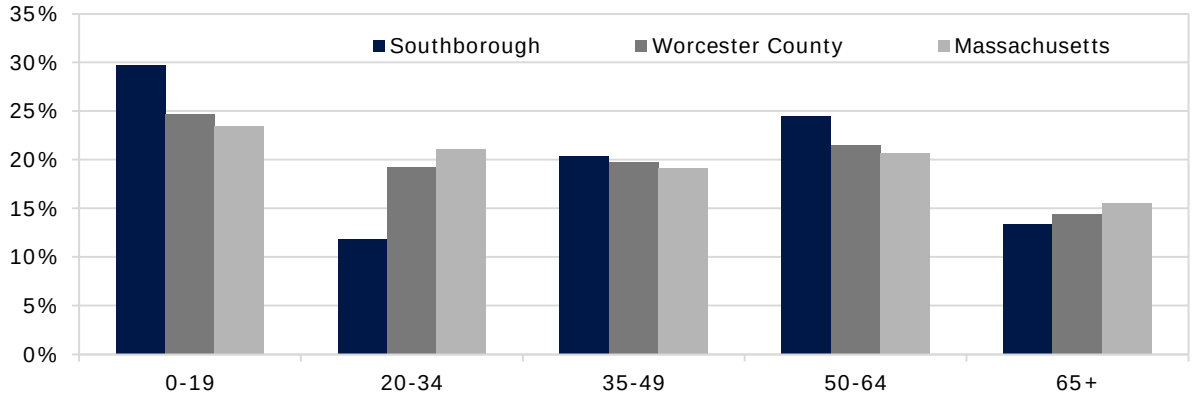


Source: US Census, ACS (2017), MAPC Status Quo Projections

grown. The number of school-aged children increased through 2010, but has since declined and is expected to continue to fall.

As shown in Figure 3, The age profile of Southborough residents contrasts with Worcester County and the state as a whole. The town has a larger share of children and middle-aged adults, comparatively fewer young adults, and a slightly smaller share of seniors over the age of 65. The median age of Southborough residents is 42.5 years, compared with 40.1 years in Worcester County and 39 years statewide.

Figure 3: Age Profile Comparison



Just over 8% of Southborough residents have a recognized disability, according to ACS estimates. A disability can be a physical, cognitive, or mental impairment. The incidence rate for disabilities is much higher for seniors than younger residents; about 28% of residents over the age of 65 report a disability, which may include difficulties with hearing, vision, physical mobility, self-care, or the ability to live independently. As the number of older residents grows, the need for safe housing to accommodate people with disabilities, particularly those with mobility challenges, will increase as well as natural consequence of an aging population.

Table 2: Disability Status

	Total Population	With a Disability	% with Disability
Population (Civilian)	10,021	818	8%
Under 18 years	2,758	108	4%
18 to 64 years	5,916	424	7%
65 years and over	1,347	286	28%

Source: ACS 2013-2017

Southborough residents are predominantly white and non-Hispanic, with the largest racial minority group being Asian. The population was too small to report on the proportion of residents who were born outside the United States and/or speak another language besides English at home. Southborough has relatively low social diversity compared Worcester County or Massachusetts as a whole. Southborough residents have a higher level of educational attainment than Worcester County or the state as a whole.

Table 3: Social Characteristics

	Southborough	Worcester County	MA
Race/Ethnicity			
White, not Hispanic	84.2%	77.9%	72.9%
Asian	11.2%	4.7%	6.2%
Black	4.3%	1.1%	6.7%
Other	1.5%	2.3%	2.9%
Hispanic (any race)	2.0%	10.8%	11.2%
Immigration/Language			
Born in US	NA	88.2%	83.8%
Foreign born	NA	11.8%	16.2%
Limited English-Speaking	NA	7.4%	5.8%
Educational Attainment			
High School Graduate or Higher	96.9%	90.3%	90.3%
Bachelor's Degree or Higher	67.4%	35.3%	42.1%

Source: ACS 2013-2017 (NA = Not Available)

The characteristics of Southborough households are consistent with population trends. In comparison with Worcester county and the state, Southborough has a higher average household size, and higher proportion of family households. Southborough also has a relatively high proportion of households with children under age 18, while the proportion of households with seniors is below average for the area, but still high overall. A smaller share

of Southborough households are “non-families”, defined as individuals living alone and unrelated people living together. About 20% of Southborough households are individuals living alone. Of these, more than half are seniors (over the age of 65) living alone.

The predominance of families with children has declined since 2010, corresponding to a decrease in average household size, and an increase in nonfamily households and people living alone. At the same time, the proportion of households with seniors over the age of 60 also increased from 32% in 2010 to 35% in 2017. As these trends are projected to continue, the implications of growth in smaller and older households are that the most significant demand on the housing stock will be for smaller, lower-cost, housing units physically designed to maximize the ability to age in place. These types of housing are notably in short supply in Southborough.

Table 4: Household Composition

	Average Household Size	Families	Nonfamily Households	Individuals Living Alone	With Children under 18	With Seniors over 60
Southborough (2017)	2.90	77%	23%	20%	42%	35%
Worcester County	2.58	66%	34%	27%	31%	38%
Massachusetts	2.53	64%	36%	28%	30%	39%
Southborough (2010)	2.98	80%	20%	16%	48%	32%

Source: ACS 2013-2017, ACS 2006-2010

Southborough households have considerably higher median incomes than Worcester County or the state as a whole, just as other communities within the MetroWest sub-region have some of the highest incomes in Middlesex County. Family households have the highest incomes, with an estimated median income of approximately $160,000 in 2017. Nonfamily households have much lower incomes, with a median of just $50,000, closer to the county and state medians. As mentioned above, the majority of non-family households are seniors living alone. Overall, in spite of Southborough’s relatively high incomes, household incomes in Southborough have grown at a slower pace than those in Worcester County or Massachusetts as a whole.

Table 5: Median Household Incomes

	Median Income All Households	Median Family Income	Median Nonfamily Income	Change in Household Income since 2010
Southborough	$142,426	$160,357	$50,439	2%
Worcester County	$69,313	$88,971	$36,323	8%
Massachusetts	$74,167	$94,110	$42,119	15%

Source: ACS 2013-2017

As shown in Figure 4, A relatively small proportion of Southborough households have low and moderate incomes. Approximately 544 households (16%) earn less than $50,000, which falls under the “low income” threshold for all household sizes. (See Table 22 for income thresholds.) Almost half of households have incomes above $150,000.

Figure 4: Household Income Distribution

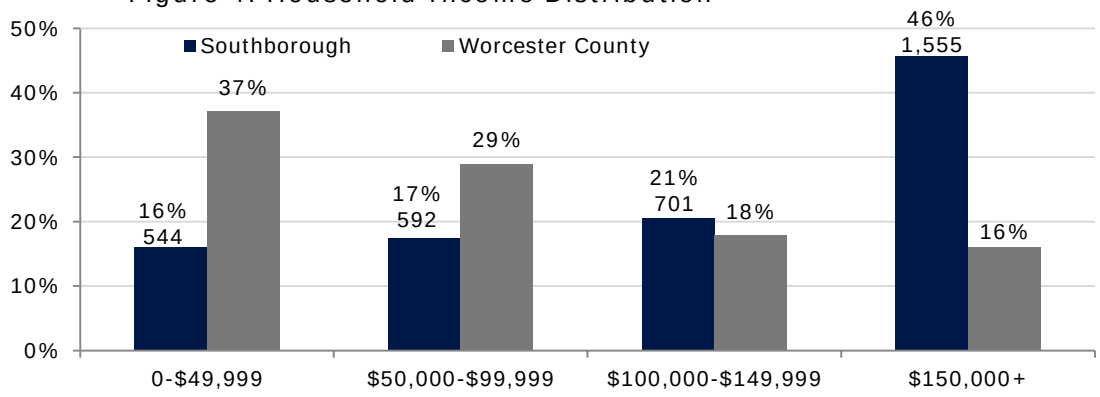


Table 6 shows how incomes vary by the age of heads of household. There is a marked disparity between middle-aged households and seniors and young adults. Householders aged 25-64 have median incomes above $150,000, while the median income for seniors in Southborough is about half that amount, although still much higher than the median for seniors throughout Worcester County). Across the county, young adults have the lowest median household income. There are too few young adult households in Southborough to be able to disclose household incomes for this group. To a large extent, earning potential follows an arc correlated to age where we see younger households at the beginning of their careers earning less than their more experienced counterparts as well as a dip in income as households age and transition into retirement. The fact that Southborough's households at all age levels are higher than those of the county and the state, tends to reflect a more educated population.

Table 6: Household Income by Age of Householder

	Southborough			Worcester County	
	Households	%	Median Income	Households	Median Income
15 to 24 years	12	0%	NA	3%	$32,632
25 to 44 years	834	25%	$153,125	30%	$76,950
45 to 64 years	1,731	51%	$167,083	43%	$88,490
65 years & over	826	24%	$80,526	24%	$39,303

Source: ACS 2013-2017

Among surrounding communities, Southborough bears the most resemblance to Hopkinton and Northborough in terms of size, density, income, and population characteristics. By contrast, Framingham and Marlborough are much larger, have higher population densities, and are less affluent communities with a higher proportion of seniors than households with children.

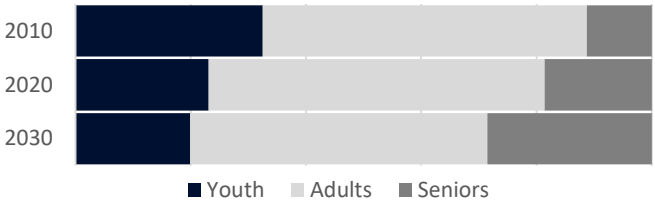
Table 7: Regional Context, Population and Households

	Population	Pop Density (Pop/Mi²)	Household Size	% Households with Seniors	% Households with Children	Median Income
Marlborough	39,771	1,885	2.52	34%	33%	$75,418
Framingham	71,232	2,849	2.44	36%	30%	$73,182
Ashland	17,478	1,410	2.60	38%	34%	$120,309
Hopkinton	16,720	629	2.96	27%	44%	$151,357
Westborough	18,836	919	2.74	32%	42%	$107,604
Northborough	14,918	806	2.79	37%	35%	$111,875
Southborough	10,021	706	2.90	35%	42%	$142,426

Source: ACS 2013-2017

Summary of Demographic Trends

Although Southborough has long been an attractive community for families, sustained demographic trends suggest that the Town is attracting younger families with children at a much slower rate than it is attracting seniors. It is anticipated that as existing residents age and senior-specific housing continues to be constructed at a faster rate than family housing, the number of seniors will grow at a faster rate than any other population group.



Southborough Senior Households:

- Tend to live on incomes that are ½ those of local working families
- Comprise more than ½ of Southborough's single-person households
- Nearly 1/3 of senior residents are disabled

HOUSEHOLDS

77% are Families

42% w/ Children ● 35% w/Seniors

20% Live Alone

½ of these households are Seniors

Economic and Employment Profile

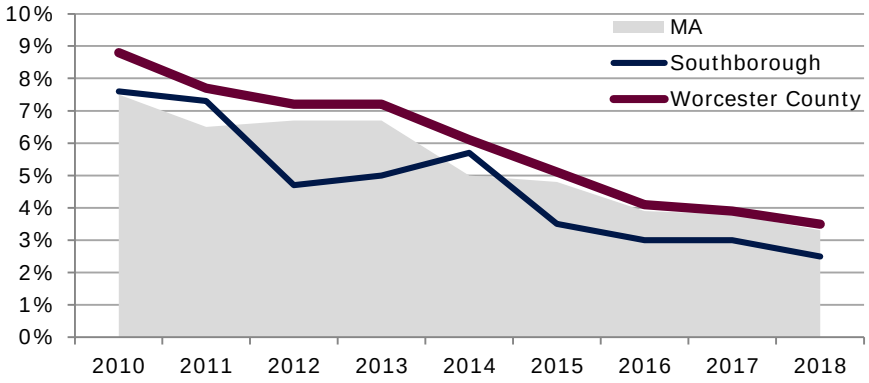
Southborough's housing demand is influenced by economic conditions, including workforce participation, and employment opportunities within the town and region. Southborough's location along major multimodal corridors and proximity to several labor markets increases its desirability.

Key Findings

- Southborough has a sizeable economic base; local establishments employ 1.49 workers for every resident member of the workforce. Yet only 19% of Southborough's workforce is employed in town.
- The rate of participation in the workforce is high, at 82% of residents aged 19-64, while the rate of unemployment is just 2.5%. About 15% of Southborough residents receive retirement income.
- Southborough residents work throughout the region; 19% are employed in town, while 36% work in Worcester County. 35% commute longer than 40 minutes to their jobs.
- Nearly 40% of the jobs in Southborough are in industries where the average wage would be considered low income for a single income household.

As an outer belt suburban community on the border between Worcester and Middlesex Counties, Southborough is located on the edge of multiple economic regions, about 30 miles from Boston, 50 miles from Providence, and 25 miles from Worcester. The US Census identifies Southborough as part of the Boston-Worcester-Lawrence Consolidated Metropolitan Statistical Area (CMSA) region, and the Framingham division of the Boston-Cambridge-Nashua MA-NH Metropolitan New England City and Town Area (NECTA) region. The Massachusetts Executive Office of Workforce & Labor Development also places Southborough within the Metro South/West Workforce Development Area (WDA), which includes western portions of Middlesex and Norfolk Counties.

Figure 5: Unemployment Rates



Source: MA Executive Office of Workforce & Labor Development (EOWLD)

Southborough has a large commercial base, with more employment opportunities than members of the workforce, and a jobs-to-workforce ratio of 1.49. About 70% of Southborough residents over the age of sixteen are in the labor force, while 15% receive retirement income.[2] The majority of Southborough residents work within the Boston-Cambridge-Newton MSA (78%); 36% work within Worcester County, including 3% who work within the Town of Southborough.

The unemployment rate in Southborough was around 2.5% in 2018, having fallen from 7.6% in 2010. The rate of unemployment in Southborough has remained consistently lower than for Worcester County, and in most years below average for the state as well.

Industries are about the type of activity at a place of work — classifying what business, government and nonprofit entities do based on their major products or services, while occupations are about what individual workers do — their tasks and responsibilities. About 35% of Southborough residents work in the Finance, Insurance, Real Estate, Professional Services, Management and Administration industries. The Education, Health Care, & Social Services industries employ 22% of Southborough's workforce, and Construction and Manufacturing, employs another 18%. Within these industries, over 60% of Southborough residents are

[2] ACS 2013-2017

employed in professional, business, and management occupations, compared with 21% in sales and office occupations, and 12% in service occupations.

Table 8: Industry of Employment for Southborough Workforce

Major Industries	Workers
Total Employees	5,061
Construction & Manufacturing	18%
Retail, Restaurants & Hospitality, Arts, Entertainment & Recreation	10%
Finance & Insurance, Real Estate & Leasing, Professional & Technical Services, Management & Admin	35%
Education, Health Care & Social Services	22%
Wholesale trade, Transportation & Warehousing, Information, Other Services	12%
Public Administration	3%

Source: ACS 2013-2017

In addition to the population who currently live in Southborough, the Town's housing needs are also driven by those who work in the town, and by local employers seeking to attract a quality workforce. As of 2018, there were 459 establishments employing 8,302 workers (year round average). This includes about 715 people employed by the public sector, such as by Southborough's schools, public safety, public works, and other government services. Average wages for most jobs located in Southborough are significantly lower than median household incomes. Nearly 40% of the Town's jobs, including retail, restaurants, and hospitality, as well as education and health care, pay an average wage below $60,000 annually, which would be considered low income for most single-income households. Only 40% of jobs in Southborough are in industries where the average wage is above $100,000, which is the income required to obtain market rate housing in Southborough. Only a minority of people who work in Southborough can afford to live in Southborough.

Table 9: 2018 Employment and Wages in Southborough

Major Industries	Employers	Average Wages	Jobs	% of Jobs
Construction & Manufacturing	50	$114,461	1,261	15%
Retail, Restaurants & Hospitality, Arts, Entertainment & Recreation	57	$37,904	573	7%
Finance & Insurance, Real Estate & Leasing, Professional and Technical Services, Management & Administration	181	$110,835	2,627	32%
Education, Health Care & Social Services	61	$57,148	2,639	32%
Wholesale trade, Transportation & Warehousing, Information, Other Services	103	$87,174	$810	10%
Total Employees	459	$91,468	8,302	100%
Industries with average annual wage below $75,000			3,829	46%
Industries with average annual wage above $100,000			3,345	40%

Source: MA EOWLD, ES-202, 2018

Housing Inventory

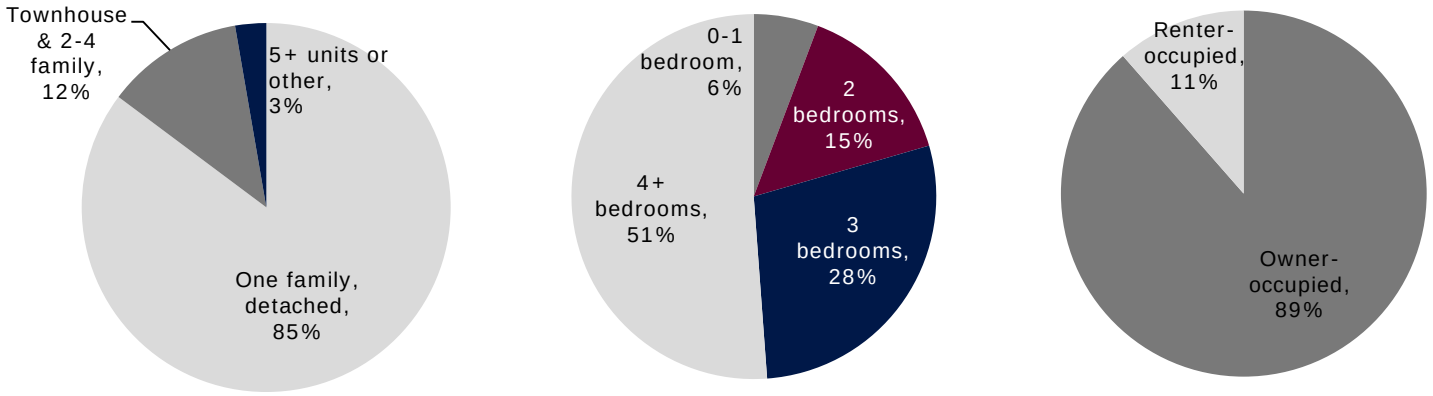
The following section examines Southborough's current housing supply and how it has changed over time. Identifying the physical characteristics, market, and development trends of Southborough's existing housing will contribute to an understanding of housing needs.

Key Findings

- Existing housing in Southborough is predominantly larger, owner-occupied, single-family homes.
- Homes are becoming more expensive as the average square footage and lot sizes are growing over time.
- Very little housing has been built that offers an alternative to single-family homeownership.

The Decennial Census in 2010 counted 3,558 housing units, of which 3,403 (96%) were occupied year-round. The majority are detached single-family houses (85%). Most of these housing units (89%) are owner-occupied, and more than half have four or more bedrooms. Southborough has a limited supply of housing that would be suitable for households seeking smaller housing options, such as young households or seniors wishing to downsize. There are also limited housing units that would be suitable for residents with impaired physical mobility, for people who want to have less property to maintain and/or those who are seeking to rent.

Figure 6: Characteristics of Southborough Housing Inventory (ACS 2013-2017)



Vacanty rate provides an indication of the availability of housing for people who are looking to buy or rent. A vacancy rate of 5 percent is considered to be an indication of a healthy level of housing turnover. Currently there is very little vacancy in residential units in Southborough. The American Community Survey estimates that approximately 196 units, or 6% of the Town's homes were vacant at the time that they were sampled. Common reasons for units to have been vacant are because they were under construction or renovation, on the market for sale or rent, or seasonally occupied, and these units are not typically vacant due to abandonment. The vacancy rate for owner-occupied units is about 1.3%, and for renter-occupied units is higher, at 10.1%. However, it should be noted that due to the relatively small number of rental units and high margins of error for small sample counts with the American Community Survey, the actual observed availability of rental units has been much lower, with only one unit advertised for rent as of the writing of this plan (see Pg. 19).

Table 10. Residential Vacancy

	Units	%
Vacant Units	196	5.6%
Vacancy Rates		
Owner-occupied	1.3%	
Renter-occupied	10.1%	

Source: ACS 2013-2017

Local Tax Assessor's data provides the most current profile of the housing supply (see Table 11). The Assessor's database identifies 3,707 residential units in Southborough, of which 77% are single-family houses, 8% are condominiums, and 14% are other forms of structures, including multifamily, duplexes and triplexes, etc. Although Southborough has a notable stock of historic residential properties dating as early as 1680, the majority of residential units were built in the late 20th century. One in three single-family homes in Southborough was built between 1980 and 1999, when the town experienced its largest surge in construction. Most of the Town's supply of condominiums are in developments constructed during the 1990's and early 2000's.

Table 11: Residential Properties by Land Use

Use / Year Built	Properties	Average Lot Size (Acres)	Average Value	Average Living Area (Square Feet)
Single-family	2,870	1.21	$634,470	2,589
1680-1899	167	1.46	$443,473	2,152
1900-1919	74	1.13	$507,515	2,439
1920-1939	79	0.94	$414,363	1,816
1940-1949	59	0.58	$398,736	1,609
1950-1959	341	0.68	$398,284	1,503
1960-1969	428	0.83	$489,941	1,902
1970-1979	325	1.00	$532,154	2,101
1980-1989	398	1.34	$667,160	2,793
1990-1999	610	1.70	$812,435	3,351
2000-2009	261	1.42	$950,014	3,847
2010-2019	126	1.46	$986,156	3,796
Condominiums	302		$501,874	2,087
1900-1959	4		$274,400	1,698
1990-1999	136		$471,602	2,097
2000-2009	135		$556,918	2,165
2010-2019	27		$412,837	1,708

Other Residential	Properties	Units	Average Year Built
Two-Family or Duplex	78	156	1916
Small Multifamily (3-10 units)	12	51	1879
Large Multifamily	1	170	2013
Mixed Use	22	48	1904
Multiple Houses on Single Lot	21	49	1915
Housing Authority	4	61	1971

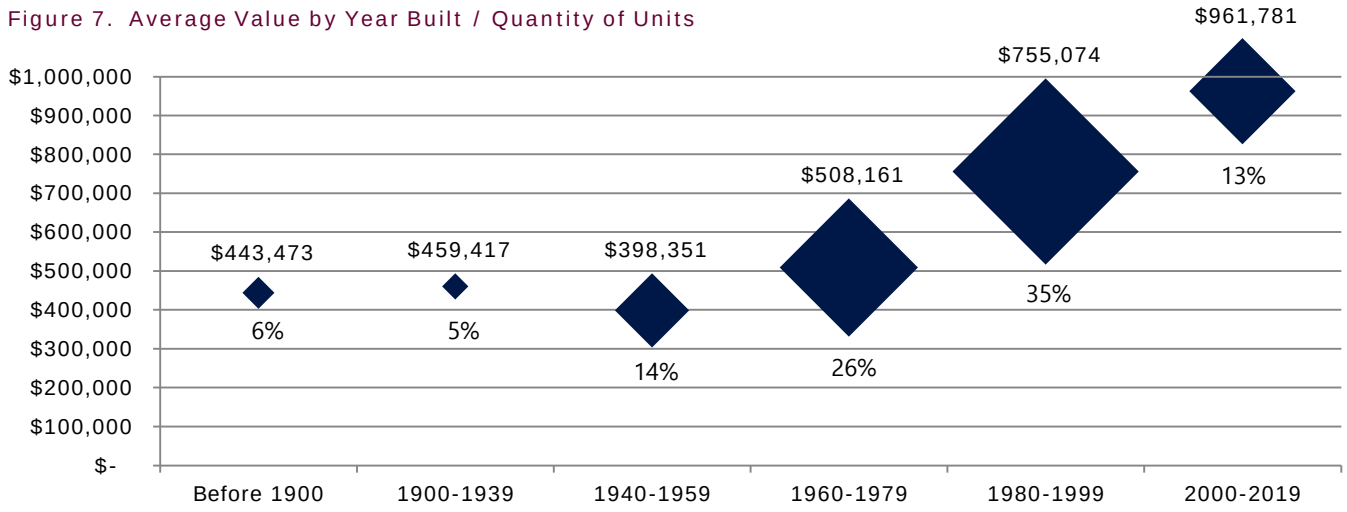
Source: Town of Southborough Assessor's Database, FY2019

This era of construction also corresponds to characteristics that impact housing cost, condition, and suitability for various household needs. Smaller houses on smaller lots were typical of the mid-20th century, while average lot sizes jumped from less than 1 acre in the mid-20th Century to 1.7 acres in the 1990's, and average living area increased steadily through 2010. The increases in lot and building sizes are reflected in average home values for each era of construction. The change in average lot sizes is directly related to zoning, whereas the older village development patterns predated zoning altogether. The Town's early zoning applied a minimum lot size of 15,000 square feet to portions of the town, which was discontinued in 1966, when the Town voted to increase the minimum lot sizes to 25,000 or 40,000 square feet throughout the town. Due to downzoning (the practice of requiring larger lot dimensions than previously required), many older homes are nonconforming, meaning that they do not meet current zoning requirements, and there are fewer development opportunities on the same amount of land.

Prior to the mid-20th century diverse housing forms were more common, including small multifamily structures (2-8 units), multiple houses on one lot, and mixed use structures. Housing Authority properties include one multifamily building constructed in 1976, in addition to three 1 to 2 family structures.

Very little housing has been constructed in the past century that offers alternatives to high end single-family homeownership. This is the result of a deliberate effort to homogenize development through local zoning.

Figure 7. Average Value by Year Built / Quantity of Units



Source: Southborough Assessor's Database 2019

Development Pipeline

Southborough is not generally attracting significant amounts of new development, averaging approximately 135 units a decade since the 1990's. This slow growth, while unusual for the MetroWest region, is by design as Southborough's regulations generally do not facilitate the types of development that have been more marketable in Post-Recession years (e.g. smaller units, multi-family, rental units). However, a few major housing development projects are currently under construction or in the permitting pipeline. Recently approved projects include:

Recently built, Madison Place is located on Southborough's edge

Stonebrook Court (2013): 55+ development with 15 townhouse units and one single-family home.

Ila Bella Estates (2015): 10 single-family homes and a duplex consisting of two affordable units.

Cain's Crossing (2017): 11 single-family and duplex senior housing units (55+)

Chestnut Meadow (2018): 12 single-family homes

Sameron Village (2018): 2 duplexes and 2 single-family homes with open space component

One major project, the Residences at Park Central, was approved in 2016, but is currently under appeal. The development is to include 180 rental apartments approved under Chapter 40B, as well as 139 market-rate townhouses approved under a variance in 2015. All of the rental units within the development would be eligible for inclusion on the Subsidized Housing Inventory and would contribute toward the Town's ability to meet its affordability requirements.

Regional Context

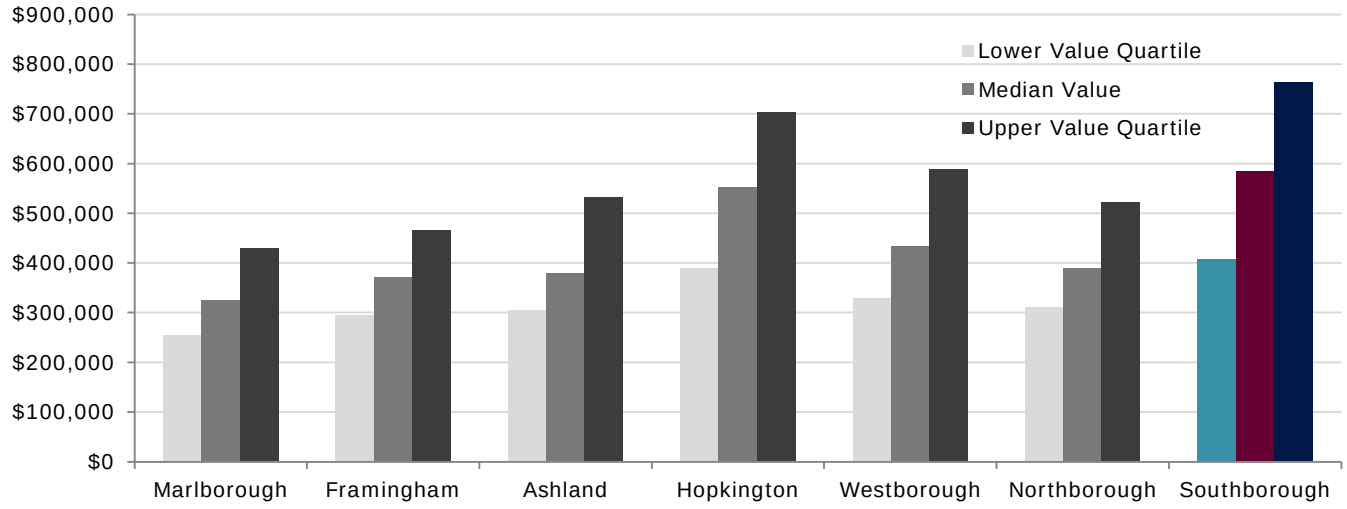
Southborough is surrounded by communities with widely varied development patterns. Marlborough and Framingham are larger communities with higher density development and more diversity in housing types, while Southborough is at the low end in terms of the number of housing units and share of rental housing. Hopkinton and Northborough are most similar to Southborough, while Ashland and Westborough are in the middle of the range. Framingham has the oldest housing stock, by far, with less than 20% constructed since 1980. Half of Southborough's housing is less than 40 years old, while Ashland and Hopkinton have a larger share of new housing. The majority of housing stock throughout most towns in the region is single-family homes, with the exception of Marlborough. The rental housing in the region is located in Framingham, along with Marlborough and Westborough. Southborough's home values are highest among surrounding towns, which spans from a median of $325,000 in Marlborough to $551,400 in Hopkinton. The range of home values (shown in Figure 7) shows that the nearby towns with the most affordable inventory of housing are Marlborough and Framingham, where the lower quartile median is around $250-$300,000, compared with over $400,000 in Southborough.

Table 12. Regional Context, Housing Inventory

	Housing Units	Average acres per unit	Median Home Value	% Rental	% Detached Single family	% built after 1980
Marlborough	15,529	0.87	$325,700	43%	49%	39%
Framingham	27,770	0.58	$432,000	46%	51%	19%
Ashland	6,689	1.19	$379,000	20%	61%	56%
Hopkinton	5,614	3.03	$551,400	14%	84%	55%
Westborough	6,682	1.96	$432,000	39%	54%	41%
Northborough	5,278	2.24	$389,600	18%	79%	42%
Southborough	3,403	2.67	$584,500	11%	85%	50%

Source: ACS 2013-2017

Figure 8: Range of Housing Values, Regional Comparison



Housing Cost

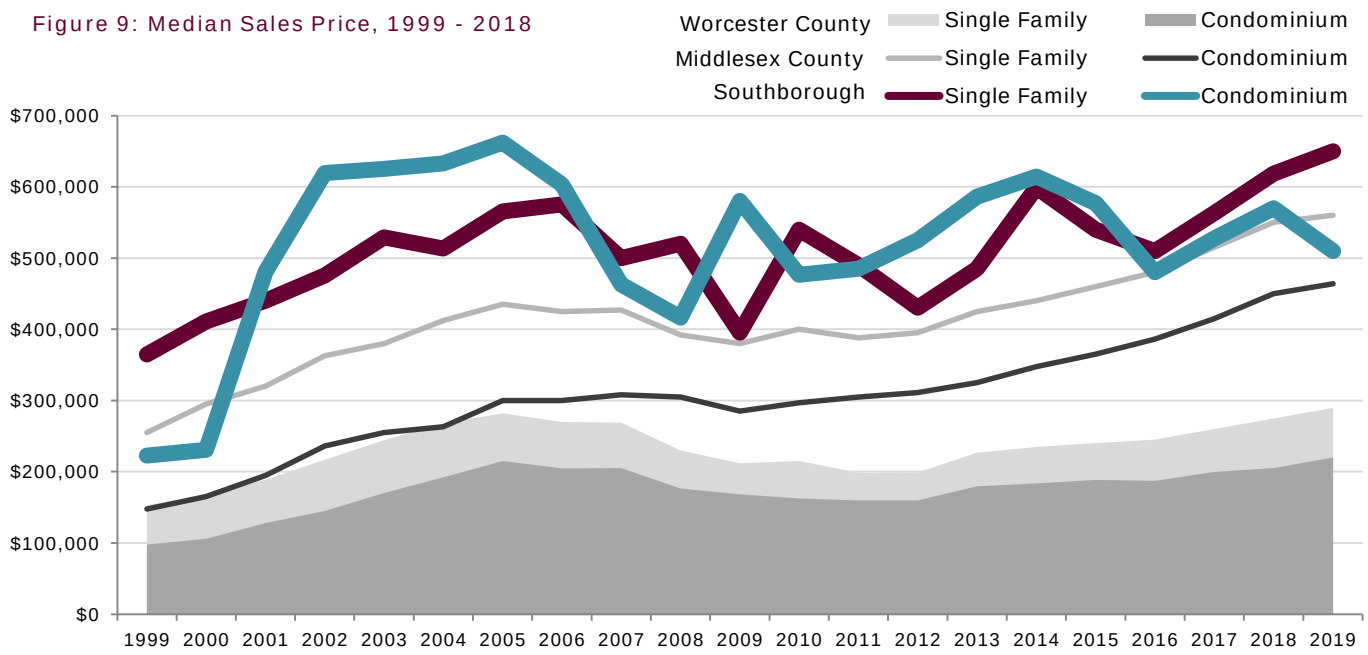
Housing costs within a community reflect numerous factors, including demand and supply. Where there is insufficient housing supply available to meet demand, prices and rents tend to rise. Housing availability and cost have regional impacts; people who might wish to live in Southborough may seek housing in other communities if they cannot find housing they can afford, while higher cost in other communities contributes to demand for housing in Southborough.

Key Findings

- Southborough's home prices are very high compared with the surrounding region.
- Home prices fluctuated between 2005 and 2016, but have general trended upward since the 2010 recession, following regional market trends.
- The cost of entry-level market rate housing in Southborough is affordable to households earning $90,000 for renters, or $120,000 for homebuyers.

Housing prices in Southborough are consistently higher than the median for both Worcester and Middlesex Counties. Fluctuation over the past twenty years has generally reflected volatility in the regional market following the economic recession; prices peaked in the mid 2000's, then dipped around 2010-2011, and have climbed since, surpassing previous bubble-era 2005 peaks. Overall, median sales prices for single-family houses rose from $365,000 in 1999 to $650,000 in 2019. As a snapshot of current market conditions, the asking price for homes on the market in December, 2019, ranged from $499,900 to $3,499,000, with 24 homes available. Of these, 7 homes were priced under $700,000, 9 homes were priced between $700-$1,000,000, and 8 homes were priced over $1,000,000.[3]

Figure 9: Median Sales Price, 1999 - 2018



Source: The Warren Group/Banker & Tradesman (2019)

[3] Trulia, December 3, 2019.

Sales prices for condominiums, which represent approximately 10-20% of property sales in any given year, have seen steeper fluctuation, surpassing the median price of single-family homes at varying times. Over the 20-year period the median price rose from about $225,000 to over $500,000. There are currently 8 condos on the market with asking prices similar to lower cost single-family homes, ranging from $530,000 to $630,000.[4]

Given the small supply of rental housing in Southborough, at the time of this writing there was only one advertised listing for apartment rentals in town. The asking rent for one bedroom units in Madison Place starts at $2,200, while two bedroom units start at $2,750, which would be affordable to households earning $90,000 to $110,000.[5] There are also a handful of houses for rent ranging from $2,100 to $4,800 per month. By contrast, the income needed to be able to purchase the typical entry level house in Southborough (assuming a purchase price of $600,000 and a 20% down payment) would be about $120,000.

Despite the high costs, rental housing in Southborough is predominantly occupied by households who earn less than the income needed to be able to afford market rents; 72% of renter households have incomes less than $100,000. As shown in Table 13, renters tend to be less affluent than homeowners, and they are predominantly smaller households (1-2 persons). Young adult households (under age 35) have the lowest rate of homeownership, as they tend to have lower incomes and have not yet accumulated the savings needed for a down-payment. The rate of homeownership peaks for households aged 35-64, and then diminishes, reflecting a preference or a necessity amongst some senior households to downsize and reduce home maintenance responsibilities.

Table 13: Characteristics of Homeowner and Renter Households

	Owner	Renter	Renters as % of all Households
Southborough Households	3,013	390	11%
Less than $50,000	11%	57%	41%
$50,000-$99,999	18%	15%	10%
$100,000 or more	71%	28%	5%
1-2 person households	42%	76%	19%
3 or more persons	58%	24%	5%
Householder under age 35	6%	26%	35%
Householder age 35-64	69%	53%	9%
Householder age 65 and older	25%	22%	10%

Source: ACS 2013-2017

While sales and advertised rent prices reflect the cost for people seeking housing today, ACS estimates median housing values and median rent based on a sample of all units in the community. The ACS estimate for median gross monthly rent in Southborough from 2013-2017 was $1,113, which includes affordable units along with market rate units.[6] The median value of single-family owner-occupied units was $584,500.

[4] Trulia, December 3, 2019.
[5] Zillow, December 3, 2019.
[6] Affordable units comprise approximately 40% of the Town's total rental housing stock.

Affordability

In the previous sections, Southborough's population, economic conditions, housing stock, and market conditions were examined. This section assesses affordability of Southborough's housing for Town residents and employees, which is determined by the intersection of these factors.

Key Findings:

- Half of Southborough's renters and nearly one quarter of homeowners are paying more than they can afford on housing.
- Young adults, seniors, and lower income households are all disproportionately cost-burdened.
- The supply of housing affordable to households earning less than $100,000 is very limited. About 29% of homes are valued at less than $500,000.
- Housing prices and rents have increased significantly faster than household incomes since 2000, for both homeowners and renters.
- About half of all jobs based in Southborough pay less than the salary needed to be able to afford housing in Southborough. One-third of jobs pay less than $60,000.

A dwelling unit is considered unaffordable to low- and moderate-income people if their monthly payments for housing – mortgage, property taxes, and homeowner's insurance for owners; or rent and utilities for tenants – exceeds 30% of their monthly gross income. By definition, when this occurs when they are housing-cost burdened. Those whose housing costs exceed 50% of their income are considered to be severely cost burdened.

The majority of households in Southborough are homeowners with a mortgage. ACS estimates that 28% of these households pay more than 30% of their income on housing, with 11% bearing a severe housing cost burden. A smaller proportion of those who own their properties without a mortgage are burdened with housing costs. Among renters, half of households are severely cost burdened, with 28% paying more than half of their income on rent.

Table 14: Households by Cost Burden by Tenure

Housing Costs as % of Income	Renters	%	Owners w/ Mortgage	%	Owners w/out Mortgage	%
Less than 20.0 %	68	20%	925	45%	671	70%
20.0 to 29.9%	102	30%	558	27%	135	14%
30.0 to 44.9% (Cost-Burdened)	74	22%	344	17%	115	12%
50.0% or more (Severely Cost-Burdened)	95	28%	221	11%	37	4%
Not calculated	51		0		7	
Total	390		2,048		965	
All Cost-burdened Households	169	50%	565	28%	152	16%

Source: ACS, 2013-2017

As one might expect, households who earn less than $50,000 per year are far more likely to be cost-burdened and unable to afford their housing costs than those earning more. Still, close to half (45%) of those earning between $50,000 and $100,000 pay more than 30% of their income on housing, while nearly 80% households earning less than $50,000 pay more than they can afford for housing. Young adults (under age 35) have the highest rate of housing cost burden, while seniors are also disproportionately cost-burdened.

Table 15: Cost Burden by Income, Age Householder

Less than $50,000	426	78%	Under 35 years	126	43%
$50,000-$100,000	268	45%	35-64 years	493	22%
More than $100,000	192	8%	65+ years	267	32%

Source: ACS 2013-2017

According to ACS 2017 estimates, the median income for households in Southborough is $142,4263. About 24% of residents earn below $75,000, while 46% earn more than $150,000. Table 16 provides a comparison of household income distribution and the supply of homes affordable at each income range, based on ACS estimated value of single-family homes. Less than one-third of the Town's housing stock is valued so that it would be affordable to households earning below $100,000. In many cases, such lower value houses require substantial improvements to maintain safe, habitable condition, which exceeds what lower income households can afford.

Table 16: Housing Demand and Supply by Income Threshold

Income (ACS)	Households	% of all Households	Affordable Purchase Price*	Housing by Value	% of Housing
<$75,000	820	24%	up to $350,000	233	8%
$75,000-$99,999	316	9%	$350,000 - $449,999	614	21%
$100,000-$149,999	701	21%	$500,000 - $699,999	1,085	38%
>$150,000	1,555	46%	$700,000+	938	33%

Sources: ACS 2013-2017, Southborough Assessor's Database 2019; Affordable price range calculated by COG.

* Assumes mortgage + property tax + insurance payment = 30% of monthly income with 20% down payment, 3.5% interest rate, and estimated tax and insurance.

Property taxes also contribute to housing cost burden, particularly for seniors who often own homes without a mortgage. In 2019, Southborough's property taxes averaged $10,274 for single-family homes, compared to $5,993 average state-wide (ranking 26 out of 351 cities and towns). While the town makes significant efforts on an annual basis to keep costs low for homeowners, the average property tax bill for single-family homeowners in Southborough has risen by 37% since 2010, with a property tax rate of $16.66 per $1,000, compared to $14.06 per $1,000 in 2010. One way in which communities lower the tax burden for residents is to apply a "split tax rate", or a higher tax rate for commercial/industrial/ Personal (CIP) properties. Marlborough and Framingham apply a split tax rate to maximize the valuation of the commercial base, while Southborough and other similar communities have uniform tax rates. Although Southborough's commercial tax rate is among the lowest tax rate on commercial property in the area, the lack of sewer infrastructure and other critical municipal services hinders Southborough's desirability for economic development purposes. A lack of prior public investment in infrastructure limits Southborough's present and future ability to significantly increase tax revenues from commercial uses to offset the burden on residential properties to fund municipal necessities.

Table 17. Commercial Tax Base Comparison

	Residential Tax Rate	Commercial Tax Rate	Commercial Tax Base
Marlborough	14.07	24.95	44%
Framingham	15.38	33.61	39%
Ashland	16.28	16.28	9%
Hopkinton	17.17	17.17	16%
Westborough	18.33	18.33	31%
Northborough	17.15	17.15	25%
Southborough	16.74	16.74	19%

Source: ACS 2013-2017

Table 18: Change in Median Housing Costs and Median Income

Median Value Single-family Owner-Occupied Units	$318,600	$584,500	83%
Median Gross Rent	$913	$1,113	22%
Median Household Income Homeowners	$110,675	$150,972	36%
Median Income Renter Households	$43,348	$37,250	-14%

Source: Census 2000, ACS 2013-2017

Median household incomes for homeowners and renters have not kept pace with the rising cost of housing. While home values in Southborough have risen by about 83% since 2000, the median income of homeowners has increased only 36% over the same period of time. While this is potentially beneficial for long-term owners realizing significant increases in the value of their homes, the stagnation in wages and inflation in value makes housing less attainable for first-time homebuyers and downsizers who already own. Meanwhile the median income of renters actually declined by 14%, while median rent increased by 22%, bringing rents even further out of reach than they already were. The increase in median household income – particularly for homeowners - may be a reflection of the income required to be able to obtain housing in Southborough, rather than actual growth in income. It should also be noted that given the high proportion of income-restricted units in Southborough's rental housing supply, the households who can obtain rental housing are more likely to have low incomes. However, despite the relative increase in housing costs vis a vis household income, the proportion of cost-burdened households has declined, from 32% of households in 2000 to 28% in 2017. The local decline in cost-burdened households is not reflective of a declining regional need for more affordable housing; that need is growing. It simply demonstrates the existence of barriers for low- and middle-income households to access housing in Southborough.

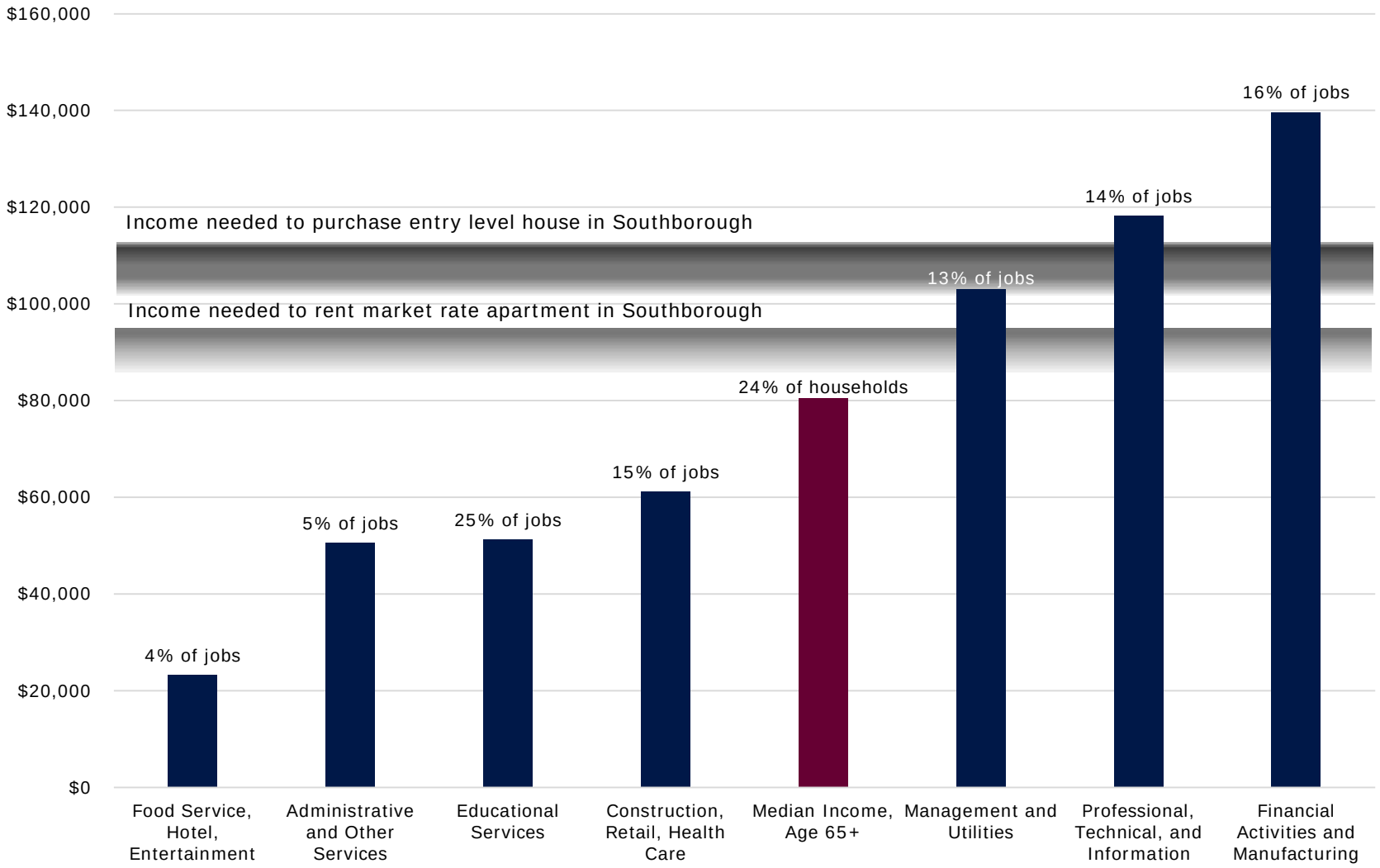
Table 19: Change in Cost Burden

	2000	2017
Pay More than 30%	32%	26%
Pay 30-49%	20%	16%
Pay 50% or more	12%	10%

Sources: Census 2000, ACS 2013-2017

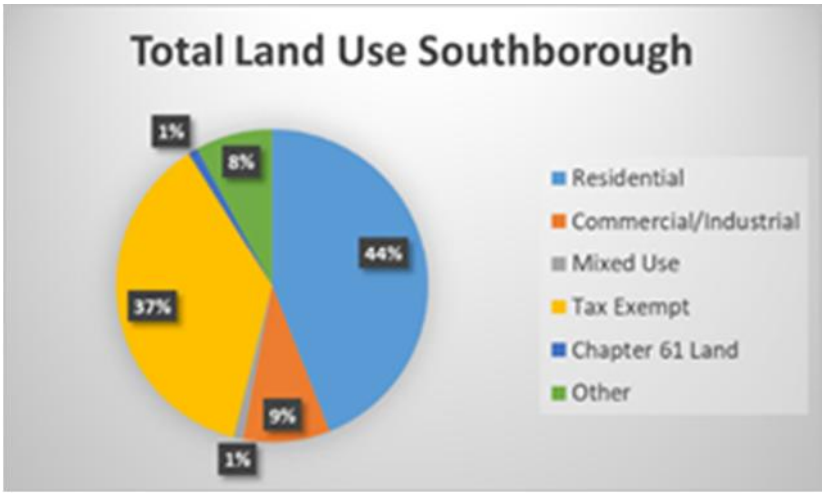
As shown in Figure 10 on the following page, nearly half of jobs in Southborough are in industries in which the average wages are below the income required to be able to afford housing in town. At the lowest end of the wage scale – including restaurants, hotels, and other services – workers may earn less than half the income required to rent, while those employed in education, the Town's largest employment sector, earn well below the threshold needed to access market rate housing. Jobs that pay enough to comfortably support the cost of housing comprise approximately 40% of employment opportunities in Southborough. In order to support economic growth and reduce reliance on regional commuting, more affordable housing is needed for people who work locally.

Figure 10: Housing Affordability and Wage / Income Comparison



Average Wages for jobs in Southborough establishments : MA Executive Office of Labor and Workforce Development (EOLWD) ES202 Data 2018
Median income for Southborough Households ages 65+: ACS 2013-2017

Housing Development Framework & Challenges



In its MetroFuture regional plan for greater Boston, Southborough is categorized by the Metropolitan Area Planning Council (MAPC) as a "Maturing Suburb". This type of community generally has a development pattern of moderate density residential development with diminishing supply of vacant developable land. As previously noted, the town experienced a rapid period of growth during the 1990's, which has dramatically slowed in the past decade. Compared with similar suburban communities, Southborough has a relatively large commercial base, likely related to its location along major regional highway corridors. Of the total 10,000 acres that comprise the Town of Southborough, about 4,000 acres has been developed. Residential uses comprise 44 percent of the town's land area (excluding water), while commercial, industrial, and mixed uses comprise an additional 10 percent. Close to 5,000 acres are either water or publicly-owned. The balance, approximately 1,000 acres, has varying degrees of development potential with few remaining "easy" sites.

Physical Conditions

Originally settled as an agricultural community, Southborough's rivers contributed to the establishment of villages surrounding hydro-powered manufacturing establishments in Southville, Cordaville, and Fayville. Although substantially built out, the town retains some of its agriculture and scenic open space character through the extensive preservation of open space by public and nonprofit entities, including the Town, Commonwealth (Department of Conservation Resources), and land trusts such as the Southborough Open Land Foundation and Sudbury Valley Trustees.

Natural Resources

Deerfoot Road Aqueduct.

Southborough is situated within the Concord River watershed, also known as the SuAsCo watershed (traversed by the Sudbury, Assabet, and Concord Rivers). The Sudbury River flows eastward along the southern boundary of Southborough, then turns northward to join the Assabet and Concord Rivers in Concord, forming a tributary to the Merrimack River. Downstream from Southborough, a segment of the river extending from Framingham to Billerica has been designated by the National Park Service as Wild and Scenic, in recognition of their outstanding ecological, historical, scenic, and recreational values. The Wachusett River flows eastward across the middle of the town into the Sudbury Reservoir.

Covering much of the northeastern quadrant of the town and extending into Marlborough, the Sudbury Reservoir is by far the most significant natural resource feature in Southborough. The reservoir was excavated in the late 19th century to provide water for the City of Boston, and now serves as an emergency backup supply for the Massachusetts Water Resource Authority (MWRA). For this reason, a substantial amount of open

space has been set aside for water resource protection purposes, allowing only passive recreational activities such as hiking, bird watching, and fishing. Nearly 25% of Southborough is reservoir and the surrounding land owned by the Commonwealth for water protection purposes.

Southborough contains approximately 850 acres of wetlands. Wetlands are important because they provide floodwater retention, groundwater recharge, and wildlife habitat. While Massachusetts adopted the Wetlands Protection Act in 1970 (as amended periodically), local municipalities may elect to adopt more restrictive measures. Southborough chose to do so in 2002 in order to further protect these important resources. These regulations included a local 20 foot "no-touch" zone in which no activity can occur at all near a wetland resource, and a 100-foot buffer zone, where work may be approved it certain conditions are met to protect the resource areas. Limited uses on wetlands are regulated under Section 170 of the Town of Southborough Wetlands By-laws and implementing regulations.

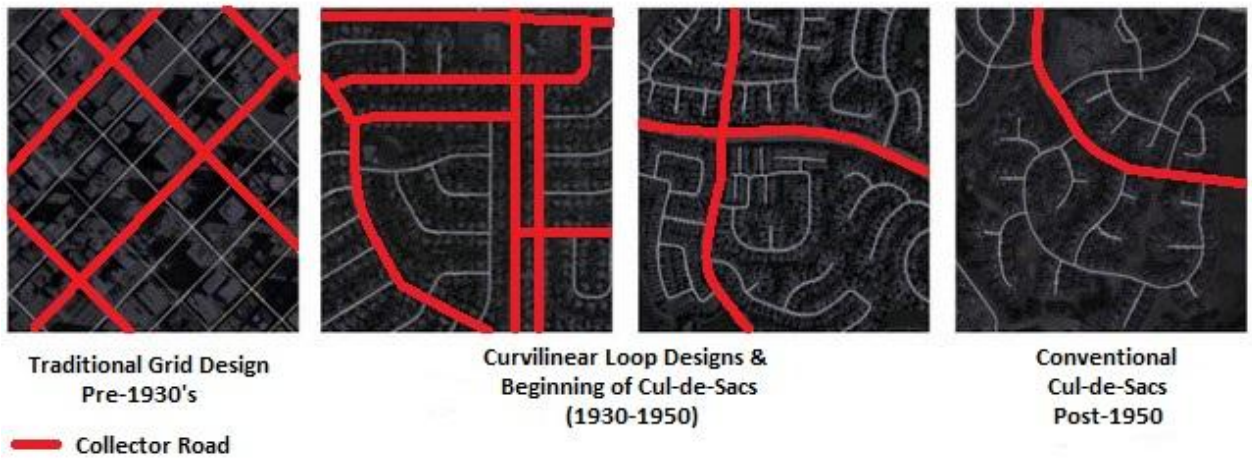
In addition to wetlands regulations, Federal law requires communities to manage stormwater runoff because it carries considerable quantities of nutrients and pollutants from farm fields, lawns, roads, and other sources into waterways. Regardless of size, all municipalities must require applicants for construction sites greater than one acre to file a Stormwater Pollution Prevention Plan that meets local approval. Southborough approved a Lower Impact Development Bylaw in September 2006 which requires developers to consider stormwater best management principles. These principles encourage the reduction of impermeable surfaces, mimicking the natural system as closely as possible, and relying less on engineered structures to achieve stormwater and erosion control. Examples include the use of native vegetation in buffer strips, open channels and rain gardens to trap and filter pollutants in stormwater runoff. This also helps to reduce stormwater runoff volume through discharge into the groundwater.

Southborough's Zoning Bylaw includes a Critical Resource District but it is not displayed on the Town's official Zoning Map so its location may be difficult to discern. However, development proposals within the Critical Resource District are required to consider flexible development provisions to protect scenic views, habitats, fragile natural environments, or other critical environmental resources. The district allows for transfer of development rights by applying land area within the district toward the application of density bonuses to development located outside of the district.

Infrastructure

Roads

Southborough's location with respect to regional transportation networks has contributed to its economic and residential success. Much of the Town's commercial and industrial development is located along Route 9, which bisects the town, running east/west. Interstate Route 495 (north/south) and I-90 (east/west) also cross through the town, while State Route 85 runs north/south through the center of town, intersecting with east/west Route 30 at the Downtown. Although there are no interchanges within Southborough, Route 9 intersects with Route 495 just over the border to the west in Westborough, and with I-90 just over the border to the east in Framingham. I-90 and 495 intersect a short distance away in Hopkinton.



Southborough contains 86 miles of roadways[7], including the aforementioned regional and interstate highways, as well as local roads. Old town roadways are often narrow, winding, and lined with shade trees and stone walls, contributing to the Town's historic character and rural character. These roads are also typically connecting routes, providing for critical circulation routes through the community to disperse traffic volumes. By contrast, newer subdivision roads are typically dead-end spurs or cul-de-sacs, concentrating increased traffic volume on limited existing through-streets.

Traffic congestion due to regional commuting patterns combined with local circulation creates an indirect barrier to housing development, as it is an issue frequently cited by residents when opposing new development. According to the 2008 Southborough Master Plan, the heavy traffic volumes are experienced along major roadways, particularly during commuter, school, and shopping peak periods. Specifically, Route 9 is congested almost entirely along its corridor through Southborough during both the weekday morning and evening peak commute hours. Additional areas of congestion include side streets feeding into and away from Route 9, as well as Route 85 near the Downtown and Route 30 from Parkerville Road to Willow Street.

Public Transportation

Southborough MBTA Commuter Rail Station

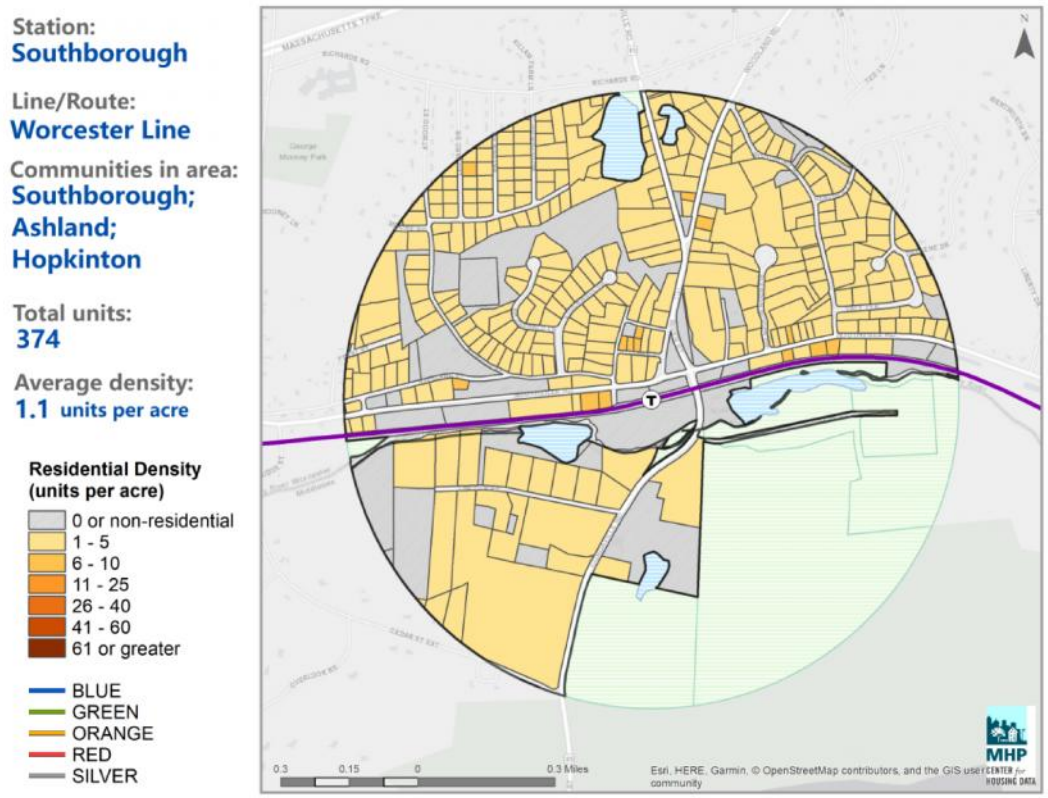
For a moderate low-density suburban community, Southborough is fairly well-served by public transportation. The MBTA Commuter Rail Framingham/Worcester Line runs parallel to the Sudbury River along the southern edge of town, with a station located at the historic village center of Cordaville. The MBTA maintains a parking lot at Southborough station with 372 parking spaces which typically fill early during the morning commute.[8] Although there is ample private parking available adjacent to the commuter rail station, and in spite of the fact that the commuter rail is a regionally funded asset, local zoning does not allow for its use, and attempts to obtain relief from the Zoning Bylaws to provide paid parking to commuters have thus far been unsuccessful. This creates a barrier to those who need housing in an area with transit access.

The MetroWest Regional Transit Authority (MWRTA) operates bus service to Southborough via Route 7, which runs along Route 9/Breakneck Hill Road/Route 30/Route 85 between Marlborough and Framingham

[7] Massachusetts Department of Transportation, *2018 Massachusetts Road Inventory Year-End Report*.
[8] MBTA.com

and includes stops at the Southborough Library, Downtown Southborough (Mauro's Market) and Route 30 at Colonial Garden's Bus Shelter. Route 7 runs every 1-2 hours between 6:30 AM and 8:45 PM on weekdays, and 8:30 AM to 5:30 PM on Saturdays. MWRTA also offers on-call service for seniors and people with disabilities through Dial-A-Ride.

Recognizing that communities in the greater Boston region are simultaneously experiencing housing and traffic crises, state and federal investment in commuter rail transit infrastructure is needed to provide a viable alternative to automobiles for commuting to Boston from suburban locales. For these investments to be sustainable, a sufficient number of passengers need to be able to access the commuter rail via driving or walking to the stations. While parking capacity enables the train to serve a broader area, housing located within ½ mile of a transit station contributes ridership without generating additional traffic associated with the station. The Massachusetts Housing Partnership has developed a tool to evaluate residential densities surrounding every transit station within the MBTA service area. Research on minimum densities to support cost-effective rail service suggests a minimum threshold of 10 residential units per acre for the half-mile area surrounding stations. Outside of the urban core, few stations meet this target, averaging just 2.8 homes per acre for all commuter rail station areas. The Southborough station area falls well below average, with just 1.1 units per acre surrounding the station, in part due to the presence of the Sudbury River.



Water

Southborough purchases water from the Massachusetts Water Resources Authority (MWRA). About 93% of the Town's population is connected to the distribution system. Over the last three years, system-wide consumption averaged approximately 1 million gallons per day (MGD) and increased to approximately 2.8 MGD in the summer. Water is withdrawn from the MWRA's Metro West Water Supply Tunnel at two locations in Southborough: a pumping station located off Northborough Road and in the northeastern part of the town adjacent to the Hultman Aqueduct Shaft No. 3. The Town owns and maintains a distribution system

which includes three water storage tanks, two pump stations, and 86 miles of transmission and distribution piping.[9]

A 2007 Water Distribution System Study prepared for the Public Works Department by H2O Engineering Associates, identified problems with Southborough's water distribution system including unaccounted-for water use that exceeds the MA Department of Environmental Projection's guidelines, inadequate water storage capacity, dead-end water mains, and undersized water mains in some parts of town. The Town commissioned a Water System Storage Tank Evaluation in 2017, prompted by concern that the proposed Park Central development could significantly increase system demand, including land areas that are too high to be served by the existing system storage tanks.

Wastewater Treatment

Southborough provides no public wastewater treatment infrastructure. The town relies on private septic systems for wastewater treatment and private wastewater treatment facilities at Wedgewood, Saint Mark's, the Fay School, and Madison Place. All of Southborough's abutting municipalities (Ashland, Hopkinton, Framingham, Marlborough, Northborough, Westborough, and Wayland) are partially or entirely served by public sewers. A few isolated sites in Southborough tie into neighboring communities' sewer treatment systems, including New England Center for Children (Framingham), EMC (Westborough), and the Harvard Depository (Marlborough).[10]

Historically, Town Meeting considered but did not approve funding requests for feasibility studies to determine the cost of developing a municipal sewer treatment plant or becoming a member of the MWRA Sewer District in the late 1970's and again in the 1980's, when it was proposed significant amounts of financial assistance from the state. According to opinion surveys in the 1980's, residents preferred a lack of sewerage as a way to limit development; a decision with far-reaching consequences as any attempts to provide sewerage (to boost economic development opportunities, for example) at this point would come at a significant expense to local taxpayers.

Siting, construction, upgrade, and expansion of on-site sewage treatment and disposal systems must comply with The State Environmental Code, Title 5 (310 CMR 15.000). The local Board of Health is the primary regulatory authority for septic system compliance with Title 5. The Massachusetts Department of Environmental Protection is involved in certain approvals including many innovative/alternative technology approvals, shared systems, large systems, and many variance requests. The Southborough Board of Health adopted local modifications to the Title 5 Code requirements in 2000, 2004, and 2014 that deal with septic tank capacity, construction, outlet filters, percolation testing, trenches, and septic tank pumping.

Septic limitations constrain development opportunities throughout much of the town. Two-thirds of the town is located within the Sudbury Reservoir watershed. Regulatory controls and natural conditions trigger more expensive requirements for septic systems, resulting in higher construction and maintenance costs per residential unit.

As described in the 2009 Southborough Master Plan, septic systems can pose a threat to groundwater quality – particularly older systems from before the 1960s, which were often buried too deeply and lie just inches above the water table. Replacing older systems is very important to avoid groundwater contamination. To help address this issue, the Southborough Board of Health offered funding for a septic system repair loan program. Predating the 2008 Southborough Master Plan, the first two rounds financed the replacement of thirty-eight failing systems. The terms of the loan allowed the Town to lend money to homeowners at below market interest rates to reduce the financial strain on homeowners faced with expensive septic system upgrades. The Town no longer offers this loan program.

Schools

Southborough is part of a regional school district with the Town of Northborough. The communities have separate k-8 school districts and a shared high school (grades 9-12). Southborough's facilities include the

[9] Southborough Water System Storage Tank Evaluation, 2017, Pare Corporation.
[10] Interview with Paul Pisinski, Town of Southborough Public Health Director, February 3, 2020

Mary E. Finn School (PK-1), Albert S. Woodward Memorial School (Grades 2-3), Margaret Neary School (Grades 4-5), and P. Brent Trottier Middle School (Grades 6-8).

According to the Massachusetts Department of Elementary and Secondary Education (DESE) District Report Card for 2019, Southborough School District is meeting or exceeding the State's targets for education, scoring 87 out of 100 points attributed to indicators including achievement, student progress or growth, high school completion, progress toward English proficiency for English learners, chronic absenteeism, and advanced coursework completion.

Enrollment in Southborough's schools surged during the 1990's and early 2000's as the Town experienced a boom in new single-family home construction. The number of students enrolled in the Southborough School District peaked in 2005 and has been continuously declining ever since, now enrolling fewer students than at the beginning of the millennium. Due to declining enrollment and capital improvements needed in some of the elementary schools, there has been discussion of consolidating and shuttering one of the schools, which could potentially enable a rearrangement of space occupied by other municipal functions, and surplus of another Town building. The Town continues to evaluate the options for school improvements or consolidation, aiming to establish a preferred scheme by early 2021 in order to submit a statement of interest to the Massachusetts School Building Authority (MSBA). Once in the queue for MSBA support (as early as 2021 or 2022), the timeline for funding would be 3-5 years.

Table 20: Historic School Enrollment

	2005 Enrollment	2020 Enrollment	Change in Enrollment	% Change
Mary E. Finn School	381	339	-42	-11%
Albert S. Woodward Memorial School	374	258	-116	-31%
Margaret A. Neary School	360	268	-92	-26%
P. Brent Trottier Middle School	516	415	-101	-20%
Total K-8	1631	1280	-351	-22%
Algonquin Regional High Southborough students	602	513	-89	-15%

Source: MA DESE

Regulatory Context

Zoning Bylaws regulate the type and location of development within a community. In terms of residential development and redevelopment, zoning can be a constraint if the bylaws significantly limit the development of types of housing that would meet community needs. These limitations can occur in many forms ranging from direct prohibitions on non-single-family residential uses to indirect preclusions through outsized minimum lot size and frontage requirements and excessive parking requirements. In Southborough, as-of-right residential development is highly constrained by an outdated Zoning Bylaw that precludes housing and economic development opportunities, particularly those that are scaled to smaller lot sizes and smaller projects. Since a comprehensive zoning rewrite effort was abandoned in 2013, a piecemeal approach has been taken subsequently to address zoning issues.

Residential Zoning

The Town of Southborough is divided into eleven zoning districts (eight of which are currently shown on the zoning map) with residential densities ranging from 10,000 to 43,560 square feet. Residential uses are allowed in most districts either by right or by Special Permit with the exception of the Conservation C district, where residential uses are not allowed. The Zoning Bylaw defines multi-family as any residential use with two or more dwelling units. Due to this low threshold, the opportunities for small-scale multifamily development are substantially limited. Multi-family housing is allowed in any residential district as part of a Major Residential Development (a development consisting of eight units or more), while in the Industrial Park (IP) and Highway Business (HB) zones, multi-family is not allowed within a Major Residential Development. Multi-family uses are generally not allowed outside of a major residential development, except for conversions of existing single-family homes to two-family homes and accessory apartments, which are allowed by Special Permit from the Zoning Board of Appeals (ZBA).

The light-yellow areas on the map indicated the Res-A Zoning District, while the darker yellow indicates the slightly denser Res-B Zoning District. The lands colored in light, medium, and dark pink and orange are zoned for commercial purposes, while lands shaded green are conservation lands.

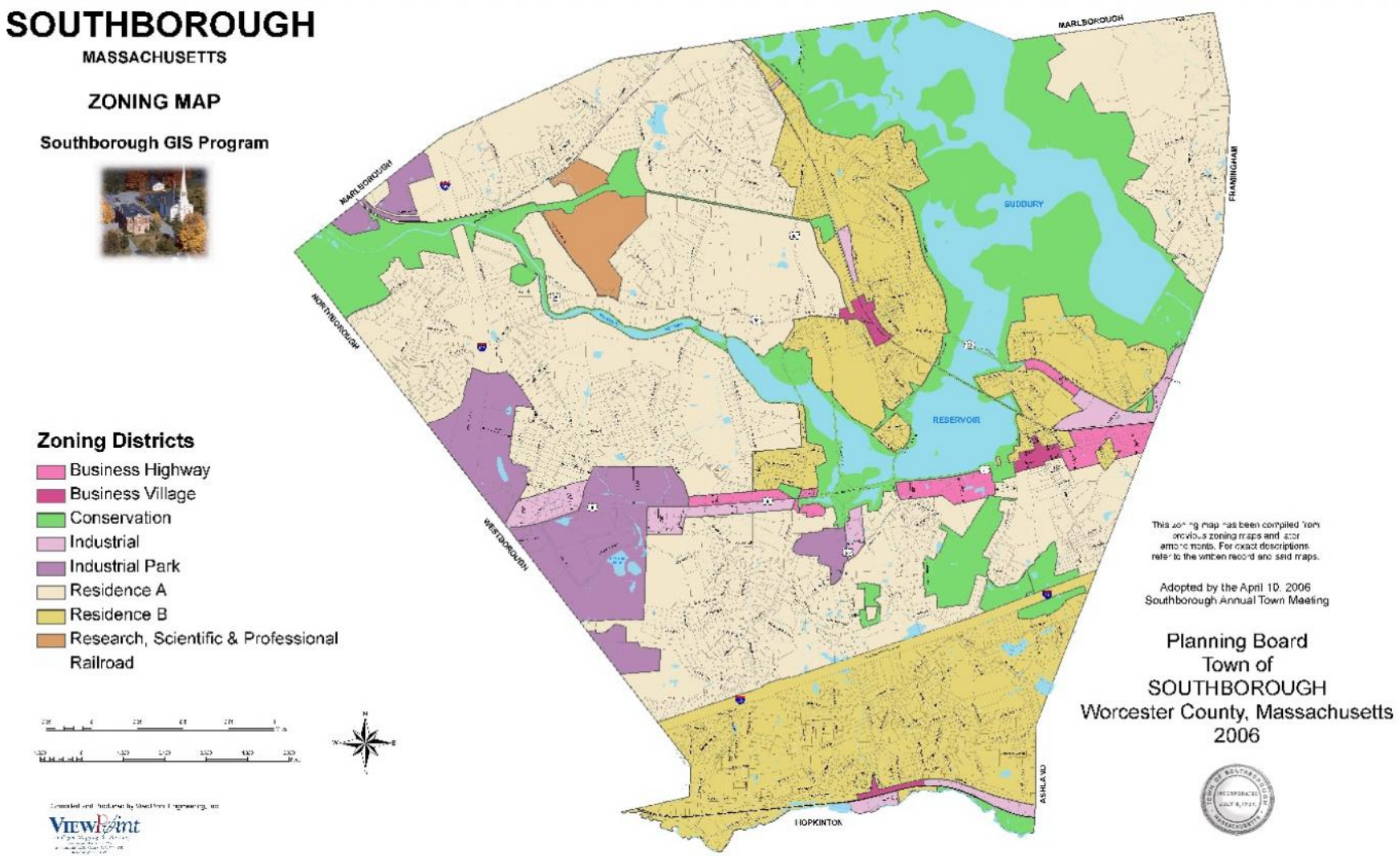


Table 21: Summary of Residential Zoning Requirements

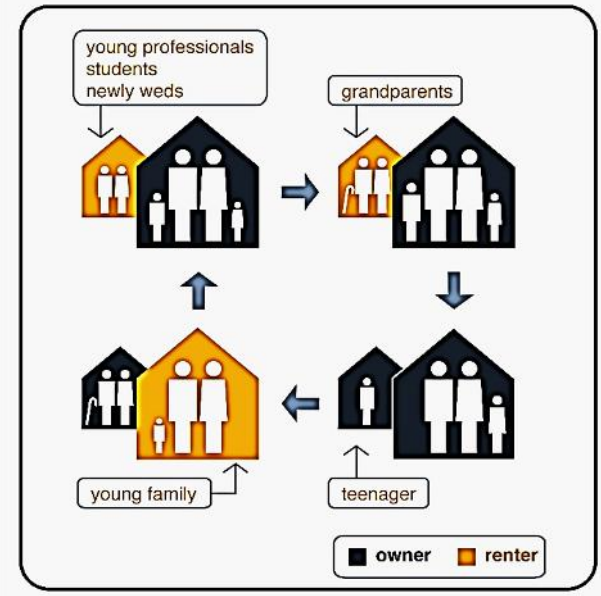
District Name	Minimum Lot Size (s.f.)	Type of Residential Uses Permitted:	
		Primary Use By Right:	By Special Permit from: (●) Planning Board or (○) Zoning Board of Appeals
Residential A (RA)	43,560 s.f. 20,000 exclusive of wetlands	Single-family Boarding rooms of four persons in single-family	○ Accessory apartment ○ Conversion of single-family to two-family ○ Mobile home ○ Multi-family for elderly (public or nonprofit) ● Multi-family within major residential development (8+ units
Residential B* (RB)	25,000 s.f. 20,000 exclusive of wetlands	Same as RA	Same as RA
Industrial (ID)	43,560 s.f. 20,000 exclusive of wetlands	Same as RA	Same as RA
Industrial Park (IP)	43,560 s.f. 20,000 exclusive of wetlands	None	Same as RA Exceptions: Multi-family within major residential development is prohibited.
Wetland and Floodplain Overlay District (WFP)	Same as underlying district	None, except expansion of existing by not more than 25% lot coverage	○ Uses as permitted in the underlying district with finding that development will not be unsuitable and increase in 100-year flood levels.
Research, Scientific, & Professional (SP)	Same as RA for residential	Same as RA	Same as RA
Critical Resource Overlay District (CR)	Same as underlying district	Same as underlying district	○ Major residential developments must meet higher standards for Special Permit regarding impact on scenic views, habitats, and environmental resources – alternatives such as transferring development rights to sites outside of the overlay district may be allowed for density bonuses.
Village Business (VB)	25,000 s.f. for residential uses, 10,000 s.f. for other uses	Same as RA and RB	Same as RA and RB Exception: ● Multi-family housing for the elderly public or nonprofit.
Highway Business (HB)	Same as RB for residential	Same as RA and RB	Same as RA Exception: Multi-family within major residential development is prohibited.

This information is compiled from the Southborough Zoning Bylaw Chapter 174 and may be incomplete. It is to be used for the purpose of this report only. An official Zoning Bylaw may be obtaining through the Town Clerk.

*Note: Residence C district was discontinued in 1966, however lots laid out prior to the discontinuance and that are in Residence B districts may be built with a minimum lot size of 15,000 s.f.

Accessory Apartments

In communities like Southborough that have a housing stock consisting of predominantly single-family houses, accessory apartments provide an avenue to modestly diversify the housing stock with minimal impacts on existing neighborhoods. Accessory apartments are a useful form of housing for households at different life-cycle stages, whether they are starting out or aging-in-place and provide an avenue for Southborough's young people, adults who live in small households, and seniors to remain housed within their community.



Life Cycle Diagram: for family and housing needs

Southborough's zoning allows for accessory apartments by Special Permit (ZBA). Accessory apartments occur in many forms and can be interior (e.g. attic or basement apartments), attached (e.g. ells or additions), or detached (e.g. carriage houses, barns, or garage apartments). Due to statutory provisions regarding the granting of Special Permits that generally limit the ability to deny (rather than conditionally approve) applications that meet bylaw requirements, accessory apartments provide a number of public benefits while presenting fewer regulatory burdens to single-family home owners than unnecessarily restrictive regulations.

Accessory apartments are allowed by Special Permit (ZBA) subject to the following requirements:

- Habitable floor area must not exceed 35% of floor area of the main dwelling and any other accessory buildings used for accessory dwelling;
- No other apartment is on the lot;
- Only minimum alterations to exterior; and
- Total cumulative number of accessory apartments permitted by the ZBA since 1979 shall not exceed 5% of total number of single-family houses in Southborough.

The approved units are not tracked by the Town. Therefore, the number of accessory units permitted as a percentage of total single-family houses is not available hence the fourth provision is not enforceable. Its removal from the bylaws should be considered.

Major Residential Development[11]

The Zoning Bylaw allows a Special Permit for Major Residential Developments, which are defined as the creation of eight or more lots – or the construction of eight or more dwelling units, within an eight-year period, for projects seeking to utilize "flexible development" provisions. The bylaw also allows smaller projects with fewer than eight units to take advantage of flexible development provisions, provided the applicant seeks a Special Permit. For both project types, the Planning Board is the Special Permit Granting Authority (SPGA). The Town amended the bylaw in 2013 to allow by-right development for conventional subdivisions.

One of the enumerated purposes of the flexible development zoning provisions is to "encourage more affordable and diverse housing types." Toward this aim, the provisions require that at least 12.5% of the total number of permitted dwelling units are provided as Affordable Housing and meet DHCD's requirements to be included on the Subsidized Housing Inventory. The provisions also require a local preference for 70%

[11] The Town amended the Zoning Bylaw's Major Residential Development provisions in 2013 light of the 2008 MA Appeals Court decision regarding the invalidity of Westwood zoning bylaw that required a special permit for a major residential development: WALL STREET DEVELOPMENT CORPORATION vs. PLANNING BOARD OF WESTWOOD 72 Mass. App. Ct. 844: http://masscases.com/cases/app/72/72massappct844.html

of the affordable units for Town residents and employees of the Town. There are two issues with this provision of the bylaw: 1) 70% local preference is the maximum percentage the Town may request from DHCD. The request must be accompanied by a justification based on local needs and a granting of 70% local preference is not guaranteed (although it rarely is an issue as most communities have significant unmet local housing needs); and 2) the bylaw establishes preference for only two out of four of the categories of households that are eligible for local preference and further ranks which of those two categories shall receive priority. Prioritization is not allowed amongst local preference categories, and the Town does not have the authority to remove eligibility categories for local preference. A literal enforcement of these provisions would be in conflict with state law.

The provisions allow multi-family housing for up to 2/3 of all units within a major residential development, but the remainder of the units must be single-family homes. This is a significant limitation if one is attempting to build multi-family housing, due to the relatively less efficient spatial needs of single-family houses. Furthermore, each dwelling unit must have its own exterior entrance, effectively enforcing a townhouse standard, and no more than four units may be in any one structure. The regulations are fairly clear in their intent to exclude apartments, regardless of the type and scale of the building they are located within. This preclusion renders most existing small multi-family buildings nonconforming, and in some zoning districts creates an impossible set of standards resulting in an inability to build viable projects under local zoning. For example, the Business Village (BV) District encompasses approximately 40 acres across Downtown Southborough, the intersection of Route 9 and Central Street/Oak Hill Road, and Cordaville Station, wherein the median lot size of parcels throughout the district is 18,730 square feet. Under existing zoning, this is not sufficient to construct even an individual single-family home, much less a project that would be more suitable to a revenue-generating mixed-use village center. As residential dwellings in the BV district must meet the development standards of the RB district requiring a 25,000 foot minimum lot size per residential unit, there are limited opportunities to create housing. Particularly as multi-family dwellings that are not age restricted are only allowed in the BV district as part of a Major Residential Development, which requires a minimum of eight (8) units at 25,000 square feet per unit (4.6 acres), potential sites, if any, are in short supply.

While being largely unbuildable in practice, the Major Residential Development provision is the only vehicle to build multi-family housing in Southborough that is not age-restricted, but the housing it yields does not necessarily suit local housing needs or provide the true diversity that would meet the needs of disparate households. In part, this is because the total units shall not exceed what is allowed in the underlying zoning, and the underlying zoning has fairly high minimum lot size requirements. Although typical of suburban communities, this contributes to visual fragmentation and new development that is incongruous with traditional New England architectural vernacular and spatial organization. In the RA zone, which covers most to the town, the minimum lot size is one (1) acre and more than one in five lots in the district are undersized

Housing created under MRD regulations. Each unit has a private entrance; the development contains a mix of "multi-family" duplexes and single-family homes as required; and units are restricted to market rate buyers aged 55 and up.

Small multi-family houses consistent with the New England architectural style could and currently do "fit in" in Southborough. The requirement for single-family homes limits the potential of the MRD regulations.

and nonconforming. Less than 4% of lots in the RA District meet the minimum lot size necessary to create a Major Residential Development; similarly, only 8% of lots meet the requirements in the RB district. However, the provisions allow for a density bonus of three additional units for each affordable unit offered in addition to those that are required, which can offer some relief. The provisions also allow a further density bonus for middle-income units of up to 140% AMI of one additional unit for each middle-income unit. Onsite development of affordable units is encouraged, but the offsite development of affordable units or cash payments in lieu of providing affordable units is allowed under extreme conditions but severely discouraged in both regulation and practice. The density bonuses are not applicable unless the affordable units are developed onsite.

Senior Housing Provisions

The Zoning Bylaw defines elderly housing as "housing with occupancy of each dwelling unit reserved to no more than two persons, one of whom must either be fifty-five (55) years of age or older or handicapped." This can create issues if an elderly couple requires a live-in home care assistant or becomes guardian of grandchildren, both increasingly common scenarios, that would require the occupants to relocate under this current provision.

The desire to limit housing to older households and restrict the number of bedrooms is typically driven by a desire to limit the number of school children (a discriminatory practice on the basis of familial status that violates fair housing and civil rights laws) and their associated costs more than sincere desire to house seniors. Seeing the housing needs of seniors as being synonymous with the housing needs of everyone is of critical importance. The current bylaws encourage the creation of housing that is age-restricted but otherwise resembles large, expensive, single-family homes; true senior housing should consider and reflect the needs of seniors, such as smaller units with single-floor living floor plans, accessible design, and reduced maintenance requirements. Allowing a range of housing options could enable senior residents with different needs, abilities, and financial circumstances to remain in Southborough, with their life-extending social networks intact. This means housing designed not just for handicap accessibility, which is sorely needed, but also with mobility – a critical element of long-term wellness – and connectivity to social spaces, amenities, and goods and services in mind.

However, Southborough's provisions for multi-family housing for elderly require that no development exceed and average per site a maximum of three units per acre exclusive of wetlands, leading to an absolute maximum of six bedrooms per acre. The bylaw also limits the total number of units approved under this section (since January 1998) not to exceed 7% of the total number of single-family houses. This threshold has been reached, and no further housing can be developed under this provision without a significant number of new single-family homes being constructed. The Zoning Bylaw should be revised to either raise or (preferably) eliminate this cap to reflect the current trend that the nearly 30% of Southborough households will be over 65 in 2030.[12]

Constructed in 2002, Carriage Hill Condominiums is a luxury 55+ senior housing community. Condos are 3,200 s.f., 2br/4 bath units with 2020 sales prices over $700,000 and a monthly condo fee of $900+ limiting the utility of such developments for Southborough seniors looking to downsize.

Affordable Housing

"Inclusionary zoning" is a type of provision requiring a portion of new development be affordable to low income households that is eligible for inclusion on the State's Subsidized Housing Inventory.

[12] MAPC Population Projections, http://www.mapc.org/data-services/available-data/projections

Southborough's Zoning Bylaw includes such a requirement for Affordable Housing under the provisions for Major Residential Developments (projects with eight or more lots or units). Under Section 174-13.2(e), the bylaw requires that at least 12.5% of units be affordable to households earning between 51 and 80% of Area Median Income (AMI). This precludes the provision of affordable housing units to households with incomes below 50% of AMI, while offering a density bonus for "middle-income" units targeted to households who earn up to 140% AMI (it should also be noted that these units would not be eligible for inclusion on the SHI unless they were in a rental development). Further, as previously stated, the local preference regulations are at odds with state law by establishing an order of preference within local preference and excluding two categories of households that are eligible for local preference under state law. While Southborough's Major Residential Development requirements have contributed some affordable units, these provisions result in discrimination and further reduce housing opportunities at a level of affordability that is sincerely needed by many of Southborough's residents.

Mixed Use Limitations

While Southborough's commercial districts have not traditionally been considered for residential or mixed use development, many of Southborough's office, industrial, and retail buildings have significant vacancies, are underutilized, or abandoned. These vacancies can be attributed to a number of factors, including location, infrastructure limitations, and changing consumer tastes, Recently, the demand for single-use office parks has shifted to a preference for amenity-rich mixed-use properties. The ample availability of high quality commercial space and lack of sewer infrastructure make it more challenging to redevelop or adapt buildings that have reached obsolescence for new commercial use. While Southborough needs to work diligently to retain its commercial base, allowing a range of uses including housing might make redevelopment and reuse more attractive and yield more socially and economically valuable reuse projects.

An underutilized commercial building on Rte. 9.

Section 174-8(c)2 of Southborough's zoning reads as follows:

> Not more than one principal permitted use shall be located on any lot, provided that a multiple occupancy building used for the same category of use, such as retail sales and services, light manufacturing or offices in a business district or Industrial Park District shall be deemed to be in a single principal permitted use. The Board of Appeals may, by special permit, allow several different uses if otherwise permitted in the district or several buildings on the same lot if such uses or buildings are deemed to be compatible, meet the requirements of § 174-9 and result in improved circulation and land use patterns.

The bolded text highlights a critical requirement that the use must be permitted in the district. Although this is a logical requirement, the allowed uses have not been updated since 1993 (and many appear to have simply been carried forward from the previous bylaw), and contain a number of legacy uses like "Newspaper, job printing and publishing" which we are less likely to see in 2020, as well as completely obsolete uses such as "Dwelling on the premises for a night watchman or janitor." With few commercial uses available to choose from, and residential uses generally limited to elderly housing operated by a non-profit, there is limited opportunity to modernize existing commercial complexes and broaden housing opportunities in Southborough's villages, particularly on a smaller scale (such as a project consisting of a retail space with two to three apartments above).

Adaptive Reuse of Historic Structures

An historic structure that could be modified to contain residential uses.

In 2017, Southborough amended the Zoning Bylaw to include provisions for the adaptation and reuse of historic structures. While considered a commercial use, apartments and condominiums are allowed with Site Plan Approval, as is the conversion from a single-family home to a single-family home with an accessory apartment. However, there are no provisions to address or reduce minimum lot size requirements for each unit in spite of the fact that the structure and lot already exist, making the necessity for additional land to adequately serve the structure someone what questionable. Due to Southborough's historic development pattern, many of the historic homes are located in Southborough's village areas and are located on small, and frequently undersized lots for even a single-family home. As many of these structures exist within the Residence A and B zones surrounding the villages, these homes would need to be situated on many acres in order to accommodate a multi-family use. Whether this was an oversight in the drafting of the regulations or was left intentionally ambiguous, a lack of reasonable provisions to determine density for reuse projects limits the utility of this particular bylaw.

Parking Requirements

The parking requirements for a residential dwelling consist of two spaces per each unit containing one or two bedrooms and three spaces for each unit with three or more bedrooms. Such high minimum parking standards contribute toward increasing the cost of residential development, as well as increasing impervious surface area. They also further inhibit the potential for smaller multifamily development or redevelopment.

Summary of Zoning Issues

- Housing Diversity: Many communities treat two-family and three-family structures differently from multi-family apartment buildings, and have reduced lot and dimensional requirements for these types of residential uses. The lack of scaling of uses in Southborough's zoning to allow for smaller projects favors new single-family homes, making redevelopment, infill development, or small-scale multifamily development less feasible. Current zoning also precludes residential development in commercial areas due to unbuildable regulations, and prohibits mixed use buildings. In addition, arbitrary caps on accessory apartments and senior housing limit the Town's ability to meet a broader range of housing needs. Failure to diversify residential uses will continue to lend itself to the creation of housing that serves regional needs in terms of price and product (namely affluent seniors), rather than Southborough's local housing needs.

- Development Thresholds: While Southborough's zoning offers some flexibility for developments with more than eight units (and those with fewer than 8 units by special permit), the requirements for private entrances, no more than four units in a building, and necessity that at least 1/3 of the overall development contain single-family homes helps to ensure that as long the town has not met its affordable housing obligations, multifamily development is more likely to occur via the Chapter 40b Comprehensive Permit process rather than under the local Zoning Bylaws. Due to the desire for design control, in particular, many communities are seeking to adopt zoning that serves as an alternative to Ch. 40b that is sufficiently attractive to developers to incentivize them to build under local zoning regulations rather than bypass them with a Comprehensive Permit.

- Density: Outsized minimum lot size, frontage, and setback requirements preclude most innovative forms of residential neighborhood design. As most of the "good" land in Southborough has been

developed, largely what remains are challenging and expensive sites that without adequate density cannot support housing. Provisions that more adequately address and provide for the creation of smaller scale and creative projects should be considered.

Other Regulations

Lower Impact Development Requirements

The Zoning Bylaw includes provisions for Lower Impact Development (LID) site planning and management of post-development storm water runoff to minimize damage to public and private property and infrastructure, safeguard the public health, safety, environment and general welfare of the public, protect water and aquatic resources, and promote groundwater recharge to protect surface, groundwater, and drinking water supplies. Adopted in 2006, the bylaw applies to all new development and redevelopment and requires a Special Permit from the Planning Board for proposals subject to Major Site Plan Review, any disturbance of one acre or more, and any residential development or redevelopment of five or more acres.

Local Wetland Regulations

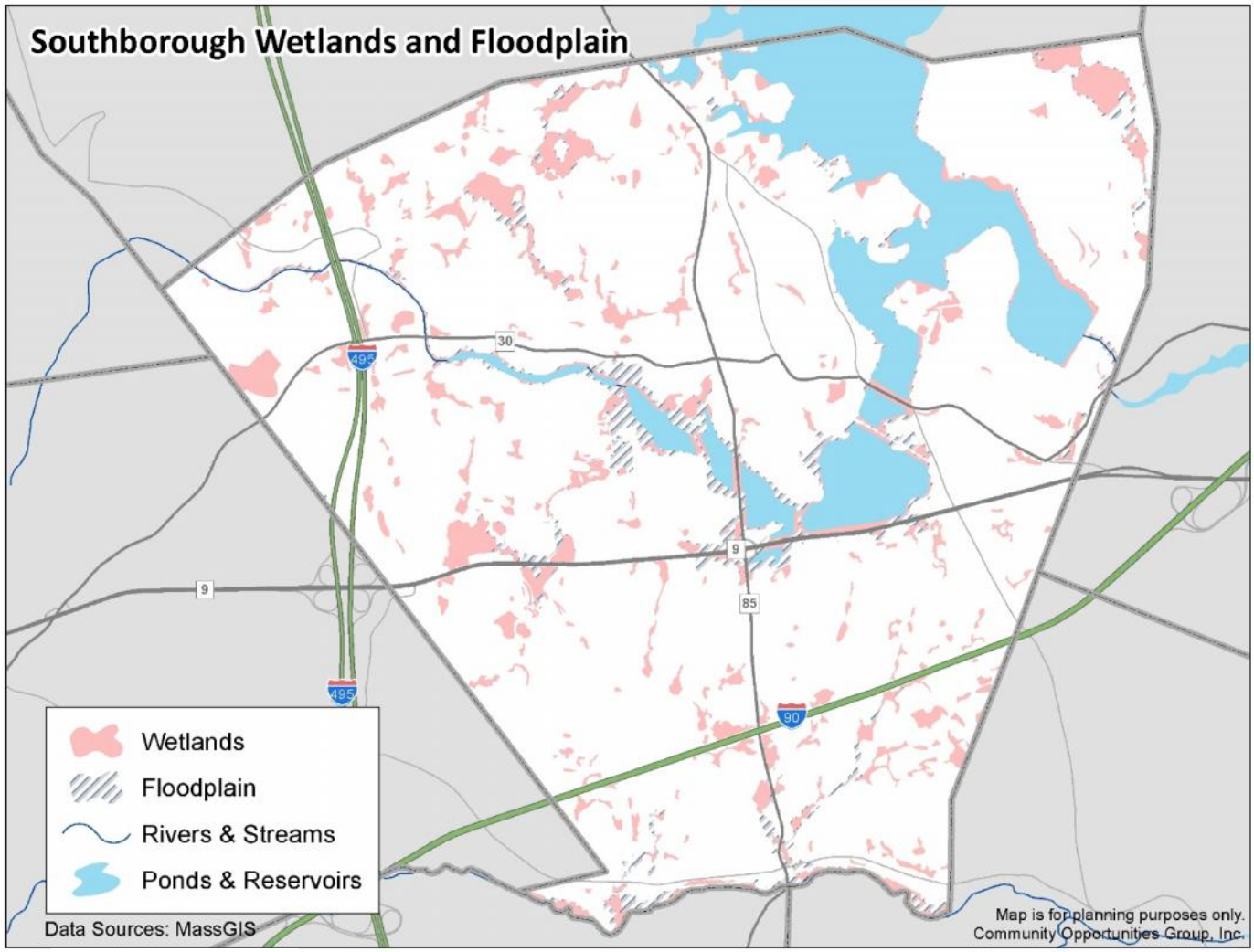
Southborough adopted its current Wetlands Bylaw in 1995, as amended periodically. The purpose of the bylaw is to protect the wetland-related water resources and adjacent lands by minimizing activities deemed to have a significant or cumulative effect upon: public or private water supply, flood control, groundwater supply, storm damage prevention, erosion and sedimentation control, wildlife habitat, water pollution control, fisheries and freshwater shellfish, and recreation. As discussed, the bylaw applies to any activities that will create a disturbance within the mandated twenty (20) foot and one-hundred (100) foot buffers as applicable:

> Except as permitted by the Conservation Commission or as provided in this Chapter, no person shall remove, fill, dredge, build upon, degrade, discharge into or otherwise alter the following resource areas or within twenty (20) feet of their borders: any fresh water wetland, bordering vegetated wetland, marsh, wet meadow, bog or swamp, any bank, beach, lake, river, pond, stream or land under said waters, any vernal pool, any land subject to flooding or inundation by groundwater, surface water or storm flowage collectively, “the resource areas”. Any proposed work which falls within one hundred (100) feet (the “buffer zone”) of the previously mentioned resource areas must be approved by the Commission. - Town of Southborough 1995.

Limited uses on wetlands are regulated under Section 170 of the Town of Southborough “Wetlands Bylaws.” Amended by the 1996 Rivers Act, the goals and objectives of the Massachusetts Wetland Protection Act are to preserve the quality of water, maintain quality and quantity of drinking water, provide recharge through infiltration of water into the ground, retain the natural flood storage capacity, sustain fisheries, and protect wildlife habitat.

Wetland & Floodplain District

Within Article III of Southborough’s Zoning Bylaws, the Wetland and Floodplain District requires a Special Permit to prevent disruptions to floodplain areas. These restrictions help regulate negative impacts that a 100-year flood would cause. Sections of Route 9, Route 85, and I-90 are located within the floodplain area. Low impact recreation and agriculture are possible uses for these areas. The map below is based on Geographic Information Systems (GIS) data provided by the Commonwealth. The map indicates the relative location of Southborough’s hydrological features.


Southborough Wetlands and Floodplain
30
495
9
9
85
495
90
Wetlands
Floodplain
Rivers & Streams
Ponds & Reservoirs
Data Sources: MassGIS
Map is for planning purposes only.
Community Opportunities Group, Inc.

Existing Housing Resources

Affordable Housing Inventory

To be considered affordable under Chapter 40B, housing must be deed-restricted to be sold or rented for an amount that is affordable to households earning up to 80% of Area Median Income (AMI), and a Fair Housing Marketing Plan must guide tenant or homebuyer selection. “Subsidized" does not always mean the project receives direct financial assistance, such as a low-interest loan or grants from public agencies. Often the “subsidy” is in the form of technical assistance or regulatory oversight by a public or quasi-public agency. A mixed-income development may be "privately" subsidized by a density bonus because the additional income from market-rate sales or rents helps to offset the cost of the affordable units. Regardless of whether the subsidy is public or private, affordable units eligible for the Subsidized Housing Inventory must be protected by a long-term deed restriction and be offered for sale or rent through a fair and open process that complies with the federal Fair Housing Act of 1968, as amended.

In practice, income limits for subsidized housing typically follow the HUD definition for “Low Income” households.[13] The town of Southborough is located in the Eastern Worcester County, MA Fair Market Rent Area HMFA), for which the median family income was $116,200 in 2019. The “Low Income” definition for a household of four is $75,500.

Table 22: Income Eligibility Guidelines

Eastern Worcester County, MA HMFA MFI: $116,200	Extrem. Low (30%)	$24,400	$27,900	$31,400	$34,850	$37,650	$40,450	$43,250
	Very Low (50%)	$40,700	$46,500	$52,300	$58,100	$62,750	$67,400	$72,050

Source: HUD 2019, Section 8 Income Limits

The Massachusetts Department of Housing and Community Development (DHCD) maintains a list of the deed-restricted affordable units in each city and town. Known as the Chapter 40B Subsidized Housing Inventory (SHI), the list determines whether a community has met the 10% minimum. It is also used to track expiring use restrictions, i.e., when non-perpetual affordable housing deed restrictions will lapse. With 8.56% of its housing stock eligible for inclusion on the SHI, Southborough is close to meeting the 40B target. Among neighboring communities in Massachusetts, all have more than 10% affordable units, with the exception of Ashland, which is at 6.2%. In terms of the actual number of SHI units, Southborough has far fewer than any neighboring communities with just 294 units listed.

Table 23: SHI Comparison

	SHI Units	% SHI
Marlborough	1,863	11.4%
Framingham	2,968	10.8%
Ashland	415	6.3%
Hopkinton	725	14.2%
Westborough	960	13.1%
Northborough	606	11.4%
Southborough	294	8.6%

Source: DHCD, May 2020

Table 24 reports Southborough’s Subsidized Housing Inventory as of November, 2019. There are currently 294 units counted on the subsidized housing inventory, including 276 rental units and 18 ownership units. An additional 2 units have been constructed but have not yet been recorded on DHCD’s inventory, while a 180 unit 40B was approved but is under appeal. Not all of the units that count toward the SHI are affordable (i.e., restricted to low income households.) Notably, one large mixed-income rental development, Madison Place, has a total of 168 units which count toward the SHI, even though 75 percent of the units are market rate because DHCD allows all of the units to be counted toward a community’s SHI if 25 percent of the units are affordable. While this helps bring Southborough closer to meet its target, the counting of market rate

[13] The income and asset limits for specific affordable housing developments may vary, depending on the requirements of the subsidizing program.

rental units simply because they are rental units means there are fewer units actually available to low- and moderate-income households than the SHI reports, and meeting 10% may not mean that local needs have been sufficiently met. In all, there are 140 affordable units in Southborough, of which 75 are reserved for seniors and people with disabilities, while 65 are open to families and residents of all ages.

Table 24: Southborough Subsidized Housing Inventory

Name	Address	Total Development Units	Affordable (1)	Currently Counted on SHI	Affordability Expires
Rental					
Colonial Gardens(2)	49 Boston Road	56	56	56	Perpetuity
The Bridge	3 North St.	8	8	8	Perpetuity
Boston Road	Boston Road	2	2	2	Perpetuity
Cordaville	1 Cordaville Road	1	1	1	Perpetuity
DDS Group Homes(2)	Confidential		3	3	N/A
DMH Group Homes(2)	Confidential		8	8	N/A
Fairfield Green at Marlborough	155 Northborough Road		0	30	Perpetuity
Madison Place	Crystal Pond Road, Madison Place	168	42	168	Perpetuity
The Residences at Park Central	Park Central Drive	180	0	0	Perpetuity
Gilmore Road	Gilmore Road	1	1	1	Perpetuity
Parkerville Road	Parkerville Road	1	1	1	Perpetuity
The Highlands	Stockwell & Fitzgerald Lane	?	4	4	Perpetuity
Meeting House Farm	Middle Road	29	8	8	Perpetuity
Woodland Meadows	Oak Hill Road	16	4	4	Perpetuity
Ila Bella Estates	Lorenzo Dr.	12	2	0	Perpetuity
2010 Year Round Units	3,433	474	140	294 (8.6%)	

(1) Includes existing units that currently meet affordability definition and are located in Southborough.
(2) Senior/Disabled housing
Source: DHCD (2-24-20), Town of Southborough, Community Opportunities Group, Inc.

The units listed on the SHI include those owned by the Housing Authority and nonprofit and state agencies, as well as privately-owned affordable ownership or rental units.

- The Southborough Housing Authority has an inventory of sites under three public housing programs. Colonial Gardens is a Chapter 667 housing development with 56 units reserved for elderly and disabled residents. The Bridge was developed under State Chapter 689, and provides a group home setting for low income persons with disabilities. In addition, there are 3 units of Massachusetts Chapter 705 Housing for families at two locations at Cordaville and Framingham Roads.
- Southborough has a handful of group homes or congregate-style dwellings that are restricted for occupancy by adults with severe cognitive or mental disabilities. The Department of Developmental Services and Department of Mental Health report to DHCD the number of bedrooms in group homes to be counted as units on the SHI, but does not disclose the location of these sites.
- Through the Affordable Housing Trust, the Town purchased two single-family homes at Cordaville Road and Gilmore Road which it rehabbed and sold to income-qualified buyers with a deed restriction making them SHI-eligible affordable units.

A total of 215 SHI units are located in mixed income developments in which affordable rental or homeownership units are combined with market rate housing.

- Fairfield Green at Marlborough is a 332-unit multifamily development that straddles the border with Marlborough. Permitted under Chapter 40B, 83 units (25%) are affordable. Although the development is situated in Marlborough, access to the site is through Southborough. An agreement was reached that grants credit for 30 SHI units to the Town of Southborough in order to mitigate the traffic impacts from the overall development. The Town of Marlborough claims the remaining 302 units towards its SHI.
- Madison Place is a Chapter 40B development built in 2013, comprising 168 1 to 2 bedroom apartments and 28 two-bedroom rental townhouses, of which 25 percent are affordable (42 apartments and 9 townhouses). The site is located in a commercial area overlooking Route 9.
- The Residences at Park Central is a proposed Chapter 40B development that the Town approved in 2016, but has been tied up under appeal. Also located just off of Route 9, the mixed-income development is slated to have 45 affordable units out of a total of 180 units, all of which will count toward the Town's SHI. Because of the delay in construction, the units have lapsed from the Town's SHI but will be counted again if the project is completed.
- Woodland Meadows is a mixed income 40B development completed in 2016. The complex consists of eight duplexes with 16 two-bedroom units, of which 4 units are affordable.
- Inclusionary/Flexible Zoning. The Town has also created affordable units through inclusionary provisions in its flexible zoning ordinance. To date, 2 affordable homeownership units have been created at Ila Bella estates under these provisions, although the units have not yet been reflected on DHCD's SHI as of November, 2019. Two affordable units were also provided for as part of the Brewer Estates; however, these have been built and operated as a group home by the New England Center for Children.

Organizational Capacity

Southborough and its surrounding communities have limited resources available to help individuals and families with housing affordability problems and other housing needs. Below is a partial overview of the local and regional resources available that serve Southborough.

Southborough Housing Opportunity Partnership Committee

Southborough's Housing Opportunity Partnership Committee (SHOPC) was created at Town Meeting in 2004 and amended in 2009. The Committee's establishment grew from an ad hoc group started in 1986 to respond to affordable housing issues in town. Per the warrant article, SHOPC's purpose is to study, promote, and act as facilitators to create affordable housing in the Town of Southborough.

SHOPC is appointed by the Board of Selectmen, consisting of four at-large members as well as one member each from the following: Planning Board, Board of Selectmen, and the Southborough Housing Authority, for a total committee membership of seven. In its role, SHOPC has overseen the development of the Town's Housing Plans in 2009, 2015, and the current effort.

Southborough-Affordable Housing Trust

The Southborough Affordable Housing Trust Fund (AHTF) was established by Town Meeting in 2005 per MGL C.44 s55C. The purpose of the Trust is to provide for the preservation and creation of affordable housing in the town for the benefit of low- and moderate-income households. The Board of Trustees aka Affordable Housing Trust Fund Committee (AHTFC) which oversees the use of the Trust has the authority to acquire real estate to preserve and create affordable housing.

The Board of Trustees consists of seven trustees that include all the members of the Board of Selectmen (BOS) and the remaining members are appointed by the BOS. The Trust's revenue sources have included CPA funds, affordable housing donations, and developer funds, totaling just under $1M between FY05 and FY15. To date, the AHTFC initiatives have included:

- Construction of 26 Gilmore Road, a permanently affordable single-family homeownership unit on a Town-owned parcel of land acquired through tax title.
- Approval of funds for the Southborough Housing Authority to purchase the home at 1 Cordaville Road to create a permanently affordable rental unit.

Southborough Community Preservation Committee (CPC)

Southborough adopted the Community Preservation Act in 2003, placing a 1% surcharge on property tax bills, which is partially matched with a disbursement from the state's Community Preservation Trust Fund. The town collects approximately $400,000 in funds per year (combined local revenue and match) which can be spent on open space/recreation, historic preservation, and affordable housing. A minimum of 10% each year must be spent or reserved for each of the three program areas, while the remaining funds may be spent in any of the program areas. To date, the town has raised approximately $5.8 million CPA funds in total, of which $582,000 must be earmarked for affordable housing. The CPC currently has $312,912 in its Housing Reserve which have not yet been committed, as well as $196,277 which have been appropriated to the Housing Trust but have not yet been transferred.[14]

Table 25: CPA Housing Expenditures Summary

Year	Purpose	Amount
2006	To help build an affordable house at 26 Gilmore Road	$99,976
2007	Appropriation to the AHTF	$63,251
2008	Appropriation to the AHTF	$90,000
2010	Appropriation to the AHTF	$70,000
2011	Appropriation to the AHTF	$36,276
Total CPA Housing Expenditures to date		$359,503
Minimum Housing Reserve Total (approx.)		$582,000
Current Housing Balance		$312,912
Funds Appropriated to AHT, still with CPC		$196,277

Source: Community Preservation Coalition CPA Projects Database, Department of Revenue, Town of Southborough

Southborough Housing Authority

In 1969, M.G.L. Chapter 121B, Section 3, was passed to allow for the creation of housing authorities by cities and towns in Massachusetts. The Southborough Housing Authority (SHA) serves the needs of low-income residents through units it owns or operates.

As described on page 40, the SHA manages 56 units at Colonial Gardens through DHCD's elderly/handicapped housing program (Chapter 667). These units are for elderly householders over the age of 60 and for people with disabilities. Of these units, up to 7 units may be occupied by non-elderly residents with disabilities. None of the two-story walk-up Housing Authority buildings are served by elevators, however three of the first floor units are handicapped accessible, and the Housing Authority makes an effort to prioritize first floor units for households for whom stairs will be a hardship. Another three housing units on Boston Road and Cordaville Road are managed through DHCD's family low-income housing program (Chapter 705), and an eight-unit group home on North Street for people with special needs created under Chapter 689. All of the Housing Authority units were created under state, rather than federal housing programs.

Since the state has implemented a centralized waiting list for public housing, there is no locally based inventory of people who are specifically looking for housing in Southborough. A prioritization schedule allocates available units first to emergency cases, veterans, and then local residents. Given the scarcity of public housing units in the region, the wait for public housing is very long, and the odds for Southborough residents to obtain units in town are very low.

The Housing Authority does not have resources to expand their inventory of housing, although they have, in the past, partnered with the Affordable Housing Trust to assume the ownership and management of units that were created through local initiative.[15]

[14] Heidi Kriger, Town of Southborough Accountant, February 2020
[15] Interview with Lynn Moreno, Director of Southborough Housing Authority, February 4, 2020

SMOC

Southern Middlesex Opportunity Council, Inc. is a regional community action agency based in Framingham. The agency provides a range of services and programs to assist low income households, including workforce development, early education, energy programs, nutritional assistance, behavioral health care, housing support, and financial management.

The organization also provides a range of housing services programs to the Framingham region, including Southborough. Services include the Housing Consumer Education Center, Residential Assistance for Families in Transition (RAFT), home modification, and supported housing. SMOC also administers MA Rental Vouchers and Federal Section 8 subsidies. The Southern Middlesex non-profit Housing Corporation owns, develops, and manages a portfolio of housing developments in the MetroWest, Worcester County, and western Massachusetts regions.

Housing Support Services

Various town staff are involved in facilitating the development and rehabilitation of the Town's housing inventory by providing administrative support to regulatory boards and commissions, and overseeing inspections and enforcement. Private firms such as MCO Realty Services manage the marketing and lotteries for the Town's small inventory of affordable homeownership units.

The Town provides some support services for residents seeking assistance with housing. The Assessor works with residents seeking tax abatements or deferrals to mitigate the cost burden of property taxes. Seniors (age 65+) who meet the income, ownership, and residency requirements may be eligible for a reduction of their tax bill, to participate in a work-off program, or to delay their tax payment until either the senior either sells the property or passes away. Currently the income level for participation in the tax deferral program in Southborough is $40,000, and the interest rate on taxes deferred is 4%. A lower income threshold applies for the tax abatement program.

The Council on Aging (COA) and Veteran's Agent provide advocacy for seniors and veterans and their spouses, widow(er)s, and dependents) to access housing that meets their needs, as well as modifying or rehabilitating their homes to enable them to safely age in place. The COA will help residents to apply for programs such as fuel assistance and SNAP, or to connect residents with a range of resources through organizations such as SMOC.

The Council on Aging, Youth Services Department, Public Safety departments and other community partners comprise an Emergency Committee which collaborates to address a range of community needs. In addition to coordinating services, the group oversees the Southborough Community Fund (an offshoot of the Foundation for MetroWest). The fund provides grants for a number of social services needs, such as emergency housing stabilization, fuel assistance, nutritional programs, supplementing transportation or health care assistance.[16]

Homelessness

As with most communities, Southborough residents have experienced homelessness or are at risk of losing their housing. Homeless families and individuals include victims of domestic violence, veterans, people with mental illness and substance abuse disorders, and unaccompanied youth, among others. The high cost of housing, scarcity of affordable housing options, and substance abuse are trends contributing to increasing homelessness in the region. There are also many residents in Southborough whose housing is unstable due to doubling up with friends and relatives, or living in motels, substandard habitations, or homes that have deteriorated in condition to the point of being unsafe. Enforcement of health, zoning, and building codes could lead to these residents becoming homeless due to their homes being condemned. There is no available data to quantify the extent of homelessness impacting Southborough residents. As the closest available emergency and transitional shelter facilities are located in Framingham, the issue of homelessness is less visible in Southborough.

[16] Interview with Pam LeFrancois, Director of Southborough Senior Center, December 16, 2019

There are few shelters or services for people experiencing or at risk of homelessness in Southborough. Based in Framingham, SMOC operates a housing services center which provides help for families to access housing stabilization and emergency housing resources. SMOC operates shelters for unaccompanied women and men, young adults, and families throughout the MetroWest region, including Ashland, Framingham, Marlborough, Natick, and Medway. Some of these programs offer treatment for people with substance abuse disorder, HIV/AIDS, support for people in recovery, as well as vocational or life skills training. There are also shelters for families experiencing domestic violence located in Framingham and Worcester.

What does "homeless" mean?

- An individual or family that lacks a fixed, regular, and adequate nighttime residence;
- An individual who lived in a shelter or place not meant for human habitation and who is exiting an institution where (s)he temporarily lived (less than 90 days);
- An individual or family that will imminently lose their nighttime residence due to a court order to vacate, or insufficient resources to remain in a hotel or motel, or is no longer allowed to stay by the owner or renter of the housing with whom the individual or family is staying;
- Unaccompanied youth or homeless families with children who are considered homeless under any federal law, who have experienced long-term periods without permanent housing, or who have experienced persistent instability and are expected to continue without stability for an extended period; or
- An individual or family trying to flee domestic violence, dating violence, stalking, or other life-threatening conditions in the person's nighttime residence, who has no other residence, and who lacks the resources to obtain permanent housing.

Housing Needs and Goals

Over the last decade the town has also made considerable progress toward expanding its supply of affordable housing units through the approval of Comprehensive Permit and Inclusionary Zoning projects. However, the Town has continued to add market rate housing without keeping pace with the creation of affordable units. The Town can seek opportunities to expand affordable housing opportunities both to meet its obligations under Chapter 40B, as well as to address critical local needs.

Priority Local Needs

Housing is needed to support Southborough residents and businesses. In order maintain a balanced community Southborough needs to provide housing for residents of all ages and stages in their lives.

- There is a need for more rental housing to serve households of all sizes and incomes. Rental housing is especially helpful for seniors, younger adults, single parent families, and people who are in transition due to financial distress, relocation, changing jobs, buying/selling home, or change in family status. Many homeowners stay in housing that is not meeting their needs due to the unavailability of appropriate options that would enable them to change their situation.
- In particular, Southborough seniors who wish to downsize or to reduce the burden of homeownership have few options for housing that meets their needs at a price they can afford. Housing appropriate for seniors would likely comprise 1-2 bedroom condominium or rental units that are stair-free or have ground-floor master bedrooms, bathrooms with walk-in showers, and in-unit laundry if possible. Survey results indicated a strong desire for more housing options for people wishing to downsize.
- To support economic growth and reduce reliance on long-distance commuting, more local affordable housing is needed to support people who work locally. About half of the jobs based in Southborough pay less than the income required to rent an apartment or buy a house in Southborough. People priced out of other communities are coming to Southborough to live, while many who work in Southborough cannot afford to live in town.
- By latest estimates, 26% of households in Southborough (nearly 900) are cost-burdened (paying more than 30% of their income on housing). This includes half of Southborough's renters and one quarter of homeowners. Young adults (under age 35) have the highest rate of housing cost burden, while seniors are also disproportionately cost-burdened. Housing cost burden is common among households who earn less than $100,000, afflicting the overwhelming majority of those with incomes below $50,000
- A variety of housing styles (for both ownership and rental) will enhance fiscal balance, as well as contribute toward meeting community needs. Modest-sized homes, single-level units, multifamily buildings with elevators and dedicated outdoor space, handicapped accessible units, larger rental apartments (with more than two bedrooms), single room occupancy units, and congregate housing with support services would provide a range of options suitable for seniors, young adults, families, people with disabilities, and individuals living alone – i.e., community members of all ages and levels of income.

Chapter 40B Numerical Goals

As shown in Table 26, there are currently 294 units in Southborough that qualify to be included on its Subsidized Housing Inventory, about 8.6% of the year-round housing stock based on the 2010 Census. Under Chapter 40B, the Town must have 10% of its housing on the SHI in order to reach the "Safe Harbor" threshold. In 2020 the number of units needed to achieve 10% will increase, as the SHI will be compared to the 2020 decennial Census. Over the past decade the town has added approximately 190 housing units, averaging close to 20 units per year.[17] Based on a projected 2020 housing stock of 3,600 units, the town will then need 360 units on its SHI in order to reach the 10% minimum. Southborough thus needs to add an estimated 66 units to its SHI by 2024.

Table 26: Chapter 40B Housing Goals

Total Year Round Housing Units (2010 Census)	3,433
Units required for local discretion (10% of 4,881)	343
Current SHI Units	294
Units needed to reach 40B minimum goal through 2020	49
Annual production target for Housing Certification	17
Projected new home construction 2010-2020	190
Projected Year Round Housing Units (2020 Census)	3,600
Projected units required to enable local discretion after 2020 (10% of 2,936)	360
Projected units needed to reach 40B minimum goal beyond 2020	66
Annual production target for Housing Certification after 2020	18

Under Chapter 40B, a town can protect itself from unwanted Comprehensive Permit proposals by requesting Housing Certification. To be certified, the town must have an approved Housing Production Plan, and create SHI units equal to 0.5% of its housing stock, granting one year of safe harbor, or 1%, granting two years. Prior to 2020, this equates to 17 units for one year or 34 units for two years. After 2020, the projected annual target would be approximately 18 units.

Southborough Land Use Vision

Needs and Goals

The following housing goals derive from land use and housing goals articulated in Southborough's 2008 Master Plan and 2015 Housing Production Plan:

- Reinforce Southborough's economic goals by expanding housing choice.
- Create viable options for older adults to remain in Southborough as their housing needs change.
- Create entry level housing opportunities.
- Minimize impacts of new development on priority areas for open space, conservation, and natural resource protection.
- Support design of housing development that is compatible with neighborhood context and enhances the community's development patterns.
- Prioritize the production of permanently affordable units.

[17] Southborough Assessor's Database, units constructed between 2010 and 2019.

Implementation Strategies

Housing Production Plan Requirements

The following strategies would address DHCD's current Housing Production Plan requirements, relying on a combination of local, state, and private resources:

1. **Zoning Amendments**
   Identification of zoning districts or geographic areas in which the municipality proposes to modify current regulations for the purposes of creating affordable housing developments to meet its housing production goal [760 CMR 56.03(4)(d)(1)];

2. **Comprehensive Permits**
   Identification of specific sites for which the municipality will encourage the filing of comprehensive permit projects [760 CMR 56.03(4)(d)(2)];

3. **Housing Preferences**
   Characteristics of proposed residential or mixed-use developments that would be preferred by the municipality [760 CMR 56.03(4)(d)(3)];

4. **Town-Owned Land**
   Municipally owned parcels for which the municipality commits to issue requests for proposals to develop affordable housing [760 CMR 56.03(4)(d)(4)];

5. **Regional Collaboration**
   Participation in regional collaborations to address housing development [760 CMR 56.03(4)(d)(5)]

1. Enhance local capacity to plan, advocate for, develop, and manage affordable housing units.

Complex regulatory and financial challenges present barriers to the development of affordable housing. Effective advocacy for affordable housing will require teamwork among various Town departments and boards, as well as coordination with regional and state entities who can provide support and technical assistance to Southborough on housing issues. A number of educational and training resources are available to strengthen the expertise of municipal staff and committee members to address housing concerns, including seminars and conferences offered by DHCD, Citizens' Housing and Planning Association (CHAPA), and the Massachusetts Housing Partnership (MHP). These agencies also provide direct technical assistance and grants to municipalities, nonprofits, and housing authorities to help with a broad range of activities such as feasibility studies, 40B assistance, developing RFPs for disposition and redevelopment of publicly owned sites, assisting distressed sites, drafting regulations such as Zoning Bylaws, among other helpful activities.

Strengthen and Expand Partnerships

As Southborough has limited capacity to develop housing or provide housing support services, proactive local advocacy will help to ensure that services are available to meet local needs. The Housing Authority, Council on Aging, and other participants in the Emergency Committee should continue to coordinate together with SMOC or other regional entities to share information and to help Southborough residents access resources.

In addition, several successful non-profit developers seek opportunities to develop affordable housing in suburban communities throughout Massachusetts and beyond, such as Habitat for Humanity, Neighborhood of Affordable Housing, Inc. (NOAH), The Community Builders (TCB), and SMOC. Compared with for-profit developers, non-profit housing organizations are generally able to provide a larger percentage of affordable units as well as more deeply affordable units, having access to a variety of housing subsidies. The Town can help to facilitate development through these partnerships by inviting connection and seeking relationships with potential partners, identifying opportunities and desired outcomes, and by leveraging funds, publicly-owned land or waiving permitting or infrastructure fees for specific projects.

Secure Funding to Support Affordable Housing

The Town may be able to increase the potential for successful partnerships through providing direct subsidies to create affordable housing. While the amount of funds the Town generates may be small compared to the cost of constructing affordable housing, local funds can help to leverage funding from other sources which might not otherwise be available to developers in Southborough. For example, some communities choose to leverage housing funds to provide local matches for grants offered through the Commonwealth; MassWorks grants, for example, are more competitive with a local match and can be used to

improve local infrastructure (including sewer, water, and complete streets improvements) to facilitate the development of affordable housing (among other land uses). Local funding can also be particularly important to close funding gaps. Local funding could also be used to facilitate the conversion of existing homes to deed-restricted affordable units, to provide first-time homeownership programs, or other supportive services.

Having adopted the Community Preservation Act and established an Affordable Housing Trust, the Town has taken concrete steps to facilitate the funding of affordable housing initiatives such as these. However, the Trust has been largely inactive toward creating new affordable housing for several years, while the Community Preservation Committee has been holding funds earmarked for affordable housing in reserve.[18] Re-activating the Housing Trust could help to put these resources to work. Expansion of the AHTFC to include members with affordable housing development and finance experience, obtaining board-member training and technical support, and developing an action plan that outlines specific opportunities and strategies for the Trust to pursue, could help the Trust to become more proactive in fulfilling its purpose. Alternatively, SHOPC could undertake similar capacity-building efforts so that SHOPC could more effectively drive initiatives to create affordable housing, partnering with the Trust when funding is needed.

In addition to identifying an action plan for utilizing the Town's affordable housing funds, expanding the resources available to the Trust could enable the Town to support broader, more cost-effective strategies. Coordinating with the Community Preservation Committee to seek annual appropriations of at least 10% of CPA funds would provide a predictable revenue stream, which would enhance the ability to plan for housing initiatives. The Town could also explore additional resources to commit to the Trust, such as payments-in-lieu for inclusionary units required under Major Residential Development, PILOT payments, short term rental fees, or surplus Town-owned land or other property.

The Town could also generate funds to support affordable housing through modification of the Inclusionary provisions under its Zoning Bylaw to ensure that payment-in-lieu fees for affordable housing units reflect the full cost of developing an affordable unit off-site from a development project, and/or to require pro rata payments for fractional units generating less than a whole unit requirement (in other words, if 4.2 affordable units are required, an in-lieu-of payment for 20 percent of an affordable unit that will not be constructed would be required).

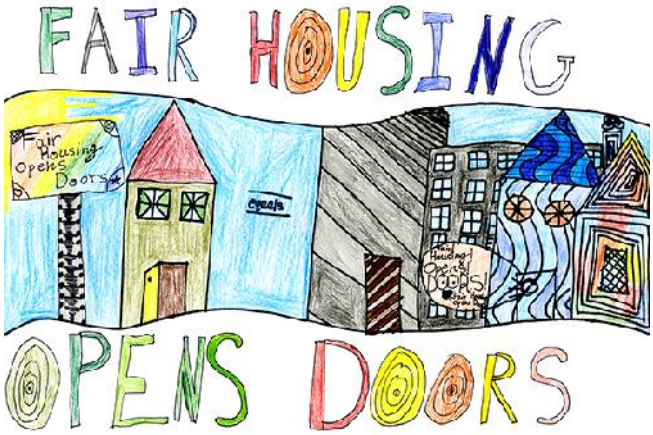
Guide Development

The Town can encourage the development of affordable housing consistent with local land use goals by developing guidelines that articulate the Town's preferences and priorities. Whether projects are developed under Chapter 40B or conventional zoning, proactively communicating what development outcomes the Town is looking for can enable a smoother permitting process by providing developers with guidance on what types housing and in which locations would be preferred. Project review guidelines can also enhance coordination, providing criteria for boards and staff to use when reviewing and commenting on applications. A set of guidelines can unify the Town's approach to permitting and provide clear direction to prospective developers.

Ideally, permitting guidelines should be developed by a working group of board members and staff, in consultation with many other Town boards. Guidelines usually cover matters such as priority housing needs, the scale and density of developments, design review, areas of town that may be suitable for moderate-density development, and areas that would not be suitable because they have high natural resource value or significant physical constraints. Guidelines or Standards (which have different legal definitions) may be incorporated into the Zoning Bylaws, which requires adoption at Town Meeting. Alternatively, guidelines may also be incorporated into the Planning Board and Zoning Board of Appeal's Rules and Regulations by a vote of those individual boards, but those guidelines would not necessarily be binding for a developer. The Town may also develop guidelines as a marketing technique to attract developers, but again, those guidelines would not be binding. Ultimately, the Town must decide to what end the guidelines would serve and adopt them utilizing the appropriate process for what the Town is trying to achieve.

[18] The AHTFC has worked on ownership unit resales, including purchasing an affordable unit for the purpose of reselling it to avoid losing it from the SHI.

The following preferences for affordable housing development may be incorporated into guidelines:



Poster by Eden Craig (2020).

- Õ Areas appropriate for higher density housing are those that have access to water (and possibly sewer) infrastructure, and/or have proximity to public transit (i.e., Southborough Train Station or commuter shuttle bus routes), shopping, services, or other amenities.
- Õ Natural and historic resources should be preserved and protected, encouraging flexible development and adaptive reuse and redevelopment of underutilized sites where applicable.
- Õ New development should enhance existing development patterns, providing connectivity and reflecting the density, scale, and design characteristics that would complement Southborough's neighborhoods and village character.
- Õ Both rental and homeownership opportunities are needed that would be affordable to people who live or work in Southborough in a variety of configurations including small units (1-2 bedrooms), large units (3 or more bedrooms), single room occupancy, handicapped accessible units, and housing that includes supportive services. Deeply affordable housing is encouraged which serves specific disadvantaged groups such as low-income seniors, veterans, and people with disabilities.
- Õ Housing should support a healthy lifestyle for residents and the community at large, incorporating usable outdoor space both for private and community use, as well as indoor community space. Housing is also encouraged which integrates supportive services for residents such as seniors or people with disabilities.
- Õ Affordable housing should incorporate green design principles, and optimize energy efficiency to minimize the cost that residents will have to pay for utilities, through application of the Massachusetts Stretch Code and use of onsite renewable power generation.

Educate/Communicate with the Public

It is important for the public to be well informed about local housing needs, initiatives and challenges. Not only do housing initiatives – such as Zoning Bylaw changes – often require local support, an informed public is more likely to participate in the process and provide pertinent information, feedback and suggestions. Education can dispel myths associated with affordable housing about people who need and occupy affordable housing, the impact of affordable housing on real estate values, and local housing needs. Education can also increase awareness of laws and principles pertaining to Fair Housing, so that there will be support for policies consistent with state and federal law.

With increased involvement, the Town's ability to reach households that would be eligible for affordable housing but do not seek it for a variety reasons – they may not know it exists or think they would be eligible, for example – would also increase. This is particularly important as the Town seeks to meet the growing need for more deeply affordable units, more affordable family units, and senior housing of all types. The need to reach different types of households, particularly those that do not traditionally participate in local government, is a perennial challenge in local government but one, that nevertheless, can be overcome with good community relationships and inter-organizational cooperation. These conditions help create an environment whereby the community becomes a partner in the Town's housing initiatives.

2. Identify sites for creation of affordable housing through new development, redevelopment, or preservation.

Publicly-Owned Properties

Southborough has very few Town-owned properties that could potentially be converted, subdivided, or otherwise used for housing purposes. There may be a small number of tax-title properties that could provide scattered opportunities for small-scale development or rehabilitation to create affordable housing units. Should a Town building become surplus in the future (i.e., because of closing a school and/or reorganization of municipal functions). The feasibility of utilizing these sites for affordable housing will depend on environmental conditions, and septic capacity.

Privately-Owned Development Opportunities

There is further development potential to be found in privately-owned properties that are currently vacant, underutilized, or may be nearing the end of their utility under their current use. Owners of older commercial properties may be willing to engage with the Town in discussions regarding their future plans for improvement or possible redevelopment. In some cases, religious, fraternal, or social organizations have surplus land which might become available for redevelopment. The Town could also identify modestly-priced housing that could be purchased and rehabbed to sell or rent as deed-restricted affordable units. Partnering with an organization such as the Housing Authority or Habitat for Humanity could ensure that the units are marketed, managed, and maintained to preserve their affordability.

The Town could play a pivotal role in helping guide discussions about future reuse and establishing the conditions for complementary redevelopment to occur, such as by drafting and adopting necessary zoning changes. Identifying, inventorying, and prioritizing of underutilized sites for redevelopment would give the Town significantly more ability to incentivize and direct redevelopment to sites that not only would be good for housing, but also are simply in need of revitalization for aesthetic and fiscal reasons.

3. Update zoning to create opportunities for development of affordable housing, and to encourage diversity in housing options.

Southborough's zoning ordinance allows for a range of housing styles and density, including single-family, townhouse, accessory dwellings, and flexible development alternatives to allow for open space conservation combined with smaller lot sizes. But dimensional regulations, use restrictions, inclusionary requirements, and environmental regulations, in addition to high land and materials costs make it difficult to build diverse types of units. Fine-tuning the regulations pertaining to diverse forms of housing would facilitate more opportunities for providing needed housing alternatives, to accommodate more modest housing, or for walkable village character.

Strengthen inclusionary requirements.

Southborough currently has inclusionary zoning provisions that apply specifically to Major Residential Development seeking flexible development, requiring that 12.5% of the units be affordable. However, as discussed extensively, there are a limited number of sites in Southborough that are sufficiently sized to accommodate at least eight units of housing, the types of housing incentivized by the bylaw do little to diversify the local housing stock, and these provisions are not likely to generate many units as currently written. Should the town be willing to reconsider the mandate that 1/3 of the units be single-family homes (which drive cost and inefficient land use), the preclusion against apartment buildings (with more than four units or common entrances) to allow for small-scale multi-family buildings built at a pedestrian-friendly village scale, and relaxing the base density requirements in certain zoning districts, or any combination of actions thereof, the quality and number of affordable units produced could be increased.

It should also be noted that the inclusionary requirements should be reviewed for conformance with Fair Housing and Civil Rights standards. The preclusion of units serving Low-Income and Extremely Low-Income households from satisfying local affordable housing regulations has a clear exclusionary

effect, and the mandate of 70% local preference, which actually must be justified based on local housing needs and then requested, can create additional fair housing barriers. Removing the local preference mandate and restrictions precluding Low- and Extremely Low-Income households would be advisable.

Advance local historic preservation and housing objectives by providing a feasible permitting vehicle to allow for the Adaptive Reuse of Historic Structures for residential purposes.

While the town has made some attempt to address the reuse of historic structures for conversion into multi-family housing, the bylaw does not create any mechanism to waive dimensional standards to intensify the use of existing structures – in other words, while an existing lot and structure may be able to support multi-family use given its size and configuration; in the majority of the town, there is a limit of one unit per acre, and as many of these structures are in older areas of town, typically located on smaller lots, the ability to actually utilize the bylaw to create any sort of meaningful project is limited at best. This issue could most easily be addressed by amending the bylaw to address maximum density based on the existing structure and septic capacity, rather than lot size. Particularly as there are already a number of these older structures that were converted prior to the enactment of Southborough's Zoning Bylaws. Modifying the bylaws to allow for this practice to continue once again would allow for the organic integration of new multifamily housing (albeit in old buildings) that has traditionally existed throughout the town, but can longer be built per regulation.

Revise Business Village zoning regulations to provide for Mixed-Use buildings including residential uses.

Due to ample discussion regarding a perceived need for mixed-use zoning in Southborough's downtown, the Town has authorized the Economic Development Committee to obtain grant funds to study that district's infrastructure capacity and update the zoning. This winter, the EDC put forward an overlay district based on a similar district created for the Town of Grafton but the warrant article was pulled from the warrant. Moving forward, the town may want to formalize its objectives and diagnose the barriers to achieving these objectives within Southborough's downtown before determining the best zoning strategy. At present, the BV base district zoning is grossly outdated in terms of allowed uses, and the dimensional requirements for residential uses is out of scale for a true village district (due to the requirement for residential uses to follow the dimensional requirements of the RA district). However, the base district has an established board level review process and is generally a functional zoning district. Should residential uses have the same dimensional requirements as other uses in the district, and Section 174-8(c)2 be relaxed to include residential uses for mixed use, these changes could likely yield a handful of village-style apartment units that would be appropriate for some residents.

As Southborough grapples with the issue of mixed use in the downtown, some consideration could be given to a "form-based code" that focuses on the design, site plan, and architectural appearance of the structures, rather than interior uses. Addressing aesthetic issues, rather than focusing on "one size fits all" density and bulk controls, would make the redevelopment of small sites more viable.

Remove barriers for the provision of true Senior Housing and provide greater ability to create "lifecycle" housing units.

While Southborough's regulations can be somewhat friendlier toward senior housing (55+), they are not necessarily serving the full spectrum of seniors' needs. Ranging from active adult to the elderly and infirm – the word "senior" covers forty plus years of life and represents an extremely diverse group of households. Currently the regulations limit the number of household occupants – precluding roommates, caretakers, grandchildren, or other household members that could extend independent living. Such limitations should be removed. Further, the regulations encourage larger single-family homes and duplexes, but do not address nor incentivize accessible units, nor do they authorize apartment buildings that may offer elevators, public common areas, and covered hallways that allow

for socializing and mobility, even in the winter. The physical design of buildings and neighborhoods matter, and some thought needs to be given to serving the needs of more advanced seniors.

For this reason, it is strongly recommended that the town revisit its caps on senior housing units and accessory apartments which limit the number of these types of units as total percentage of the housing stock. Accessory apartments are vital in providing additional life-cycle housing options, and the existing regulations for those are fairly good. However, while there might be a rationale to limit the overall number of senior (55+) housing units as a mechanism to maintain municipal fiscal health, a 7% limit is likely too severe when population projections indicate that one third of Southborough households will be over 65 years of age by 2030. Similarly, a 5% limit on accessory apartments is unenforceable as there is no record of how many of these units have been constructed since 1979. Both provisions should be stricken from the Zoning Bylaw.

- Ensure that parking requirements are commensurate with the size and type of use.
  The Town's current requirement of three spaces per unit with three or more bedrooms and two spaces per unit with one or two bedrooms is very high. Excessive parking requirements increase the cost of housing development, and in some cases constrain the number of units that a site can accommodate. To reduce development costs and increase the feasibility of the provision of affordable housing, the Town could consider reducing the parking requirements to more commonly used standards that reflect usage and market demand, or adopting a waiver mechanism for some portion of required parking if supported by a Transportation Demand Management Plan.

4. Assist Southborough residents to obtain or maintain housing that they can afford.

Reduce the Property Tax Burden for low income seniors.

A number of exemptions are available to provide tax relief to households who are burdened with property taxes they cannot afford, including seniors, veterans, blind persons, and surviving spouses. Homeowners can apply annually through the Assessor's office for these benefits. While the amount of the tax abatement is small compared with property tax bills, the Senior Tax Deferral (Clause 41A) can enable seniors to defer up to 100% of their property tax payment until the property is sold or the applicant dies. This program can enable seniors to remain in their home at less risk than a private market reverse mortgage. Towns have discretion to set the income limit and interest rate for the deferral program within the parameters of state law; Southborough currently allows participants with incomes up to $40,000 to defer their taxes at a 4% interest rate. As of 2020, several higher-cost communities have set income limits above $80,000 for tax deferral, with interest rates as low as 2%.[19] By increasing the income level and promoting the program's availability, Southborough could help more seniors to access property tax relief, making their housing costs more affordable for those on fixed incomes.

The Town can also reduce the property tax burden on single-family homeowners through efforts to shift the local budget toward other sources of revenue. Many communities surrounding Southborough have a split tax rate, charging a higher rate for commercial and industrial properties. A split rate is probably not appropriate for Southborough given the amount of commercial vacancy that exists, and the lack of sewer infrastructure. On the other hand, amending the zoning to create opportunities for improved commercial development or more diverse housing styles can help to offset the tax burden on single-family residences.

[19] Arlington, Acton, Lexington, Somerville, Newton, and Lincoln set 2020 income limits for the 41A Property Tax Deferral Program between $57,000 and $88,000, with interest rates ranging from 1.96% to 5%.

Assist first time homebuyers to overcome cost barriers.

With funding through the Housing Trust, down-payment assistance could be provided to income-qualified households. Alternatively, the Town could also establish a "buydown" program, where the Trust subsidizes the cost to purchase a house for an income-qualified buyer in exchange for obtaining a long-term or permanent affordability deed restriction.

Or, in lieu of providing its own programs, the Town could serve as a conduit between prospective first homebuyers and programs aimed at making homeownership accessible to first time homebuyers. These programs range from loans offered through community banks at favorable rates targeted at income eligible households to programs offered through MassHousing (which typically requires the successful completion of an eligible First-Time Homeownership training) and other public and quasi-public agency's range of lending programs. As potential point of first contact, the Town could solicit agencies and lenders for information about these programs and circulate financing resources available to prospective homebuyers.

Rate of Affordable Housing Creation

The Town of Southborough aims to facilitate and encourage the creation and preservation of affordable housing units in order to ensure that the proportion of subsidized housing units reaches and remains over 10% into the next decade. Southborough's SHI is currently just over 8.5 percent. Anticipating an increase in the total number of year-round housing units that will be counted in the 2020 US Census, Southborough aims to facilitate the addition of at least 71 units to the Subsidized Housing Inventory over the next five years through the strategies described above. In order to ensure "safe harbor" in the short term, the Town needs to add 17-18 units to its SHI on an annual basis.

The Town has already approved a Comprehensive Permit for a multifamily development at Park Central, which would create 180 rental apartments. Currently under appeal, if this development moves forward it will bring the Town above the minimum 40B threshold for the foreseeable future. Over five years the Town may obtain another 2-3 units annually through Inclusionary Zoning if recent development trends continue, at an average rate of 20 total units constructed per year. The Town may also add units via the Affordable Housing Trust over the next five years, depending on what strategies or opportunity sites are identified. Given the Town's infrastructure constraints, the most likely opportunities will be small in scale. Without the Park Central project, the Town would likely need to identify alternative sites where a similar type of development would be appropriate in order to meet the Town's affordable housing needs under Chapter 40B.

Appendix 1: 2020 HPP Survey Results

A survey was conducted as part of the Housing Production Plan process to gather input on housing needs and support for the types of strategies that might be considered to meet Southborough's housing needs. The survey was available online, and print copies were provided at the Senior Center. 177 responses were received between January 12 and February 17, 2020. Not all of the respondents answered all of the survey questions.

Part 1: Demographic Information

The first set of questions gathered information about respondents, to gauge how the survey respondents represent Southborough's population overall. It is important to recognize which segments of the population are more or less reflected in the public input received through this planning process.

- Most of the survey respondents are Southborough residents. About 10% are nonresidents who work in Southborough or have some other connection to the town.
- Over half have 1-2 person households, compared to 46% of households in town, according to ACS.
- Survey respondents have a similar household composition to the overall population, in terms of the share of households with children or seniors. The respondents represent a smaller than actual proportion of residents with disabilities.
- Survey respondents were more likely to have middle incomes (between $50,000 and $150,000). Very low and very high income households were less represented in the survey responses.
- A comparable share of renters vs. owners responded to the survey.

1. What is your connection to Southborough?

	Responses	% of Responses
I currently live in Southborough.	137	77%
I work in Southborough	20	11%
I live and work in Southborough	16	9%
Other	4	2%

2. How many people are in your household?

	Responses	% of Responses	Actual % of Town[20]
1 person	19	11%	19%
2 people	72	41%	26%
3 people	24	14%	19%
4 people	44	25%	26%
5 or more people	16	9%	9%

[20] ACS 2017

3. Does your household include any of the following? (select all that apply)

	Responses	% of Responses	Actual % of Households
Children under age 5	18	11%	10%
Children ages 5-17	61	36%	30%
Young adults ages 18-24	24	14%	NA*
Adults ages 25-44	46	27%	NA
Adults ages 45-64	64	38%	NA
Seniors age 65 and over	62	36%	35%
People with disabilities or mobility limitations	10	6%	17%

* ACS does not report whether households include persons aged 18-64, however 8% of residents in town are ages 18-24, 18% are ages 45-64, and 33% are ages 45-64.

4. What income bracket best describes your household?

	Responses	% of Responses	Actual % of Town[21]
Less than $50,000	17	10	16%
$50,000 - $74,999	20	12	8%
$75,000 - $99,999	25	15	9%
$100,000 - $149,999	39	23	21%
$150,000 or higher	68	40	46%

5. Do you rent or own?

	Responses	% of Responses	Actual % of Town
Rent	15	8	11%
Own	157	90	89%
Other	3	2	NA

Part 2: Housing Needs

The following questions are intended to identify your own housing needs relative to housing that is available in Southborough today.

- 25% of respondents indicated that they have unmet housing needs.
- Excessive housing cost and a desire to downsize are most frequently identified as the issues that respondents have with their current housing.
- More than half of the respondents indicated that they anticipate a change in housing over the next 5-10 years.
- A majority of respondents would prefer to own rather than rent, however the share of people who wish to rent is higher than the proportion of rental housing. (25% of prospective home seekers would be renters, compared with 11% of existing housing units). Single-family homes are the most sought after, followed by condominiums or townhouses, while a significant share seek senior housing and/or single level or accessible units. Two bedrooms is the size most frequently desired, followed by three bedrooms.

[21] ACS 2017

- About two-thirds of the respondents who anticipate changing housing in the next 5-10 years indicate that they cannot find housing in Southborough that meets their needs, with the most frequent reason given that housing too expensive.

6. Does your current housing meet your needs?

	Responses	% of Responses
Yes	127	75%
No	42	25%

7. If you answered no to the previous question, why not? (select all that apply)

Total respondents: 48	Responses	% of Responses
Mortgage/rent/property taxes are too expensive for me	28	58%
House is bigger than I need/hard to maintain	21	44%
House is too small	9	19%
The location is inconvenient – would like to be closer to work, family, or other needs	6	13%
My house is not handicapped accessible	5	10%
House is shared; I or other members of my household would prefer to have separate housing	4	8%
Other (please specify)	4	8%
House is unsafe due to its condition	0	0%

8. Will you be seeking to change your housing situation in the next 5-10 years?

	Responses	% of Responses
Yes	94	56%
No	73	44%

9. If you answered yes to the previous question, what best describes what you be looking for? (check all that apply)

Total respondents: 95	Responses	% of Responses		Responses	% of Responses
Single-family house	50	53%	Rent	10	11%
Condominium, townhouse, or duplex	44	46%	Own	34	36%
Apartment	14	15%	1 bedroom	5	5%
Congregate living or room rental	0	0%	2 bedrooms	28	29%
Single Level or accessible	25	26%	3 bedrooms	19	20%
55+ or senior housing	31	33%	4+ bedrooms	10	11%
Other	6	6%			

10. If you do not currently own or rent a home in Southborough, or anticipate moving away from Southborough, what best describes your experience? (Select all that apply)

Total respondents: 61	Responses	% of Responses
I cannot find housing in Southborough within my price range	39	64%
I cannot find housing in Southborough that is suitable for my needs	16	26%
I have not tried to find housing in Southborough	11	18%
Other	10	16%

Part 3. Housing Goals and Strategies

Please indicate the degree to which you would support goals and policies that address Southborough's housing needs:

- The highest priority among survey respondents is to provide housing for low income residents with incomes between $50,000-$75,000 (roughly 50-80% of AMI). Many would also prioritize moderate income households, who may not qualify for SHI housing but cannot afford market rate housing in Southborough. There is weaker support for prioritizing very low income households (with incomes below $50,000 or roughly 50% of AMI).
- Respondents affirmed all of the suggested housing goals, with the most strongly emphasized goal being to create viable options for seniors to remain in Southborough. There is also strong agreement with minimizing impacts and ensuring compatible design.
- Of the suggested types of strategies to support affordable housing, exploring options to improve wastewater infrastructure in the village center areas receives the strongest support, followed by developing affordable housing on Town-owned property.

11. Do you feel that it is a priority for Southborough to increase the availability of housing that is affordable for people of different income levels?

	Low	Moderate	High	Not Sure	Weighted Average
Low Income ($50,000 to $75,000)	19%	23%	50%	7%	2.33
Moderate Income ($75,000 to $120,000)	21%	32%	39%	8%	2.20
Very Low Income (below $50,000)	34%	19%	35%	12%	2.01
High Income ($120,000 or higher)	66%	17%	8%	9%	1.37

12. Please indicate whether you would support the following housing goals:

	Disagree or Strongly Disagree	Agree or Strongly Agree	Not Sure	Weighted Average
Create viable options for older adults to remain in Southborough as their housing needs change.	7%	89%	5%	3.56
Minimize impacts of new development on priority areas for open space, conservation, and natural resource protection.	15%	77%	8%	3.33
Support design of housing development that is compatible with neighborhood context and enhances the community's development patterns.	6%	84%	10%	3.31
Create entry level housing opportunities.	19%	77%	4%	3.13
Reinforce Southborough's economic goals by expanding housing choices.	16%	71%	13%	3.10
Prioritize production of permanently affordable units.	19%	67%	14%	3.00

13. Would you support the following types of strategies to address Southborough's housing needs?
(Indicate strongly disagree/disagree/agree/strongly agree/not sure)

	Disagree or Strongly Disagree	Agree or Strongly Agree	Not Sure	Weighted Average
Explore wastewater infrastructure improvements in village center areas to promote housing and economic development.	14%	75%	11%	3.13
Facilitate development of affordable housing on town-owned property.	25%	56%	19%	2.82
Modify zoning to allow for more diverse neighborhood-scale forms of housing in appropriate locations.	29%	60%	11%	2.79
Identify areas appropriate for multifamily zoning or Chapter 40B development.	25%	65%	10%	2.76
Acquire existing houses to convert to affordable housing	35%	49%	16%	2.67

Open Ended Responses

9. What best describes the housing you are looking for?

- Another town with lower taxes and services that Southborough does not offer. Trash pick up for one.
- Any option that is really affordable for active 80+
- Better transportation to Boston
- Lower taxes
- Not quite sure

10. What best describes your experience seeking housing in Southborough?

- Closer to Wellesley, where we moved here from
- downsizing
- I am unhappy with the increased development and priorities of Town. Now too much traffic, no longer rural or pastoral, taxes too high for services I receive.
- I lived in Southboro most of my life. I live in Northboro. Location ,location.
- Outgrew the town, kids will be in college.
- Retired and moved after living in Southborough since 1972.
- Tired of the Southborough hassle.
- We are happy in our house in Southborough.
- Would like a functional downtown--restaurants, shops, etc.

14. Would you like to share further comments about Southborough's housing needs and priorities?

- I get many calls from seniors who had previously had affordable rentals in town, then when their home/building changes ownership or for whatever reason, the rent goes up and the senior is left with virtually no options. Senior income based housing now has waiting lists and a new preference system, so people would languish without housing, on the list for as long as two years or more. There is no market rent units available in this area that are affordable for a person on a fixed income such as SS or the like. I have seen a significant uptick in calls looking for housing.
- Aside from allowing younger people who grew up in Southborough to remain here, I do not see how 40b's have had any positive impact on the town in terms. No visible sign of increased tax revenue that lowers or holds the tax rate, increased traffic and more demand on town services.
- Build on Strengths. Southborough should not try to be like every other town.
- Development of the Downtown including mixed use development (retail/residential) would improve the Downtown and create diversity in housing stock. In addition to a lack of viable low-income options, there is also a shortage of "middle-market" homes. Almost all new construction is $1M+ single homes. I would like to see more housing stock in the $500-$600K range to allow for young families to afford to move in.
- Do not let Eversource run the 16" natural gas pipeline!
- Get to the statutory minimum and stop. We do not need the drag and increased costs.
- Housing and the right to housing is important to me. I am glad you are taking this initiative. However I have two comments I'd like to make. First I believe environmental sustainability should be built into any tax payer investment. Additionally I feel that funding these programs through increased taxes is not a sustainable option. With property taxes already high they represent a constraint on housing and affordability. Investments made towards affordable housing should not further separate people or raise the bar for being able to afford to live here. Affordable housing should for some be a long term solution but for younger families it should be a ladder to economic growth. However the ladder can't have a huge gap in the middle.
- I don't believe it is necessary to keep building to create more diversified housing.

- I have grown up here in Southborough and was fortunate to have family land otherwise I would never have moved here based on high taxes and lack of services. I do strongly agree that our educational system is the best around and I my children were a product of the fine education. I really think that the town needs more business for taxing purposes without changing the overall appearance of the rural town.
- I would love to stay in Southborough. We need a facility like the Willows in Westborough.
- It is virtually impossible for a parent to get divorced in Southborough and then to remain in Southborough on one-income.
- It's crucial and vital not to turn Southborough into another Marlboro Ashland Framingham and Hopkinton. Why ruin this wonderful and lovely Town of ours. Open space and land Conservation should be the priorities.
- Less liquor stores. "Mixed use" developments are nice. Downtown is in need of renovation.
- Maintain the current character of the town-more open space.
- My husband and I are owners of a (rare) affordable condo here in Southborough. We never could have afforded to own or rent in this town outside of this opportunity that we qualified for. We are a two-earner household with no children and are not low income (under $45,000) yet we do not earn enough between our three jobs to afford to live in this community (Southborough or surrounding area despite having grown up nearby). There is a lot of fear and distrust from the community about what "Affordable" homes offer, who benefits, and what the upside is to the town (other than compliance with state goals). A campaign to better inform the public about what the added benefit is to having a more diverse economic population would be helpful. People think that affordable homeowners are getting something for "free" (we're not). My impression from Southborough residents is they "worked and earned their way into affording" to live here which is neither welcoming nor appreciative of the contributions that single people, divorced parents (who want to stay near kids), small business owners, teachers, young professionals, teachers, widowers bring to the community. Being able to live and own this affordable home has brought tremendous stability to our lives. It has allowed me to start a 2nd business. It has enabled me to be a caregiver for my 93 year old grandmother who lives alone in the next town. It has allowed me to base my business here in Metrowest and expand it with the confidence that I know where I will be living for the next decade-plus. It has allowed me to make stronger connections to the local area because I was able to establish my business here--not create it here and commute from 90 minutes away. Being able to have this stability from owning an affordable home has brought immeasurable opportunity to my family--a place to have roots, a place to grow, a place to thrive. When I read comments about 40B on MySouthborough.com it is never a comment written in a positive light. Better education about what the benefit to ALL in town of having 40B housing is really needed. Now, we don't have kids (therefore don't use the school system) but I've observed what has happened with the extreme growth of Legacy Farms area in Hopkinton which has brought havoc upon Hopkinton's schools, traffic, resources. Legacy Farms provides hundreds of townhouses (not affordable) and instead of being starter homes for small families, single people, divorced families, it has ended up flooding the system with lots of families with multiple kids per household (and multi-generational families, therefore more people per household than anticipated). I would love Southborough to learn from other Town's challenges and create a clearer vision for what will really work here.
- Our town is too opposed to bringing in commercial business and taxes and spending is too high. For young families and older folks, affordable housing is hard to come by.
- Please reduce the tax. need more shopping complexes, need more MBTA parking space, need town buses to connect to Framingham & Boston
- SB has tried to meet 40B requirements but developers have sought to take advantage of 40B regulators for THEIR advantage not the benefit of SB residents.
- Seems like there's hardly an open space for building given all the cheap McMansions you've allowed to string up all over town. If you're going to be building affordable housing, please stick to nicely built, attractive condos/ townhomes in the same style as the surrounding neighborhood that are ATTRACTIVE (not overly boxy), or that at least come in different styles and colors unlike the recent construction at the end of Parkerville. We have not been impressed with the cheap, boxy, ugly, cookie cutter McMansions you've allowed to be built all over town. New developments should also be open to existing homes--this is an open, friendly, ungated community.
- The town desperately needs housing for the empty nesters who either are not yet old enough for 55+ housing or do not want to live in 55 plus housing. Open space developments with reduced frontage and area requirements will definitely be needed in order meet these goals.
- To reduce cars need sufficient density and trash pickup.
- Too many lifelong residents are forced to move away because they can no longer afford a place here due to lack of affordable apartments and condos (under $400,000) and high taxes
- We are in our 80's and built our home in 1971, almost 50 years! We are in need of lower real estate taxes based on our age and longevity of ownership. Please help us stay in our home without the high tax burden that we have paid faithfully every year for 49 years. We should receive a SENIOR RATE to allow us the privilege of living in our home! Again, PLEASE HELP US AND THANK YOU

- We need multi-family zoning by right.
- We need to address not only housing, but the commercial tax base. Increasing the commercial tax revenue will help alleviate any increase to the residential tax base. Encourage commercial development within the Downtown, the villages, and Route 9!
- While there is a need to increase affordable housing, this town continues to become unaffordable for many with the astronomical increases in property taxes that don't always match up with salary increases. Also, with the introduction of affordable housing, they should be more aesthetically pleasing. The development at Stonebrook is hideous and does not belong where it was built. High density projects should be built along route 9. I also do not think apartment complexes are the answer.
- Would like to see more affordable middle class-level option but at same time maintain culture of Southborough.

Appendix 2: SHOPC Priority Action Checklist

SHORT TERM ACTIONS

1 Address Senior Tax Deferral Program and Other Potential Exemptions.

- ☐ 1. Meet with assessor to determine locally available property tax reduction programs. Senior tax deferrals, small business tax exemptions, exemptions for disabled veterans, and other options may be available.
- ☐ 2. Review eligibility requirements to ensure they are appropriate. Eligibility requirements for the senior tax deferrals and other exemptions are locally adopted. Annual review to ensure these options are reaching meeting local needs should be conducted.
- ☐ 3. Market the availability of tax relief programs to their target demographic. Work with local partners to promote their availability for households who may benefit from it.

2 Work with the AHT to develop a 5-Year Strategic Plan to facilitate more predictable funding.

- ☐ 1. Collect information for core action plan requirements:
  - Budgetary Projections, Funding Needs, and Requests
  - Prioritization of Funding Needs
  - Prioritization of Affordable Housing Actions
  - Criteria for Funding Activities
  - Routine & Long-Term Funding Goals
- ☐ 2. Determine responsibility for the drafting of the plan. Most Affordable Housing Trust Action Plans can be done in-house. However, many trusts do utilize a portion of their funds to obtain technical assistance to undertake the strategic planning process and creation of the draft and final plans.
- ☐ 3. Adopt the plan jointly between the Affordable Housing Trust and SHOPC. Ensuring local buy-in from both entities is critical in the implementation of the Strategic Plan.

3 Increase volunteer training opportunities to augment existing capacity and technical expertise.

- ☐ 1. Request support from the Town's Planning Staff to increase awareness of training opportunities. SHOPC could request town staff forward advertisements for trainings and technical support offerings by organizations such as the Citizens' Housing and Planning Association (CHAPA), and the Massachusetts Housing Partnership (MHP) that are typically advertised through direct emails and listservs.
- ☐ 2. Request funds to support volunteer training. While there are many free or low-cost training opportunities, most affordable housing trainings are offered at some cost to the participant, ranging from fairly nominal amounts to several hundred or even thousand dollars. Supporting those who wish to receive training but cannot necessarily afford to do so through scholarships could be considered.

4 Develop clear guidance for the development community regarding what types and styles of housing that would be desirable in Southborough to make permitting more predictable.

- ☐ 1. Determine the scope and expanse of the guidelines. If they are to be heavily architectural in nature, consider whether it might be beneficial to engage the services of an architect or other design professional to help develop, illustrate, or otherwise communicate design concepts.
- ☐ 2. Set clear standards and guidelines. The clearer the standards are and the most accessible they are to the development community drastically increases the likelihood that developers will attempt to propose projects that are in keeping with those guidelines.
- ☐ 3. Support proposals that meet these guidelines. Where many housing development proposals languish, it is due to a lack of public support. SHOPC could work as a critical voice in fostering an environment that is supportive of affordable housing and increases the reliability in permitting for worthy projects.

5 Identify potential partners who have land and/or buildings that could be potential sites for affordable housing and initiate communication with property owners/mangers. Properties that could be potential sites for affordable housing, such as the private schools, religious and fraternal organizations, and underutilized commercial sites could offer opportunities for collaboration.

- ☐ 1. Create a list of sites anecdotally known to potentially be available or have potential for SHOPC'S internal use. SHOPC members have considerable local knowledge of sites, particularly those that are privately held and have wastewater capacity, that might be of some utility for affordable housing purposes.
- ☐ 2. Prioritize owners to contact. Using local knowledge, prioritize which owners to contact based on suitability of sites and perceived willingness for collaboration.
- ☐ 3. Cultivate relationships with property owners. Work to understand their needs as well as those of the Town to better understand how to support and facilitate the creation of affordable housing on a case-by-case basis.

6 ☐ Initiate connection with organizations who could be potential partners for affordable housing projects. Habitat for Humanity, Neighborhood of Affordable Housing, Inc. (NOAH), The Community Builders (TCB), and SMOC and other entities could be potential partners. Outreach should include discussion to determine the availability of funding, development opportunities or other Town resources, as the Town's goals and preferences.

ONGOING ACTIONS

1 ☐ Prepare monthly or quarterly (depending on capacity) updates for the Town's website, social media and local news resources. These updates should inform the public about housing goals and initiatives and to dispel misinformation about affordable housing.

2 ☐ Support Zoning Changes that will Facilitate Affordable Housing Development. Coordinate with Town Planner and appropriate boards and committees to encourage and track the implementation of zoning amendments and infrastructure improvements to facilitate housing development.

RCV'D Town Clerk
6/24/2020
4:30 PM
AMB

TOWN OF SOUTHBOROUGH

BOARD OF SELECTMEN Meeting Minutes

Meeting Date: Tuesday, June 9, 2020 6:00 P.M.
Location: Virtual Meeting through Zoom
Present: Brian Shea, Marty Healey, Lisa Braccio, Daniel Kolenda, Sam Stivers and Town Administrator Mark Purple

I. Chairman Shea called the meeting to order at 6:30 P.M. Chairman Shea read the following statement:

Pursuant to Governor Baker's March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, §18, and the Governor's March 15, 2020 Order imposing strict limitation on the number of people that may gather in one place, this meeting of the Southborough Board of Selectmen will be conducted via remote participation to the greatest extent possible. Specific information and the general guidelines for remote participation by members of the public and/or parties with a right and/or requirement to attend this meeting can be found on the Town of Southborough's website, at https://www.southboroughtown.com/. For this meeting, members of the public who wish to watch or participate in the meeting may do so in the following manner by finding the meeting at: https://www.southboroughtown.com/remotemeetings. No in-person attendance of members of the public will be permitted, but every effort will be made to ensure that the public can adequately access the proceedings in real time, via technological means. In the event that we are unable to do so, despite best efforts, we will post on Southborough's website an audio or video recording, transcript, or other comprehensive record of proceedings as soon as possible after the meeting.

II. **Scheduled Appointments**

Joint Meeting with Advisory Committee, RE: FY2021 Budget

Ms. Cook opened the Advisory meeting at 6:00 P.M. and read the above statement. Chairman Shea projected the excel spreadsheet of proposed budget changes from the Advisory Committee included in the packet. The first discussion was in regards to the addition of a recording secretary to document meeting minutes for the Conservation Commission. Chairman Shea stated that the Board felt current staff resources could be used to fill this position. He added that there is potential that Park Central could be an upcoming topic for the Commission and given the litigious nature of the project, this may be a valuable expenditure. Ms. Cook and Mr. Stivers agreed. Ms. Cook added that Conservation is open to using current staff resources.

Chairman Shea stated that the Advisory Board was looking to add in salary items that were reduced from the Recreation Department due to the Selectmen 2% departmental budget decrease exercise. Ms. Cook explained that one employee agreed to not work 28 hours and the other agreed not to work 29 hours as there were no other costs to cut. Mr. Healey stated that with no recreation programs this summer and other towns furloughing many employees, it was odd that furloughing was not a strategy used here. He explained how furloughed employees can be made whole through unemployment. Ms. Cook responded that these employees will not be drawing from unemployment and will most likely still work their full hours with a reduced salary. She explained the reason Youth and Family services would not like a job share. They are still asking for an additional full-time employee.

Kristin LeVault (12 Southwood Drive) stated she is a member of the Recreation Commission and felt it would be unfair to cut the hours of these two individuals as they had nowhere else to cut costs. She added they do not have an excess budget and a lot of work has been made by these two employees to reconfigure programs for the summer and the fall. Ms. LeVault added the new challenges Recreation needs to overcome regarding returning to a new normal with adequate safety measures has been discussed at their recent meetings. She stated the two employees could have more work than normal due to this. Mr. Stivers agreed and supported adding their financial cuts back into the budget. Ms. Braccio stated that every department was hurt by the 2% budget cuts and hesitated to insinuate that it was easier for some departments to make cuts than others.

Mr. Healey stated that the Housing Production Plan data accumulated before the pandemic showed that approximately 30% of households in Southborough are classified as "cost burden" meaning 30% of the income of those households are to support their housing. He stated his opinion that the tax payer needs to be a bigger consideration and that some of the services cut will not affect the Town in a negative way. Mr. Kolenda respectfully disagreed and voiced his support for Recreation, Youth and Family Services and the Treasury Department. He stated he was in support of the changes suggested by Advisory. Mr. Stivers agreed and added that a proposed tax increase of under 1% shows good judgement and empathy to those who are struggling. Ms. Braccio stated that there will be a town meeting in the fall and there is potential for additional budget items to be presented then. Ms. Cook stated she felt these items were meaningful to add back. Andrew Pfaff of Advisory stated he did not feel that any items would affect the tax increase in the fall and Ms. Cook agreed.

Chairman Shea stated that $800 was added back to the Treasury budget to continue with four tax bills instead of a transition to three. Ms. Braccio asked what counseling for Ms. Cassell was being requested to restored. Ms. Cook explained that this counselling is needed for her own clinical consultation and to continue her work. Mr. Kolenda stated he supports all items presented by Advisory with the exception of the Planning Board. Ms. Cook explained the request from Ms. Quinn to have her employee GIS trained. Ms. Braccio asked if this were a skill Mr. LaFlamme's new employee could already possess. Ms. Cook stated she did not know but that Advisory was unanimous on all of these items. Mr. Healey made a motion to approve all six items proposed by Advisory. Mr. Kolenda seconded. The motion passed (3-2-0) by roll call vote, Braccio, aye; Healey, nay; Kolenda, aye; Stivers, aye; Shea, nay.

Ms. Braccio stated she would have preferred a 10/1/2020 start for a Youth and Family Services position as she is worried about receipts and would like the fall town meeting to have been completed. Ms. Cook explained how Advisory came to a 10/1/2020 start date. Mr. Kolenda stated he was in support of a 7/1/2020 start date and felt a 9/1/2020 start date was a good compromise. Mr. Stivers agreed. Mr. Kolenda made a motion to support the proposed start dates from the Advisory Committee. Mr. Stivers seconded. The motion passed (3-2-0) by roll call vote, Braccio, nay; Healey, aye; Kolenda, aye; Stivers, aye; Shea, nay.

Chairman Shea stated the only matter not in consensus is the Finn Boiler. He explained that the Board supported the Finn boiler in the January/February timeframe and asked the Board if there were any difference in opinion. Mr. Kolenda replied there was not yet. Ms. Cook explained that the Advisory Committee was in support until the school pulled this item for their budget during post-pandemic revisions. She stated Superintendent Martineau told her the boiler could last another five to seven years and she stated it does not appear to be in immediate need of

replacement. She felt that deferring this for five years was very favorable. Ms. Cook also would like to defer this item in order for the Capital Planning Committee to review it. Chairman Shea countered that he spoke with the school regarding the MSBA package and felt it was a big risk to defer based on the acceptance of this grant and the status of the twenty-year boiler. He added that the MSBA would not have accepted the application if they did not deem the boiler needed replacement. Mr. Martineau explained the process for applying for and receiving the MSBA grant which will result in a 36.89% reimbursement rate. He added he did not have confidence the boiler will last past the heating season and if it were to break after the one-year expiration period for the MSBA Grant, the Town would have to pay for the entire bill. There was discussion about deferring this item to a fall town meeting and enabling time for the Capital Committee to review. Mr. Martineau stated that the contractor has stated he is not going to honor his original bid if the project could not take place before the heating season. Ms. Braccio asked to hear from the Chair of the School Committee, Keturah Martin. Ms. Martin stated that the community has been very supportive of this project and the long-term application process cost approximately $50,000. She added that if the Town needed to reapply, the cost will have to be incurred again. Chairman Shea reminded the Board that the conversation about a fall town meeting was pre-pandemic and with flu season in the fall, there is a lot of uncertainty whether a meeting could be held. Advisory agreed that their previous unanimous vote to defer the article was due to the impression that the boiler could last another five to seven years. Understanding that is not the case, the Advisory Committee agreed to take another vote. Ms. Cook made a motion for the Advisory Committee to support the school sponsored article to replace the Finn boiler in July. Ms. Budz seconded. The motion passed (4-2-0) by roll call vote, Budz, aye; Cook, nay; Dennington, aye; Malinowski, aye; Martel, aye; Pfaff, nay. Ms. Budz made a motion to adjourn the Advisory Committee meeting at 7:14 P.M. Mr. Dennington seconded. The motion passed unanimously by roll call vote.

III. Consent Agenda

Appointment of new Town Accountant

Mr. Kolenda made a motion to appoint the new Town Accountant. Ms. Braccio seconded. The motion passed all in favor (5-0-0) by roll call, Braccio, aye; Healey, aye; Kolenda, aye; Stivers, aye; Shea, aye.

IV. On a motion made by Chairman Shea, seconded by Mr. Kolenda and voted by roll call all in favor, Braccio, aye; Healey, aye; Kolenda, aye; Stivers, aye; Shea, aye, the meeting was adjourned at 7:15 P.M.

Upcoming Meetings
June 13 – Annual Town Meeting
June 23, 2020

Respectfully submitted,

Kathleen Barry, Recording Secretary

List of Documents referred to at the June 9, 2020 BOS Meeting:

- Advisory Analysis of 2% Exercise
- Final Advisory Budget for ATM
- Memorandum from Mark Purple to Board of Selectmen dated June 9, 2020

Explanation of Proposed Budget Cuts Recommended by Advisory to be Restored

Conservation Commission	3,110	**Expense was for a minute taker th so that commission can focus on s**
Recreation	1,937	**Restores full salaries to only two (They had no choice but to cut sala this is fair. Other departments di because they had other line items**
Planning Board	2,239	**Karina Quinn really wants to see h She has been trying to get this do**
Treasurer	800	**Advisory does not want Treasurer of the usual 4. Advisory believes Treasurer and staff and put a burd the savings. This will increase wa**
Youth and Family	1,892	**Restored cost of counseling reque**
Fire	15,328	**Worked with chief to determine b actually achievable.**
Differences between Advisory and BOS approved budgets	**25,306**	

ıat Advisory believes so
substance of meetings.

employees in department.
aries. Advisory does not
d not have to cut salaries
s.

her admin asst. trained on GIS.
ne for a while.

r to send out only 3 tax bills instead
this will only create more work for
den on taxpayers that is not worth
lk in traffic by those who forgot the fourth payment.

ested for Sarah Cassell.

budget that is more realistic and

FY20 ANNUAL TOWN MEETING March 2019	FY 20 BUDGET	FY 21 REQUESTED	% Chg From FY20
100-119 GENERAL GOVERNMENT			
114 MODERATOR	75	75	0.00%
121-129 Executive			
121 ELECTED SELECTMEN SALARIES	4,000	4,000	0.00%
122 BOARD OF SELECTMEN	440,355	452,290	2.71%
131-149 Financial Administration			
131 ADVISORY COMMITTEE	2,500	2,500	0.00%
132 RESERVE FUND	180,000	180,000	0.00%
135 TOWN ACCOUNTANT	160,228	170,635	6.50%
136 AUDIT	34,450	28,010	-18.69%
140 ELECTED ASSESSORS SALARIES	2,250	2,250	0.00%
141 ASSESSORS	211,288	235,809	11.61%
145 TREASURER/COLLECTOR	224,814	229,596	2.13%
151-159 Operation Support			
151 TOWN COUNSEL	95,000	95,000	0.00%
152 PERSONNEL BOARD	16,435	21,700	32.04%
153 SPECIAL LEGAL COUNSEL	50,000	50,000	0.00%
154 MUNICIPAL TECH COMMITTEE	1,000	1,000	0.00%
155 MANAGEMENT INFORMATION SYS.	309,854	349,219	12.70%
159 OTHER OPERATION SUPPORT	359,895	455,728	26.63%
161-169 Licensing and Registration			
160 ELECTED CLERK	85,141	87,695	3.00%
161 TOWN CLERK	191,726	179,513	-6.37%
171-179 Land Use			
171 CONSERVATION COMMISSION	89,991	101,487	12.77%
175 PLANNING BOARD	158,606	171,388	8.06%
176 ZONING BOARD OF APPEALS	28,950	26,054	-10.00%
177 OPEN SPACE	2,000	2,000	0.00%
191-199 Other			
182 ECONOMIC DEVELOPMENT	38,735	41,463	7.04%
192 PUBLIC BLDGS. & PROPERTY MAINT.	518,391	547,914	5.70%
193 ADA COMMITTEE	0	2,500	100.00%
TOTAL GENERAL GOVERNMENT	**3,205,684**	**3,437,826**	**7.24%**
200-299 Public Safety			
210 POLICE DEPARTMENT	2,142,763	2,314,110	8.00%
220 FIRE DEPARTMENT	2,163,324	2,306,909	6.64%
241 BUILDING DEPARTMENT	131,003	157,009	19.85%
291 CIVIL DEFENSE	12,150	10,018	-17.55%
292 ANIMAL CONTROL OFFICER	28,490	28,490	0.00%
TOTAL PUBLIC SAFETY	**4,477,730**	**4,816,536**	**7.57%**
400-499 Public Works			
420,430,490 DPW (HIGHWAY, CEMETERY, TREE)	2,235,309	2,390,375	6.94%
TOTAL PUBLIC WORKS	**2,235,309**	**2,390,375**	**6.94%**
500-599 Human Services			
510 ELECTED BOARD OF HEALTH SALARIES	450	450	0.00%
512 BOARD OF HEALTH	165,422	170,717	3.20%
541 COUNCIL ON AGING	327,953	336,627	2.64%
542 YOUTH COMMISSION	183,600	238,118	29.69%
543 VETERANS SERVICES	50,120	35,845	-28.48%
TOTAL HUMAN SERVICES	**727,545**	**781,757**	**7.45%**
600-699 Culture and Recreation			
610 LIBRARY	540,165	556,622	3.05%
630 RECREATION	145,714	148,262	1.75%
691 HISTORICAL COMMISSION	2,500	2,500	0.00%
692 MEMORIAL DAY	3,150	3,000	-4.76%
TOTAL CULTURE & RECREATION	**691,529**	**710,384**	**2.73%**
TOTAL TOWN	**11,337,797**	**12,136,878**	**7.05%**
300-399 Education			
300 ELECTED SCHOOL COMM	500	500	0.00%
301 SOUTHBOROUGH SCHOOLS	20,820,874	21,236,475	2.00%
302 ALGONQUIN	7,631,929	7,356,818	-3.60%
ALGONQUIN EXEMPT DEBT	421,058	410,021	-2.62%
304 ASSABET	330,762	385,798	16.64%
305 NORFOLK COUNTY AGRICULTURE	0	44,634	100.00%
TOTAL EDUCATION	**29,205,123**	**29,434,246**	**0.78%**
TOWN 900-999 Unclassifed			
910 EMPLOYEE BENEFITS-Town	3,592,766	3,817,881	6.27%
910 EMPLOYEE BENEFITS-School	4,546,180	4,725,893	3.95%
TOTAL UNCLASSIFIED BENEFITS	**8,138,946**	**8,543,774**	**4.97%**
930 CAPITAL BUDGET REQUESTS	282,420	49,507	-82.47%
TOTAL UNCLASSIFIED CAPITAL	**282,420**	**49,507**	**-82.47%**
941 LEGAL SETTLEMENT REGIONAL	225,000	225,000	0.00%
945 GENERAL LIABILITY INS.-Town	108,936	113,838	4.50%
945 GENERAL LIABILITY INS.-School	163,404	170,757	4.50%
TOTAL UNCLASSIFIED INSURANCE	**497,340**	**509,595**	**2.46%**
710 RETIREMENT OF DEBT-Town	1,272,976	1,232,547	-3.18%
710 RETIREMENT OF DEBT-School	1,125,000	1,120,000	-0.44%
751 INTEREST ON DEBT-Town	758,994	892,614	17.60%
751 INTEREST ON DEBT-School	155,038	111,363	-28.17%
TOTAL DEBT SERVICE GENERAL FUND	**3,312,008**	**3,356,524**	**1.34%**
GRAND TOTAL	**52,773,634**	**54,030,524**	**2.38%**

MEMORANDUM

TO: BOARD OF SELECTMEN
FROM: MARK J PURPLE, TOWN ADMINISTRATOR
SUBJECT: TOWN ACCOUNTANT
DATE: JUNE 9, 2020

I would respectfully request that the Board of Selectmen appoint Carla McAuliffe as the next Town Accountant.

I am pleased to recommend Ms. McAuliffe, who previously served as Town Accountant, back to our organization, with a number of enhanced skills in financial software, project management and school department operations and procedures. She has been vetted by an interview panel which consisted of Brian Ballantine, Finance Director, Tim Davis, Recreation Director and Vanessa Hale, Assistant Town Administrator; the final interview and site visit was held with me and Mr. Davis in person, under proper social distancing protocols. Ms. McAuliffe also spent time with our Finance team members, Mr. Ballantine and Mr. Cibelli.

After a successful appointment and pre-employment physical, she is able to start on July 1, 2020 at a salary of $91,000 which falls under Grade VIII in the Salary Administration Plan. She will be able to overlap briefly with Ms. Kriger who will work to close out the FY20 year.

Thank you for your consideration.

CARLA MCAULIFFE

Objective:

To acquire a challenging and responsible accounting position where my municipal experience and knowledge can be beneficial to a strong financial team and the community.

Expertise:

- Municipal accounting principles and software
- Excellent verbal and interpersonal communication skills
- Strong customer focus
- Working collaboratively as part of a team as well as independently
- Establishing processes and training staff

Professional History:

Wayland School District
Accountant / Analyst Aug 2013 - Present

Continuously monitor the revenues and expenses for the district, ensure all requisition requests are in accordance with Mass General Law, and DESE coding requirements. Distribute monthly MUNIS reports to all departments and programs and communicate status of accounts to staff. Post budget entries to school general and special revenue fund accounts. Create general ledger entries, fund and account requests. Initiate MUNIS user permission, and requisition workflow changes.

- Provide support in the creation of the annual budget document and quarterly school committee reports.
- Responsible for the preparation and filing of the annual DESE End of Year Report.
- Coordinate information and activities for the Independent Auditor during the fiscal year, end of year report, single and student activity audits.
- Works with departments and programs to implement Independent Auditor recommendations.
- Monitor state, federal and private grants. Process monthly grant draw downs. Meet with grant administrators, file amendments and final reports using the Ed Grants system.
- Verify monthly student activity Quicken reconciliations. Review student activity fund replenishments and facilitate annual rolling of student activity funds at 5 schools.
- Conduct periodic internal audits within departments and student activity funds.
- Manage and expand online payment options for fee based programs and student activities.
- Responsible for providing ongoing MUNIS training to new and current users.

Wayland School District Jan - Aug 2013
Accounts Payable Coordinator

Reviewed and processed account payable warrants for all school locations and school special revenue funds. Ensured payments had proper backup documentation, funds were available, and were in accordance with Mass General Law. Researched vendor, payment and purchase order issues.

- Processed grant drawdowns, filed amendments and final reports and created monthly grant updates.
- Processed school departmental receipts.
- Converted and distributed purchase orders.
- Provided departments with monthly expense and open purchase order MUNIS reports.

Northborough Southborough Regional School District 2011 - 2012
Budget Officer

Monitored the revenues and expenses for the districts and provided monthly reports to the Business Manager, Administrators and Town Accountants. Tracked revenues, expenditures and processed draw-downs for state and federal grants. Maintained chart of accounts, user permissions and posted budget, and general ledger entries as needed.

- Reviewed and approved payables and payrolls ensuring support documentation was provided, funds were available, and all charges were in accordance with Mass General Law and contractual obligations.
- Assisted in annual budget process for the three districts.
- Coordinated audit information and activities for program reviews.
- Delivered excess and deficiency certification for the Regional District.

Town of Southborough 2007 - 2011
Town Accountant

Delivered timely year end close and annual accounting reports required by the Department of Revenue. Approved payables and payrolls for the town and school departments to ensure funds were available, support documentation provided and all charges were in accordance with Massachusetts General Law. Functioned as point of contact for departments, boards, committee and vendor inquires. Monitored all Town revenues, state aid, and expenditures. Posted budgets, general ledger entries and receipts. Conducted periodic departmental audits.

- Served on the Town's financial team and assisted with budget preparation, and tax recap.
- Appointed Grant Coordinator-ensured grant funds were spent timely and in accordance with grant guidelines.
- Provided support in compiling the information needed for the annual audit, prepared required schedules, crafted responses to the management letter, and worked with staff to implement the Independent Auditor's recommendations.
- Instituted cross training within the department.
- Worked with VADAR to refine the monthly status report format in order to communicate department budget status more effectively.
- Reallocated and consolidated inactive capital project and grant funds.

Town of Northborough 2000 - 2007
Assistant Town Accountant

Reviewed and processed accounts payable payments for all town and school departments. Approved payrolls, and tracked fixed assets for the town. Prepared and distributed monthly departmental MUNIS expenditure reports, processed purchase orders and created vendor 1099's.

Town of Northborough 1999- 2000
Treasurer's Account Clerk

Posted real estate, motor vehicle, and personal property tax payments. Prepared monthly receivable reports. Researched payment and refund issues as needed.

Education
Worcester State College, BS Business Administration (Concentration: Accounting) 1996

Certification
MA Municipal Auditors and Accountant Certification 2007

Trainings
MA Municipal Auditors and Accountants Education Program 2000 - 2019
MASBO Classified Personnel Training Program - 2016
Office of the Inspector General Procurement and 30B Training - 2009
Leadership Mgmt. Inc. Effective Supervisory Management Course - 2007
Uniform Municipal Accounting Course (UMAS) - 2005

Technical Skills
MUNIS, VADAR, Infinite Visions, Excel, Word and Other Microsoft Office, Google Suite, Quicken, QuickBooks, and Crystal Reports

Affiliations
MA Municipal Auditors and Accountants Education Instructor - Cash Reconciliation Class 2009-11
MA Municipal Auditors and Accountants Education Instructor - School Finance Issues Class 2018-19
MA Municipal Auditors and Accountants Member - 2000 - Present
Northborough Family and Youth Inc. Board Member - 2011 - Present

References available upon request

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TOWN OF SOUTHBOROUGH

BOARD OF SELECTMEN Meeting Minutes

Meeting Date: Tuesday, June 23, 2020, 6:30 P.M.
Location: Virtual Meeting through Zoom
Present: Brian Shea, Marty Healey, Lisa Braccio, Chelsea Malinowski, Sam Stivers and Town Administrator Mark Purple

I. Chairman Shea called the meeting to order at 6:30 P.M. Chairman Shea read the following statement:

Pursuant to Governor Baker's March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, §18, and the Governor's March 15, 2020 Order imposing strict limitation on the number of people that may gather in one place, this meeting of the Southborough Board of Selectmen will be conducted via remote participation to the greatest extent possible. Specific information and the general guidelines for remote participation by members of the public and/or parties with a right and/or requirement to attend this meeting can be found on the Town of Southborough's website, at https://www.southboroughtown.com/. For this meeting, members of the public who wish to watch or participate in the meeting may do so in the following manner by finding the meeting at: https://www.southboroughtown.com/remotemeetings. No in-person attendance of members of the public will be permitted, but every effort will be made to ensure that the public can adequately access the proceedings in real time, via technological means. In the event that we are unable to do so, despite best efforts, we will post on Southborough's website an audio or video recording, transcript, or other comprehensive record of proceedings as soon as possible after the meeting.

II. **Reorganization of the Board**

Chairman Shea congratulated Ms. Braccio and Ms. Malinowski on their successful campaigns for a seat on the Board. Chairman Shea addressed the incident at the Public Safety Complex saying that matter is under investigation and he has no new information to release. He thanked the rescue personnel that assisted the injured officer and the Westborough Police Department. He commended Chief Paulhus for his handling of the incident and wished the injured officer the best in his recovery.

Chairman Shea asked if any members were interested in being Chair for the upcoming year. Mr. Stivers stated he was not interested and nominated Ms. Braccio highlighting her experience and the challenging times the Town is currently facing. Ms. Braccio respectfully declined and stated she was interested in being Chair in the future but not currently. Chairman Shea nominated Mr. Healey for Chair of the Board. Mr. Stivers seconded. Mr. Healey thanked them both and accepted the nomination. Mr. Stivers asked Mr. Healey what his goals were for the coming year. Mr. Healey stated overcoming the challenges that the COVID-19 pandemic has brought, supporting inclusivity for this year and beyond, and making sure the Board is more accessible to the public. The motion passed (4-0-1) by roll call vote, Braccio, aye; Malinowski, aye; Stivers, aye; Shea, aye; Healey, abstain. Mr. Shea made a motion to appoint Ms. Braccio as Vice Chair. Ms. Malinowski seconded. The motion passed (4-0-1) by roll call vote, Malinowski, aye; Stivers, aye; Shea, aye; Healey, aye; Braccio, abstain.

III. Scheduled Appointments

Karen Galligan, DPW Superintendent

a. Transfer Station Rules and Regulations

Ms. Galligan stated the changes were mostly formatting to make the document easier to read. Th Planning Board voted to keep the rate as is and talk about possibly putting the Transfer Station back into the tax rate in the future. Ms. Galligan said stickers would remain at $250 and any additional household stickers and stickers for Seniors would be free. She added that the DPW is looking to remove the charge of $10 for replacement stickers and Mr. Stivers stated he was in support of keeping this charge as the stickers cost the Town money. Chairman Healey asked how many replacement stickers are typically given and Ms. Galligan said approximately thirty. Mr. Stivers added that the Capital Planning Committee is working with John Butler on a high-level analysis of Transfer Station operations. Ms. Braccio stated that the $250 fine should be made more prominent in the document. Ms. Galligan agreed. Ms. Malinowski pointed out a typo in paragraph three. Ms. Malinowski inquired about the cost of the mailing. Ms. Galligan explained that to send the mailing to all residents costs the Town approximately $3,400. Ms. Malinowski asked if there were requirements to send this and Ms. Galligan replied there were not. Ms. Malinowski suggested sending a postcard to include in the tax bill in lieu of a full mailer to save on cost. Ms. Galligan agreed and stated a postcard could cost approximately $800. Mr. Healey suggested posting signs at the Senior Center. Ms. Galligan agreed. She stated there will not be a drive through for Seniors this year. Mr. Stivers suggested looking into how much the Town is mailing to residents and if there is a possibility to save on cost by moving to more virtual communication. Mr. Stivers made a motion to approve the regulations as discussed with the minor edits mentioned with the intent to use a postcard mailer for communications. Ms. Braccio stated they $10 replacement sticker fee was not in the motion. Mr. Stivers stated it is written in the original rules and regulations presented. Ms. Braccio seconded. The motion passed all in favor by roll call vote, Braccio, aye; Malinowski, aye; Shea, aye; Stivers, aye; Healey, aye.

b. MassDOT Shared Streets and Spaces Grant Program

Ms. Galligan stated she was hopeful this grant would fund approximately $300,000 of a $400,000 project to extend the sidewalks from Main Street up Newton Street to the medical building. She explained how the grants work and that the bid starts a 100-day deadline process which started yesterday. Ms. Galligan explained that they are ready to move forward and she is confident they can make the 100-day deadline which includes public meetings for feedback. She explained that the remaining $100,000 would be covered by the Town or Town road funds. Chairman Healey asked that due to the nature of the grant, could the town potentially apply for three different projects. Mr. Stivers agreed this should be done if possible and asked if there were any other projects to include. Ms. Galligan replied that she did not want the Town to compete with itself but agreed to look into it. Mr. Stivers suggested including legislators to reinforce the importance of these projects. Ms. Galligan suggested the EDC pursue other projects they may be interested in with the support of the Board. Ms. Braccio stated her support for the project. Chairman Healey asked to hear from the Trails Committee, Open Space Commission and Recreation Committee to understand their support for these projects. Mr. Stivers made a motion to support Ms. Galligan's proceeding with grant applications for the sidewalk project as proposed. Mr. Shea seconded. Mr. Stivers amended his motion to include the condition to allow Chairman Healey to sign documents on behalf of the Board if necessary. Ms. Braccio seconded. The motion passed all in favor (5-0-0) by roll call vote, Braccio, aye; Malinowski, aye; Shea, aye; Stivers, aye; Healey, aye.

IV. Reports

Chairman's Report

Chairman Healey stated he visited the Southborough Police Department this morning and spoke with Chief Paulhus. He stated that he witnessed the multiple media outlets interviewing the Chief. He said this was an isolated incident and the Town should be proud of the Department and the Chief for his response and handling of the situation.

Members' Reports

Ms. Braccio thanked Mr. Shea for his year as Chairman as he brought an increase level of patience and skills to the Board.

Ms. Malinowski echoed Chairman Healey's sentiments and commended the Police Department. She stated that she is looking forward to working with the Board.

Mr. Stivers echoed comments regarding Mr. Shea's time as Chairman.

Chairman Healey gave best wishes to Sergeant DeLuca for a speedy recovery.

Town Administrator Report

Mr. Purple echoed the comments regarding the incident last evening and highlighted the Chief for his focus to develop and train the officers. He added that the outcome depicts a positive result for the training and gave credit to both the officers and Chief Paulhus.

Mr. Purple explained that the flag pole in front of the Town House has changed in appearance. He explained that Crown Castle submitted a building permit to structurally reinforce the poles and replace wires. He added the pictures included in the application were not in line with what was replaced and the Building Commissioner and Facilities Director halted the project and had the company remove the equipment. He stated he and the Building Commissioner spoke with Crown Castle and they have agreed to revert the pole to its original condition in a couple weeks.

Mr. Purple stated he spoke with Representative Dykema and there are more technology grants passed by the House. These grants are in the Senate for approval and apply to both the Town and schools. He stated Representative Dykema will inform him of any updates.

Mr. Purple stated the Public Health Nurse informed him that the Town has had 41 positive COVID-19 cases and one was in isolation. He was informed that the person in isolation has passed away and was in their 60s. He stated that the Town has had their first COVID-19 related death but has gone over 15 days since its last positive case in Southborough. Chairman Healey stated this was tragic news and thoughts and prayers are with the family of the deceased.

V. Consent Agenda

a. Ms. Malinowski asked to hold agenda item "a." Ms. Malinowski informed the Board she will be abstaining from this vote. Mr. Shea made a motion to approve Open Session Minutes: June 2, 2020; June 8, 2020; June 9, 2020. Ms. Braccio seconded. The motion passed (4-0-1) by roll call vote, Braccio, aye; Malinowski, abstain; Shea, aye; Stivers, aye; Healey, aye.

b. Ms. Braccio asked to hold agenda item "b." Ms. Braccio thanked Ms. Bartolini for all the time and effort she has given to the Town in many capacities. Chairman Healey and Mr. Stivers echoed her appreciation. Mr. Stivers made a motion to accept the resignation from Kathleen

Bartolini from EDC. Mr. Shea seconded. The motion passed all in favor (5-0-0) by roll call vote, Braccio, aye; Malinowski, aye; Shea, aye; Stivers, aye; Healey, aye.

c. Ms. Braccio asked to hold agenda item "c." Ms. Braccio wished Ms. Remillard well on her future endeavors and thanked her for her time and service given to the Town. Mr. Stivers made a motion to accept the resignation from FT Communications Officer Brittney Remillard. Mr. Shea seconded. The motion passed all in favor (5-0-0) by roll call vote, Braccio, aye; Malinowski, aye; Shea, aye; Stivers, aye; Healey, aye.

d. Ms. Braccio made a motion to appoint Stephanie Fontaine as FT Communications Officer effective July 2, 2020. Mr. Stivers seconded. The motion passed all in favor (5-0-0) by roll call vote, Braccio, aye; Malinowski, aye; Shea, aye; Stivers, aye; Healey, aye.

e. Ms. Braccio made a motion to reappoint: Keith Ackley, Registrar of Voters; term 6/30/23. Mr. Stivers seconded. The motion passed all in favor (5-0-0) by roll call vote, Braccio, aye; Malinowski, aye; Shea, aye; Stivers, aye; Healey, aye.

f. Ms. Braccio made a motion to accept donations totaling $535.00 for Fire Department Ambulance fund. Mr. Stivers seconded. The motion passed all in favor (5-0-0) by roll call vote, Braccio, aye; Malinowski, aye; Shea, aye; Stivers, aye; Healey, aye.

g. Ms. Braccio made a motion to appoint Council on Aging, term 6/30/23
    i. Russell B. Miliholland
    i. Peter Brent Trottier

Mr. Stivers seconded. The motion passed all in favor (5-0-0) by roll call vote, Braccio, aye; Malinowski, aye; Shea, aye; Stivers, aye; Healey, aye.

h. Ms. Braccio asked to hold agenda item "h." Approve alcohol license alteration of premises request for outdoor seating
    i. Hola!
    ii. New Rose Garden

Chairman Healey informed the Board that there is only one application as the New Rose Garden withdrew. After some discussion regarding the application, Chairman Healey suggested moving the discussion of agenda item "h" to agenda item entitled "Discussion of outdoor seating policy and approval authority." The Board agreed.

i. Mr. Stivers asked to hold agenda item "i." Mr. Stivers stated the spending authorization request was set for $100,000 and he wanted to ensure the Town was being appropriate and as aggressive as possible. Mr. Purple stated the number is estimated with a significant amount of padding in order to add other items in the near future. He said these items are strictly from fiscal year 2020 and there will be a new list come July. Ms. Malinowski asked if the Town has applied for the CARES Act or through FEMA. Mr. Purple replied that the State had encouraged the Town to wait until closer to the end of June. Mr. Stivers made a motion to approve the request to DOR for COVID-19 related spending authority. Mr. Shea seconded. The motion passed all in favor (5-0-0) by roll call vote, Braccio, aye; Malinowski, aye; Shea, aye; Stivers, aye; Healey, aye.

VI. Update on impact of COVID-19

<u>Discussion of outdoor seating policy and approval authority</u>

Chairman Healey began the discussion regarding Consent Agenda item "h." He stated he appreciated the straightforward materials provided by Mr. Purple. Mr. Purple stated Ms. Hale and Ms. Esposito managed this process along with Ms. Livoli, Chief Achilles, Chief Paulhus, Ms. Munsiff and Ms. Quinn. Ms. Hale stated this policy was a collaboration with code and permitting departments. She spoke with multiple surrounding communities regarding their policies and issues and she is hopeful this will help local businesses start recovering from the impact of the pandemic. She stated Hola Restaurant is currently the only business to apply.

Ms. Braccio stated she supports anything to help small business get back up and running. She stated that the issue she had with the outdoor seating policy is that the Board is currently not involved in the application process and she would like them to be. She added the Board could move quickly to move the process along. Chairman Healey asked Ms. Hale if she were comfortable circulating any applications with the Board and adding the item to the consent agenda for the next meeting. Ms. Braccio supported this. Ms. Hale stated she was concerned that this may be considered deliberation over email. Chairman Healey stated that there would be no deliberation. Mr. Shea stated the feedback would be sent directly to Mr. Purple only. Ms. Hale replied that due to timing, the Board may need to have a special meeting to approve an application. Mr. Purple summarized the current process for restaurants that have applied and stated he supported the process suggested by the Board. Mr. Shea suggested that any establishment with a liquor license associated with it should be required to come to the Board and all others could be approved by Mr. Purple. Mr. Stivers stated he would like to be informed of all establishments applying for outdoor seating. Mr. Purple agreed to circulate all applications to the Board and any requests to discuss would be put on the next agenda. Mr. Stivers made a motion to approve the policy as amended. Mr. Shea seconded. The motion passed all in favor (5-0-0) by roll call vote, Braccio, aye; Malinowski, aye; Shea, aye; Stivers, aye; Healey, aye.

Ms. Braccio asked what the proposed lighting would be for the outside seating at Hola! Restaurant. She also asked about lighting hours due to the proximity of the restaurant to a residential area. Mr. Purple said lighting plans were not included but he would follow up on those details. Ms. Braccio asked if there were any consideration to the threat of EEE. Ms. Hale stated the Health Agent did not have any concerns but will ask at the next Board of Health meeting. Ms. Malinowski asked if residents were informed of this application. Ms. Hale stated that they had not as that requirement has been waived by the State. Ms. Malinowski asked about parking and barriers surrounding the outdoor dining area. Mr. Purple stated he would report back with that specific details. Chairman Healey asked if the Police Department reviewed the application and asked for a document be sent to Hola! regarding these specific concerns. Ms. Hale agreed to do so. Mr. Stivers made a motion to approve the Hola! application as included in the packet. Mr. Shea seconded. The motion passed all in favor (5-0-0) by roll call vote, Braccio, aye; Malinowski, aye; Shea, aye; Stivers, aye; Healey, aye. Chairman Healey encouraged establishments in Town to apply for outdoor dining.

VII. Other Matters Properly Before the Board

Request from EDC to reduce membership and change structure of the Committee

John Wood, Chair of the EDC, stated that Ms. Bartolini resigned and due to quorum concerns, he respectfully asked the Board to shrink the size of the Committee from nine to seven. He added that for future consideration, he would like to discuss including a Board and Planning member to the Committee. He added that most successful surrounding EDCs are setup in this manner. Mr. Stivers supported changing the size of the Committee from nine to seven and could support adding a member of the Planning Board. He said he was not convinced adding a Board member would be a good idea but they could create more leadership from the Board. Mr. Purple stated that the Town Clerk states the bylaw reads "up to nine members" and he is currently carrying a committee with nine spots. He agreed with Mr. Wood that other EDCs are setup with a Board and Planning Board member. He suggested the bylaw may need to be changed. Ms. Braccio stated she supported and understood the reason for downsizing. She stated she would like more discussion on restructuring the Committee. She outlined her concern regarding a Board member having voting power when a budget and employee are brought to the Board for approval. Mr. Shea agreed with Ms. Braccio. Chairman Healey stated he researched the Attorney General's website for guidance on the term "up to nine members" and his conclusions is that the Board could vote to reduce the

number. He said he will put a call to the Attorney General's Office and follow up with any further guidance. Chairman Healey made a motion that the Board specify as of 6/23/020 that for the purposes of quorum and other items, the size of the EDC be 7 as consistent with the letter of intent of the bylaw passed in 2017 that allows and EDC size to be up to 9 members. Mr. Stivers seconded. The motion passed all in favor (5-0-0) by roll call vote, Braccio, aye; Malinowski, aye; Shea, aye; Stivers, aye; Healey, aye.

Discussion of a revised Charge for a New Golf Course Committee

Mr. Purple summarized the original charge of the Golf Course Committee and stated that with the completion of the Public Safety Building and the work on the course, the Committee feels their task has been completed. He suggested the second iteration should be a focus on the long-term success of the course and to be a conduit between the management company and the Board. Chairman Healey agreed and stated that Mr. Purple and the former members could draft a new charge to be considered at another meeting. Mr. Purple asked for volunteers to work with Mr. Parent and him to draft a charge. Mr. Stivers volunteered and added that the charge should include assistance with a marketing program to increase patronage. Ms. Malinowski also volunteered. Mr. Stivers supported Ms. Malinowski. The Board agreed.

Appoint BOS member to Metro West Regional Collaborative

Mr. Shea explained the purpose of the MetroWest Regional Collaborative and stated he has been the representative from the Board for a number of years. Chairman Healey asked Ms. Braccio if she would like to be the new Board representative and she respectfully declined. Chairman Healey stated he would volunteer as this collaborative works with the commuter rail for which he is passionate about. The Board agreed.

VIII. Public Comment

Timothe Litt (148 Woodland Road) reminded the Board of the ongoing issue of lack of safe pedestrian access to the Public Safety Building. Chairman Healey promised this issue would be on an upcoming agenda for discussion.

Scheduling of annual goal setting meeting

The Board discussed their schedules and availability and agreed to meet on July 21, 2020 for a socially distant in person meeting.

Summer schedule for Selectmen meeting

Mr. Purple reminded the Board that usually one meeting is held in July and one in August. He added that there are end of year interdepartmental transfers that need to be done before July 15, 2020. After discussing their schedules and availability, the Board agreed to meet on July 14, 2020 for a regular business meeting and to discuss the interdepartmental transfers with the Advisory Committee. The Board agreed to meet on August 18, 2020 for a regular business meeting. Mr. Purple agreed to create a schedule that reflects this.

Update on operations – COVID19

Ms. Hale stated that part-time assistance to the Public Health Nurse will be solicited for help over the summer months. Ms. Hale added that as the Governor looks to move towards Phase III of the Reopening Guidelines, there is hope for Town buildings to be open to the public. She said there is a lot of planning put into this but will include meeting outside, contract tracing and logs of those who visit the offices. Ms. Hale stated Phase III includes larger gatherings which will impact the Library and Recreation Department but not the Senior Center.

Mr. Purple stated that curbside pickup at the Library is going well and thanked Mr. Parent and his staff for readying the building. He added that work at the DiPietri Field is in the final stages and is expected to be completed by July 3, 2020. Mr. Purple stated that bids have been submitted for the lights at Mooney Field and he is hopeful that fall baseball could be under the lights if all goes well. He stated Southborough Little League started their season on June 15, 2020 at skills and

drills level with 119 athletes. Games and scrimmages could begin July 6, 2020. He thanked the Recreation Department, Fay School and St. Mark's School for their coordination. He added that Mr. Davis will be at the next meeting to provide updates on camp, general recreation programs, outdoor movies and summer nights.

IX. **On a motion made by Mr. Shea, seconded by Mr. Stivers and voted by roll call all in favor, Braccio, aye; Healey, aye; Malinowski, aye; Stivers, aye; Shea, aye, the meeting was adjourned at 8:42 P.M.**

Upcoming Meetings *To be determined*

Respectfully submitted,

Kathleen Barry, Recording Secretary

List of Documents referred to at the June 23, 2020 BOS Meeting:

- 2020-2021 Transfer Station Rules and Regulations
- ABCC advisory re Local outdoor seating approval
- Hola Application
- Hola TEMPORARY Alcohol extension outdoor seating
- Hola updated COI
- Temporary Outdoor Dining Regulations
- UPDATE Hola Application
- 2019-2020 Transfer Station Rules and Regulations
- Transfer Station Expenses
- Letter from Karen Galligan to BOS dated June 18, 2020
- Mass.gov - Shared Streets and Spaces Grant Program Information
- Regular Session Minutes: June 2, 2020
- Regular Session Minutes: June 8, 2020
- Regular Session Minutes June 9, 2020
- Letter of Resignation from Kathleen Bartolini
- Letter from Kathy Bartolini to Mark Purple dated June 4, 2020
- Letter of Resignation from Brittney Remillard
- Letter from Chief Paulhus to BOS dated June 17, 2020
- Letter from Chief Achilles to BOS dated June 16, 2020
- Citizen Activity form from Russell Millholland
- Citizen Activity form from Peter Trottier
- Letter from John Wood of EDC to BOS dated June 15, 2020

TOWN OF SOUTHBOROUGH TRANSFER STATION ~~– RECYCLE. IT IS THE LAW – NO SMOKING AT TRANSFER STATION VIOLATING THESE REGULATIONS CAN RESULT IN A $250 FINE~~

Transfer Station Hours of Operation: Wednesday through Saturday 8am-6pm
The SWAP SHOP will close daily at 5:00pm and will be closed if conditions warrant
*Gate at entrance & exit will close **promptly at 6:00 p.m.** All users should plan on coming well before 6:00 p.m., especially if they are recycling materials & brush, or discarding large quantities of refuse.*

FORMAT

A. GENERAL

FORMAT

The Southborough Transfer Station is for the disposal of **RESIDENTIAL** refuse and the recycling of **RESIDENTIAL** materials generated in Southborough by Southborough residents. Residents are required to purchase a Transfer Station permit, in the form of a sticker, each year to gain access to the Transfer Station. See the Town's website, southboroughtown.com, for further clarification regarding residential versus commercial refuse.

1. DISPOSAL RULES

FORMAT

a ~~i.~~ The attendants on duty have full authority over the disposal and recycling areas. Residents using the transfer station must follow the attendant's directions. If a DPW attendant sees that a permit is not affixed they have the authority to affix it for you, if the registration number does not match your vehicle, they will confiscate your permit and you will be fined.

b ~~ii.~~ Identification, proof of payment (permit) and temporary passes must be shown upon request of the attendant.

c ~~iii.~~ Only household trash generated in Southborough shall be disposed.

B. OBTAINING TRANSFER STATION PERMITS

FORMAT

~~**PERMITS ARE ISSUED AT THE DPW**~~

~~**Please call the DPW 508-485-1210 with any questions**~~

Move "When to Purchase"

1. PROVING RESIDENCY

Move into table

To prove residency in Southborough you must provide a current vehicle registration or utility bill with a Southborough address.

2. PURCHASING PERMITS

~~There are three ways to purchase your Transfer Station permit:~~ **Permits can NOT be purchased at the Transfer Station**

Move under table

ONLINE	https://www.southboroughtown.com/stickers	There is a transaction fee of 2.95% for credit and debit card transactions
BY MAIL ~~*ADDRESS HAS CHANGED*~~	**City Hall Systems** **3 Rosenfeld Drive** **Hopedale, MA 01747** ~~Please Make Checks Payable To: TOWN OF SOUTHBOROUGH~~	~~**NOTE MAIL IN ADDRESS CHANGE**~~ please use the online forms or the forms mailed to you with these Rules and Regulations
IN PERSON AT THE DPW	Southborough DPW 147 Cordaville Road Southborough, MA 01772	Monday through Friday 7:30AM to 4:00 PM (Add residency info add cash info)

~~***PURCHASE PERMITS WITH CHECK OR CREDIT/DEBIT CARD – NO CASH***~~

Move some info into table

3. PERMIT FEE SCHEDULE

THE PERMIT FEE IS NON-REFUNDABLE	Senior Residents *	Non-Senior Residents
	Anytime After July 1	Anytime After July 1
1st Permit	$0.00	$250.00
Additional ~~2nd~~ Permit	$0.00**	$0.00
~~**3rd+ Permit**~~	~~$0.00~~	~~$0.00~~
Replacement Permit		
w/ Return of Original Permit	$0.00	
w/o Return of Original Permit	$10.00	

Switch Senior and Non columns

Add pro rated

*** SENIOR RESIDENTS** - Residents who are the owners of record of a Southborough residence who will turn age 65 on or before 12/31/~~19~~ 20

~~** 2nd Senior Permit must be for another senior or the spouse at the same residence – children residing with the senior will pay for a 1st permit~~

5. PRO-RATED PERMIT FEE SCHEDULE

Move into table

~~Transfer permit fees are pro-rated as follows:~~

~~i. July 1 through June 30 – full price.~~

ii. New Residents ONLY, ~~moving to Southborough AFTER September 15~~[+]

~~a.~~ $20/Month includes ~~(~~purchase month through August 30~~June 30 – paid in full on purchase date)~~

6. WHEN TO PURCHASE PERMITS Move and Format

i. New permits may be purchased starting on July 1, they are valid to use upon purchase.

ii. The new permit must be in place by September 15 of each year or the vehicle will be denied access to the transfer station.

7. PLACING YOUR PERMIT FORMAT

i. The Transfer Station permit must be permanently affixed
on the outside of the vehicle
on the VERTICAL SURFACE
of the driver's side FRONT bumper
or driver's side FRONT windshield on the vehicle permitted
Transfer Station permits must be visible at all times.
Permits are valid upon purchase so please affix permit to vehicle immediately, there is a $10 fee to replace lost permits.

8. TEMPORARY PASSES FORMAT

i. Temporary Pass: Sometimes valid permit holders may require the use of an un-permitted vehicle to transport refuse and other items to the transfer station. In such instances a temporary pass may be issued. A temporary pass will be valid for not more than two (2) weeks and may be renewed one (1) time, at the discretion of the DPW Office. To receive a temporary pass residents must:

a. Be a valid permit holder.
b. Supply the make, model, color, owner's name and address and registration number of the alternate vehicle.
c. Request a temporary permit at the DPW Office

9. INABILITY TO PAY FORMAT

i. Transfer Station Permit Fees may be waived upon recommendation by the Youth and Family Services Department or the Senior Center Department.

ii. Any recommendation will be forwarded to the DPW who currently process payments and issues stickers. Any recommendation will be based on confidential circumstances that the two Departments (above) are familiar with. Recommendations will be based on an inability to pay or an extreme hardship to pay the fee for a permit.

iii. Recommendations are valid for one permit year at a time.

C. VEHICLES FORMAT

Only cars and pickup trucks that have a current Southborough transfer station permit, or a valid temporary pass, and that are carrying **residential household trash** will be admitted to the town transfer station.

1. RESIDENTIAL VEHICLE DESCRIPTIONS

i. Cars: All passenger cars, station wagons, SUVs, mini-vans and full-size window vans registered as passenger vehicles.

ii. Pickups: All **single** rear wheel pickup trucks and vans with a gross vehicle weight (GVW) rating less than 11,500 lbs, registered to a resident.

2. VEHICLES NOT ALLOWED (regardless of GVW or registration)

(1) No pickups with bed hoists or dump

(2) No high cube vans or Delivery Box Trucks

(3) No utility trailer over 10 ft long

Add contact info etc.

D. GENERAL INFORMATION FORMAT

1. All Access Permits must have the license plate numbers of the vehicle that they are assigned to written on them.

2. Vehicles with permits that do not match the vehicle's plate number will be in violation of the Transfer Station Rules and Regulations.

3. Residents whose plate number is on a permit that is attached to a vehicle with a different plate number are also in violation of the Transfer Station Rules and Regulations.

4. A permit is only valid if it is affixed in the correct location, to a vehicle whose plate number matches that written on the permit.

5. All areas of the Transfer Station, including the Swap Shop and all donation containers, are restricted to use only by current Southborough residents with a valid permit.

6. A permit is no longer valid if the resident has moved from Southborough

7. Removing materials from recycling bins, compactors, Goodwill and Habitat ReStore is prohibited.

8. Salvaging parts in the metal pile is prohibited.

9. Climbing over fences or into or onto bins, compactors or the metal pile is prohibited.

10. The Southborough transfer station does not accept cathode ray tubes (CRTs) or flat screen monitors and TVs. CRTs are computer monitors and televisions that have picture tubes. There is a yearly CRT collection at Household hazardous waste day when these can be recycled for a fee. Information regarding other recycling options is available at the DPW.

IT IS AGAINST THE LAW TO DISPOSE OF CRTS AS REFUSE.
HOUSEHOLD HAZARDOUS WASTE DAY - CRT COLLECTION DAY – October 19, 2019
YOU MUST HAVE A VALID STICKER TO PARTICPATE IN HHW DAY– CRTs WILL BE COLLECTED FOR A FEE.

E. VIOLATIONS AND FINES

In compliance with Article III entitled, "Transfer Station, Violations and Fines" of Chapter 36 of the Code of the Town of Southborough entitled "Selectmen" the following shall apply:

36.6 Pursuant to the duly promulgated Rules and Regulations of the Board of Selectmen, valid transfer station stickers will be required for all residents utilizing the transfer station and its related facilities.

36.7 Failure to adhere to the provisions of the Selectmen's Rules and Regulations, as duly posted at the Transfer Station, will result in the issuance of a warning letter from the Superintendent of the Department of Public Works.

36.8 Subsequent violations of the Rules and Regulations at the Transfer Station, after the first warning letter has been issued, will result in a fine for each subsequent violation. Fines are set annually by the Board of Selectmen and shall be paid within thirty (30) days on notification from the Board of Selectmen or their designee.

36.9 The Board of Selectmen will govern the process for administrating the imposition of fines, which may be appealed to the Board of Selectmen or their designee within thirty (30) days of the date of notification by the Town. After due notice and hearing, the Board of Selectmen or their designee shall have the authority to uphold, modify or repeal any such fine imposed. No fine will be delinquent while an appeal is pending before the Board or their designee. Violators shall have ten (10) days to pay said fines if notified by the Selectmen or their designee that the appeal has been denied. No transfer station sticker will be issued to residents with delinquent fines.

36.10 The Police Department is further authorized to prosecute any delinquent unpaid fines pursuant to the applicable provisions of state statute.

2019 - 2020 FINE SCHEDULE
ALL FINES $250.00

Move FORMAT

THE TRANSFER STATION IS LOCATED AT THE JOHN BOLAND PUBLIC WORKS FACILITY,
147 CORDAVILLE ROAD, SOUTHBOROUGH, MA 01772
Open: Wednesday through Saturday 8 a.m. to 6 p.m.

Move to top of page 1

FOR INFORMATION ABOUT DISPOSAL OR FUNDRAISING CALL THE TRANSFER STATION (508) 485-2511 or DPW (508) 485-1210
FOR INFORMATION ABOUT PURCHASING PERMITS CALL THE DPW OFFICE (508) 485-1210
Please note the transfer station is under video surveillance.
~~**NO SMOKING ON THE TRANSFER STATION PROPERTY**~~

UNACCEPTABLE WASTE

FORMAT

(1) State Waste Ban Law

The following items **MUST** be **RECYCLED** per Massachusetts State Regulations **310 CMR 19.017** and thereby are prohibited from disposal in the Transfer Station Compactor.

- Paper	- Glass Containers	Recyclable Plastic Containers (Single Polymer Plastics)	- Yard Waste	- Lead Acid Batteries
- Cardboard	- Metal Containers		- Leaves	- White Goods

These recyclables in addition to many others are collected at the Recycling Center. Refer to the Recycling Guide for a complete list of all acceptable items.

(2) Other items in addition to (1) above that **ARE PROHIBITED** from the Transfer Station Compactor per Massachusetts State Regulations or contractual agreement with Wheelabrator Millbury, Inc. are:

Acids	Cesspool or Other Human Waste	Hazardous Waste	Pesticides
Ammunitions, Explosives & Ordinance Material	Chemicals Cleaning Fluids	Hot Loads	Petroleum Products
Animal & Human Remains	Commercial Food Waste	Home Sharps	Poisons
Asbestos	Concrete	Insecticides	Radioactive Material
Asphalt	Drugs	Liquid Waste	Scrap Metal
Bath Tubs	Empty Chemical Containers	Loam	Sheetrock
Biological Waste	Fill	Non-burnable Construction Material	Tree Logs, Stumps
Brick	Firearms	Oil Based Paint	Wallboard
Cable	Flammables	Oils-Crankcase, Cutting, Drained	Wire
Cathode Ray Tubes (TVs and Computer Monitors)	Fluorescent Bulbs	Paints (liquid)	Wood (GREATER than 2 ft. long or 2 ft. wide and/or 4 in. diameter)
Caustics	Gravel	Pathological Waste	

ACCEPTABLE WASTE

ITEMS THAT CAN BE DISPOSED IN TRANSFER STATION COMPACTOR

Ashes & sawdust (cold & bagged)	Furniture (Some furniture may be left at Swap Shop) (remove springs from sofa beds)	Non-recyclable plastics	Small kitchen appliances (may also be left at Swap Shop if useable)
Construction Debris (limit 2-32gal barrels)	Garbage (wrapped, bagged – discard with household rubbish)	Plastic toys	Toilets
Demolition Debris, inc. carpet (limit 2-32gal barrels)	Mattresses and box springs (all types)	Pots and pans	Wood LESS than 2ft long and 2 ft wide and 4 in thick (limited to same amounts as construction and demolition debris 2-32gal barrels)
DRIED LATEX Paint	Miscellaneous hardware (screws, nails, bolts and nuts)	Porcelain sinks	

THE TRANSFER STATION IS LOCATED AT THE JOHN BOLAND PUBLIC WORKS FACILITY,
147 CORDAVILLE ROAD, SOUTHBOROUGH, MA 01772
Open: Wednesday through Saturday 8 a.m. to 6 p.m.
Disposal instructions may change at any time and without notice
FOR DISPOSAL INFORMATION CALL THE TRANSFER STATION (508) 485-2511
DO NOT LITTER! SECURE YOUR TRASH BEFORE LEAVING HOME
NO SMOKING ON THE TRANSFER STATION PROPERTY

TOWN OF SOUTHBOROUGH TRANSFER STATION
LOCATED AT THE JOHN BOLAND PUBLIC WORKS FACILITY
147 CORDAVILLE ROAD, SOUTHBOROUGH, MA 01772

HOURS OF OPERATION: WEDNESDAY THROUGH SATURDAY 8AM-6PM

The SWAP SHOP closes daily at 5:00pm and will be closed if conditions warrant. Gate at entrance & exit will close promptly at 6:00 p.m. All users should plan on coming well before 6:00 p.m., especially if they are recycling materials & brush, or discarding large quantities of refuse.

GENERAL

The Southborough Transfer Station is for the disposal of **RESIDENTIAL** refuse and the recycling of **RESIDENTIAL** materials generated in Southborough by Southborough residents. Residents are required to obtain and display a Transfer Station permit, in the form of a sticker, each year to gain access to the Transfer Station. See the Town's website, southboroughtown.com, for further clarification regarding residential versus commercial refuse.

DISPOSAL RULES

a) The attendants on duty have full authority over the disposal and recycling areas. Residents using the transfer station must follow the attendant's directions. If a DPW attendant sees that a permit is not affixed they have the authority to affix it for you, if the registration number does not match your vehicle, they will confiscate your permit and you will be fined.
b) Identification, proof of payment (permit) and temporary passes must be shown upon request of the attendant.
c) Only household trash generated in Southborough shall be disposed.

OBTAINING TRANSFER STATION PERMITS

WHEN TO PURCHASE PERMITS

a) New permits may be purchased starting on July 1; they are valid to use upon purchase.
b) The new permit must be in place by September 15 of each year or the vehicle will be denied access to the transfer station.

HOW TO PURCHASE PERMITS

ONLINE	https://www.southboroughtown.com/stickers	There is a transaction fee of 2.95% for credit and debit card transactions
BY MAIL	City Hall Systems 3 Rosenfeld Drive Hopedale, MA 01747	Please use enclosed mail-in application or the online form. Make checks payable to: **TOWN OF SOUTHBOROUGH**
IN PERSON AT THE DPW	Southborough DPW 147 Cordaville Road Southborough, MA 01772	Bring a check (***NO CASH***), proof of residency and a copy of your current vehicle registration(s) Monday through Friday 7:30AM to 4:00 PM

Permits CANNOT be purchased at the Transfer Station

PERMIT FEE SCHEDULE

PERMIT FEE IS NON-REFUNDABLE	**Non-Senior Residents**	**Senior Residents ***
	Any time After July 1	**Any time After July 1**
1st Permit	$250.00	$0.00
Additional Permits	$0.00	$0.00
PRO-RATED PERMIT		
New Residents ONLY	$20/mo. includes purchase month thru August 30	
REPLACEMENT PERMIT		
w/ Return of Original Permit	$0.00	
w/o Return of Original Permit	$10.00	

*** SENIOR RESIDENTS** - Residents who are owners of record of a Southborough residence who will turn age 65 on or before 12/31/20

DRAFT

PLACEMENT OF PERMIT

a) The Transfer Station permit must be permanently affixed on the outside of the vehicle on the VERTICAL SURFACE of the driver's side FRONT bumper or driver's side FRONT windshield on the vehicle permitted. Transfer Station permits must be visible at all times. Permits are valid upon purchase so please affix permit to vehicle immediately. There is a $10 fee to replace lost permits.

TEMPORARY PASSES

a) Sometimes valid permit holders may require the use of an un-permitted vehicle to transport refuse and other items to the transfer station. In such instances, a temporary pass may be issued. A temporary pass will be valid for not more than two (2) weeks and may be renewed one (1) time, at the discretion of the DPW Office. To receive a temporary pass residents must:
   - Be a valid permit holder
   - Supply the make, model, color, owner's name, address, and registration number of the alternate vehicle
   - Request a temporary permit at the DPW Office

INABILITY TO PAY

a) Transfer Station Permit Fees may be waived upon recommendation by the Youth and Family Services Department or the Senior Center Department.
b) Any recommendation will be forwarded to the DPW who currently process payments and issues stickers. Any recommendation will be based on confidential circumstances that the two Departments (above) are familiar with. Recommendations will be based on an inability to pay or an extreme hardship to pay the fee for a permit.
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HOUSEHOLD HAZARDOUS WASTE DAY - CRT COLLECTION DAY – October 24, 2020
YOU MUST HAVE A VALID STICKER TO PARTICIPATE IN HAZARDOUS WASTE DAY

CRTs WILL BE COLLECTED FOR A FEE

Please note the transfer station is under video surveillance.

DRAFT

GENERAL INFORMATION

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IT IS AGAINST THE LAW TO DISPOSE OF CRTS AS REFUSE

HOUSEHOLD HAZARDOUS WASTE DAY - CRT COLLECTION DAY – October 24, 2020 -- YOU MUST HAVE A VALID STICKER TO PARTICPATE IN HHW DAY– CRTs WILL BE COLLECTED FOR A FEE

2020 - 2021 ALL FINES $250.00

VIOLATIONS AND FINES

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Open: Wednesday through Saturday 8 a.m. to 6 p.m.

FOR INFORMATION ABOUT DISPOSAL OR FUNDRAISING CALL THE TRANSFER STATION (508) 485-2511 or DPW (508) 485-1210

Please note the transfer station is under video surveillance.

DRAFT

UNACCEPTABLE WASTE

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Cardboard	Metal Containers		Leaves	White Goods

These recyclables in addition to many others are collected at the Recycling Center. Refer to the Recycling Guide for a complete list of all acceptable items.

(2) Other items in addition to (1) above that **ARE PROHIBITED** from the Transfer Station Compactor per Massachusetts State Regulations or contractual agreement with Wheelabrator Millbury, Inc. are:

• Acids • Ammunitions, Explosives & Ordinance Material • Animal & Human Remains • Asbestos • Asphalt • Bath Tubs • Biological Waste • Brick • Cable • Cathode Ray Tubes (TVs and Computer Monitors) • Caustics	• Cesspool or Other Human Waste • Chemicals Cleaning Fluids • Commercial Food Waste • Concrete • Drugs • Empty Chemical Containers • Fill • Firearms • Flammables • Fluorescent Bulbs • Gravel	• Hazardous Waste • Hot Loads • Home Sharps • Insecticides • Liquid Waste • Loam • Non-burnable Construction Material • Oil Based Paint • Oils-Crankcase, Cutting, Drained • Paints (liquid) • Pathological Waste	• Pesticides • Petroleum Products • Poisons • Radioactive Material • Scrap Metal • Sheetrock • Tree Logs, Stumps • Wallboard • Wire • Wood (GREATER than 2 ft. long or 2 ft. wide and/or 4 in. diameter)

ACCEPTABLE WASTE

ITEMS THAT CAN BE DISPOSED IN TRANSFER STATION COMPACTOR

• Ashes & sawdust (cold & bagged) • Construction Debris (limit 2-32 gal barrels) • Demolition Debris, incl. carpet (limit 2-32 gal barrels) • DRIED LATEX Paint	• Furniture (Some furniture may be left at Swap Shop) (remove springs from sofa beds) • Garbage (wrapped, bagged – discard with household rubbish) • Mattresses and box springs (all types) • Miscellaneous hardware (screws, nails, bolts and nuts)	• Non-recyclable plastics • Plastic toys • Pots and pans • Porcelain sinks	• Small kitchen appliances (may also be left at Swap Shop if useable) • Toilets • Wood LESS than 2ft long and 2 ft wide and 4 in thick (limited to same amounts as construction and demolition debris 2-32 gal barrels)

DRAFT

Commonwealth of Massachusetts
Alcoholic Beverages Control Commission
95 Fourth Street, Suite 3
Chelsea, Massachusetts 02150

Jean M. Lorizio, Esq.
Chairman

ALCOHOLIC BEVERAGES CONTROL COMMISSION ADVISORY REGARDING LOCAL LICENSING AUTHORITIES' APPROVAL OF OUTDOOR SEATING

On June 1, 2020, Governor Charlie Baker issued an Order Clarifying the Progression of the Commonwealth's Phased Workplace Re-Opening Plan and Authorizing Certain Re-Opening Preparations at Phase II Workplaces, which, in part, details the process for reopening establishments for on-premises consumption. The text of the Governor's Order can be found HERE.

When the Governor declares that the Commonwealth has entered Phase II of its reopening plan all licensees for on-premises consumption of alcohol may commence outdoor table service only. Indoor service will remain prohibited until further order from the Governor.

The Governor's Order also grants the local licensing authorities ("LLA") the authority to expand alcohol licensees' licensed premises for outdoor seating in an expedited process.

Pursuant to the Governor's Order, on application from a licensee that serves alcohol for on-premises consumption[1], the LLA may alter the description of the licensee's licensed premises to expand for outdoor seating that the LLA deems "reasonable and proper." The LLA does not need to comply with M.G.L. c. 138, § 15A, and therefore does not need to provide advance notice to abutters or hold a public hearing on the application. LLAs must continue to follow the ABCC's guidelines issued in 2015 for the approval of outdoor seating, which can be found HERE.

ABCC approval is not required on these applications. Upon approval from the LLA the LLA may issue the amended license forthwith. The LLA must provide notice by mail to the ABCC on all application approvals. For further guidance on the process of approving and issuing these amended licenses LLAs should consult with their counsel.

Please be aware that all expanded premises approved pursuant to this Order are only effective through November 1, 2020, or until the Order is rescinded, whichever is sooner, and revert to their original licensed premises on that date.

The ABCC continues to retain supervision and oversight of all alcohol licensees, including those that expand their licensed premises pursuant to this Order. As always, all licensees must ensure that they comply with the laws of the Commonwealth of Massachusetts, and that sales of

[1] This includes restaurants, bars, hotels, general-on-premises, clubs, war veterans' clubs, continuing care retirement communities, pub-brewers (M.G.L. c. 138, §§ 12 and 19D), farmer-series pouring permits, and manufacturers' pouring permits (M.G.L. c. 138, §§ 19(b), 19B(n), 19C(n), and 19E(o)).

alcoholic beverages take place only as authorized by federal, state, and local law. All questions should be directed to Executive Director Ralph Sacramone at (617) 727-3040 x 731.

(Issued June 1, 2020)

Southborough, MA
17 Common Street

Phone: 508-485-0710

Citizen Activity Form

Good Government Starts with You

Date Submitted:	June 2, 2020
Name:	Russell B Millholland
Home Address:	35 Woodbury Rd Southborough
Mailing Address:	35 WOODBURY RD russ.millholland@gmail.com SOUTHBOROUGH
Phone Number(s):	[redacted]
	[redacted]
Current Occupation/Employer:	Retired
Narrative:	I am now retired and want to participate on the Council on Aging.
Board(s) / Committee(s):	___COUNCIL ON AGING

Southborough, MA
17 Common Street

Phone: 508-485-0710

Citizen Activity Form

Good Government Starts with You

Date Submitted: June 5, 2020

Name: Peter Brent Trottier

Home Address: 78 Newton St.
SOUTHBOROUGH, MA 01772

Mailing Address: 78 Newton St.
SOUTHBOROUGH, MA 01772

Phone Number(s): [redacted]

Email Address: [redacted]

Current Occupation/Employer: Retired

Narrative: I currently volunteer at the Senior Center. I attend Council on Aging meetings and working with Bill Harrington and Pam LaFrancois on various project at the Center.

Board(s) / Committee(s): COUNCIL ON AGING

negatively impacting public health and safety.
5. The Governor's COVID-19 Order No. 35 of June 1, 2020 is rescinded.

Application for Temporary Extension of Premises for Outdoor Dining

1. Applicant and Restaurant Information

Business Name: HOLA RESTAURANTE & TEQUILA BAR
Business Address: 154 TURNPIKE RD. STE 150.
Telephone: 508-460-2058 Cell Phone:
Manager: GERSON FRANCO Email Address: HOLARESTAURANTE@ICLOUD.COM
Property Owner: CAPITAL GROUP PROPERTIES

2. Hours of Operation for Outdoor Dining Area(s) 11 AM — 10 PM MONDAY-THURSDAY 11-AM-11 PM FRIDAY-SAT 11AM-9PM SUN

3. Location(s) of outdoor dining area(s) proposed. *Note: Circle the ones that apply*
Deck Lawn (Parking Lot) Patio
Sidewalk Other (specify):

4. Proposed Outdoor Capacity and Parking Spaces. Note: Tables must be at least 6 feet apart to facilitate social distancing.
Number of Seats: 56 Number of Tables: 14

5. Alcohol Sales and Consumption (On-Premises): If your establishment is currently licensed to serve/pour alcohol on premises, please enter your ABCC License #: _____
Maximum Occupancy of temporary dining area: 52

By signing this form the Applicant acknowledges that he/she understands and will comply with all applicable liquor regulations set forth by the Local Licensing Authority (BOS) of the Town of Southborough, Alcoholic Beverages Control Commission, and any other local or state authority.

Applicant Signature: _____

Date: 06/18/20

☑ Established and maintained cleaning protocols specific to the outdoor dining area.
☑ Ensured that when an active employee is diagnosed with COVID-19, cleaning and
disinfecting is performed
☑ Prepared to disinfect all common surfaces at intervals appropriate to said workplace.
❑ Implemented additional procedures. Please describe them here:

Signature of Owner/Manager Print Name GERSON FRANCO
Date

TOWN OF SOUTHBOROUGH
OUTDOOR DINING COVID-19 SAFETY PROTOCOL AFFIDAVIT

I, GERSON FRANCO (name) being the owner or manager of HOLA RESTAURANTE (name of restaurant) located at 154 TURNPIKE RD STE 150 (address), Southborough, MA, acknowledge and accept the responsibilities of maintaining a clean and safe outdoor dining experience for guests and for staff in the outdoor dining area through the diligent adherence to the Outdoor Dining COVID-19 Safety Protocol Plan submitted along with any and all mandatory state safety standards for workplaces and outdoor dining.

06-18-2020

Signature of Applicant Date

GERSON FRANCO
Print Name

FOR INTERNAL USE ONLY. PREMISES MEETS EXTENSION REQUIREMENTS

This License has been:
APPROVED
DENIED
Inspection Completed:
Building: _____Health: _____ Police: _____
Fire:_____ Planning: _____
Board of Selectmen or their designee: _____

Date:

TOWN OF SOUTHBOROUGH
OUTDOOR DINING COVID-19 SAFETY PROTOCOL PLAN

I. Social Distancing. Check the boxes to certify that you have:
☑ Ensured that all persons, including employees and customers in the outdoor dining area,
remain at least six feet apart to the greatest extent possible.
☑ Established protocols to ensure that employees can practice adequate physical distancing.
☑ Posted signage for safe physical distancing.
☑ Required face coverings or masks for all employees that cover their mouth and nose.

II. Hygiene Protocols. Check the boxes to certify that you have:
☑ Provided hand washing capabilities throughout the workplace.
☑ Ensured frequent hand washing by employees and provided adequate supplies to do so.
☑ Provided regular sanitization of high touch areas, such as workstations, equipment,
screens, tables and chairs, perimeter barriers, doorknobs, restrooms.
☑ Implemented additional procedures. Please describe them here: USE OF GLOVES & PROPER CHANGING PROCEDURES

III. Staffing and Operations. Check the boxes to certify that you have:
☑ Provided training for employees regarding the social distancing and hygiene protocols.
☑ Ensured employees who are displaying COVID-19-like symptoms do not report to work.
☑ Implemented additional procedures. Please describe them here: ONLINE ORDER TO MINIMIZE CONTACT BETWEEN STAFF & CUSTOMERS

IV. Cleaning and Disinfecting. Check the boxes to certify that you have:

CAPITAL GROUP
PROPERTIES

June 19, 2020

Hola Restaurante and Tequila Bar
154 Turnpike Road, Suite 150
Southborough, MA 01772
Cc: Town of Southborough

RE: Outside Dining at 154 Turnpike Road Southborough

To Whom It May Concern:

This letter is to certify that 154 Turnpike Road LLC and Capital Group Properties LLC are allowing Hola Restaurante and Tequila Bar to utilize eight (8) parking spaces in the parking lot of the building to provide outdoor dining for its customers.

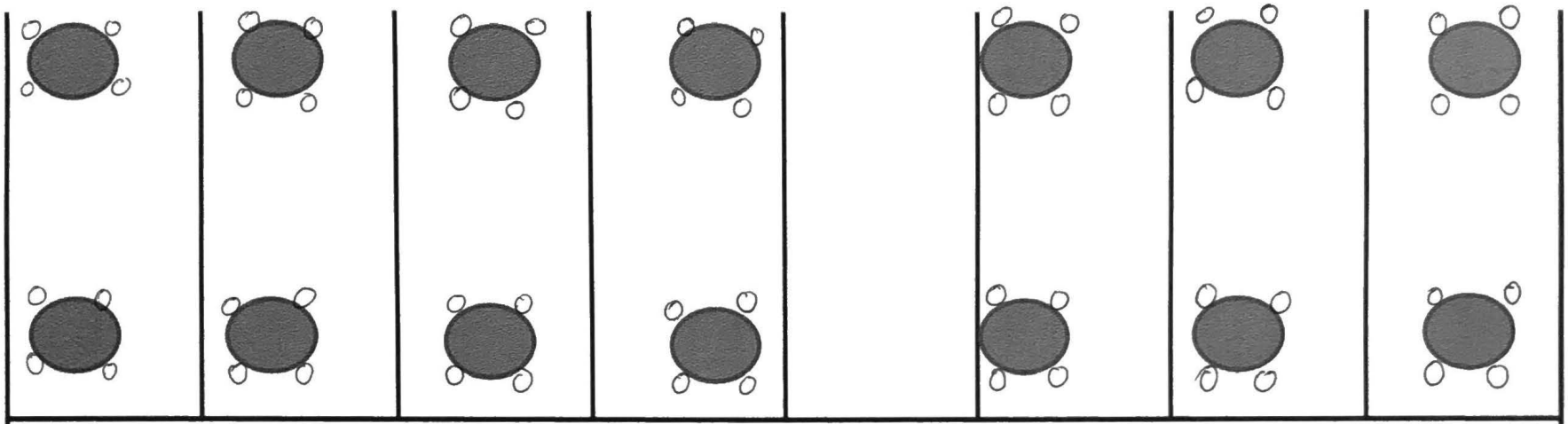
If you have any questions or concerns, please feel free to contact me at the number below.

Sincerely,

Katie Keefe

Katie Keefe
Property Manager

259 Turnpike Road ♦ Suite 100 ♦ Southborough, Massachusetts 01772 ♦ Office (508) 357-8825 ♦ Fax (508) 357-6859



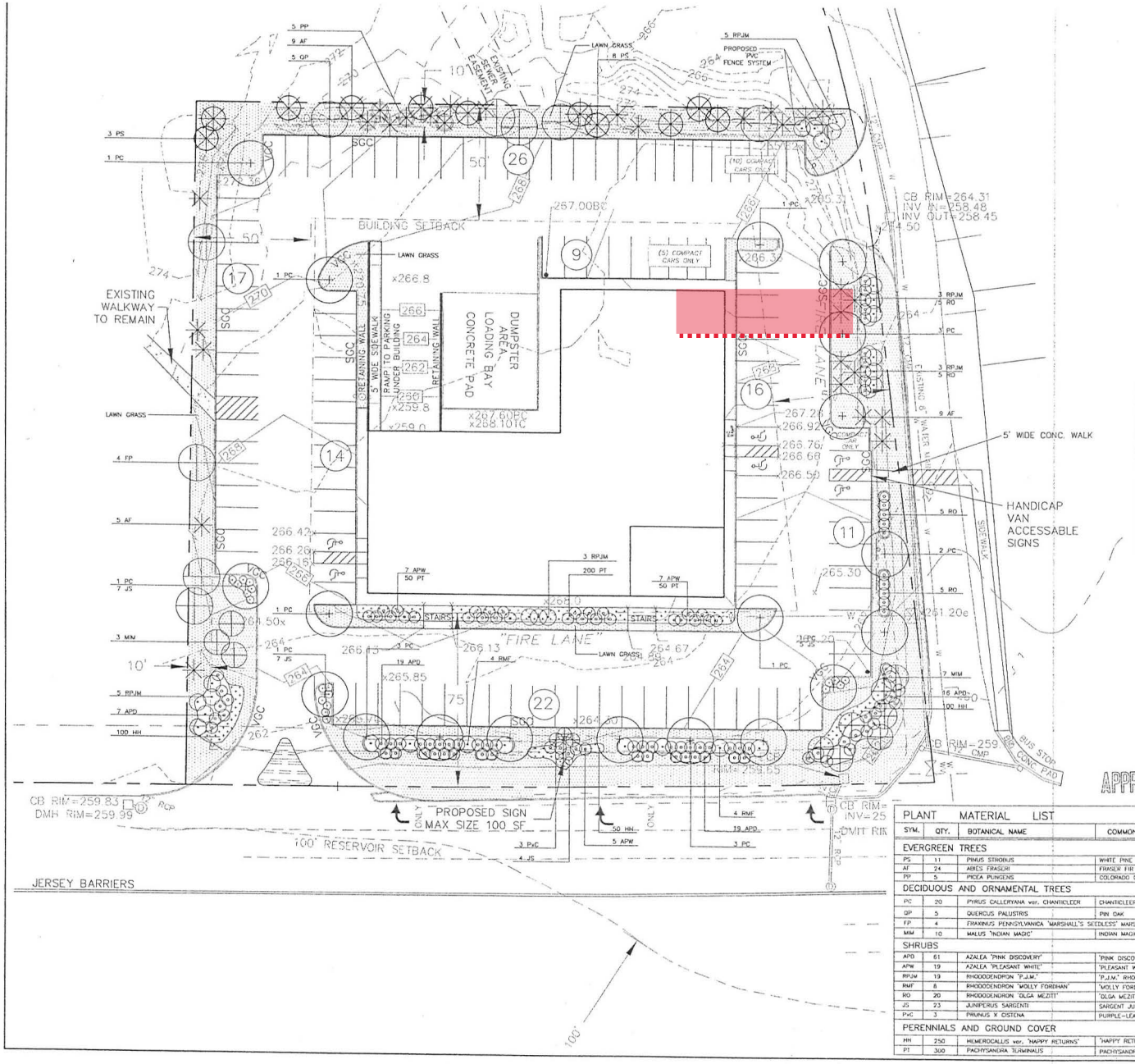
BUSHES BUSHES BUSHES BUSHES WALK THROUGH BUSHES BUSHES BUSHES

SIDE WALK

EDWARD JONES

HOLA
RESTAURANTE

154



GENERAL NOTES

1. All contractors shall inspect site prior to bidding to verify existing conditions for themselves.
2. The Contractor shall supply all plant material in quantities sufficient to complete the planting shown on the drawings.
3. All plant material shall conform to the guidelines established by "The American Standard for Nursery Stock", published by the American Association of Nurserymen, Inc. ANSI Z60.1-1990
4. All plants to be balled in burlap or container grown. No plastic burlap.
5. The landscape contractor shall guarantee all plant materials for one (1) full year from date of acceptance.
6. Heal all construction scars with naturalized grass, lawn or mulch as indicated by drawings and/or Landscape Architect.

LANDSCAPE NOTES:

LOAM DEPTHS SHALL BE AS FOLLOWS:

A. LAWN AREAS - 6" ROLLED THICKNESS
B. PLANT BEDS - 1'-0" LOAM DEPTH IN THE PLANTED AREA WITH 2" MULCH.
C. ISOLATED PLANTED ISLANDS - 1'-0" LOAM DEPTH

SOUTHBOROUGH ZONING REQUIREMENTS

VEHICULAR USE / SIDE LINE PLANTING TOTAL S.F. = 9294 (1 TREE/20 L.F., 1 SHRUB/3 L.F.)	
TOTAL TREES REQUIRED	TOTAL TREES PROPOSED
6	15 DECIDUOUS / 39 EVERGREEN
TOTAL SHRUBS REQUIRED	TOTAL SHRUBS PROPOSED
24	31
STREET PLANTING - ROUTE 9 TOTAL L.F. = 320 (1 TREE/1500 S.F. 4 SHRUBS/1500 S.F.)	
TOTAL TREES REQUIRED	TOTAL TREES PROPOSED
16	18
TOTAL SHRUBS REQUIRED	TOTAL SHRUBS PROPOSED
105	105

GRAPHIC LEGEND

- EVERGREEN TREES
- DECIDUOUS SHADE TREES
- ORNAMENTAL & FLOWERING TREES
- EVERGREEN SHRUBS
- DECIDUOUS SHRUBS
- SEEDED LAWN
- GROUND COVER/ PERENNIALS

APPROVED

PLANT MATERIAL LIST

SYM.	QTY.	BOTANICAL NAME	COMMON NAME	SIZE	ROOT	REMARKS
EVERGREEN TREES						
PS	11	PINUS STROBUS	WHITE PINE	8 -10'	B&B	
AF	24	ABIES FRASERI	FRASER FIR	7- 8'	B&B	NATURAL SHAPE
PP	5	PICEA PUNGENS	COLORADO GREEN SPRUCE	7- 8'	B&B	
DECIDUOUS AND ORNAMENTAL TREES						
PC	20	PYRUS CALLERYANA var. CHANTICLEER	CHANTICLEER PEAR	2 1/2 -3"	B&B	6' HIGH BRANCHING
QP	5	QUERCUS PALUSTRIS	PIN OAK	2 1/2 -3"	B&B	LOW BRANCHED
FP	4	FRAXINUS PENNSYLVANICA 'MARSHALL'S SEEDLESS'	MARSHALL'S SEEDLESS ASH	2 1/2 -3"	B&B	6' HIGH BRANCHING
MM	10	MALUS "INDIAN MAGIC"	INDIAN MAGIC FLOWERING CRAB	1 1/2 -2"	B&B	MULTI-STEM CLUMP
SHRUBS						
APD	61	AZALEA 'PINK DISCOVERY'	'PINK DISCOVERY' AZALEA	2 -3'	CAN	CLEAR PINK
APW	19	AZALEA 'PLEASANT WHITE'	'PLEASANT WHITE' AZALEA	2 -3'	CAN	WHITE
RPJM	19	RHODODENDRON 'P.J.M.'	'P.J.M.' RHODODENDRON	2 1/2 -3'	CAN	LAVENDER
RMF	8	RHODODENDRON 'MOLLY FORDHAM'	'MOLLY FORDHAM' RHOD.	2 1/2 -3'	CAN	WHITE
RO	20	RHODODENDRON 'OLGA MEZITT'	'OLGA MEZITT' RHOD.	2 1/2 -3'	CAN	PINK
JS	23	JUNIPERUS SARGENTI	SARGENT JUNIPER	18 -24"	CAN	
PxC	3	PRUNUS X CISTENA	PURPLE-LEAF SAND CHERRY	3 -4'	B&B	PURPLE FOLIAGE
PERENNIALS AND GROUND COVER						
HN	250	HEMEROCALLIS var. "HAPPY RETURNS"	'HAPPY RETURNS' DAYLILLY	1 GAL	POT	
PT	300	PACHYSANDRA TERMINALIS	PACHYSANDRA	4"	POT	

General Notes

No.	Revision/Issue	Date
2	Revisions	01/23/03
1	Issued for Site Plan Review	10/23/02

Seal

WILLIAM FLEMING ASSOCIATES
LANDSCAPE ARCHITECTURE
PLANNING
3 Central Square
Third Floor
Newmarket, NH. 03857
T (603) 659-3095
T (781) 639-0611
E wfa@willflemingassoc.com

Project Name and Address

WHITE'S CORNER REDEVELOPMENT
SOUTHBOROUGH, MA.

LANDSCAPE PLAN

Project Number	Sheet
0248	L-1
Date: 10/15/02	
Scale: 1"=20'-0"	

Town of Southborough, Massachusetts

TEMPORARY LICENSE EXTENSION

On June 6, 2020, Governor Charlie Baker declared that the Commonwealth had entered Phase II of its reopening plan. According to the Governor and the Executive Office of Housing and Economic Development, licensees for on-premises consumption of alcohol may commence outdoor seated service, provided food is prepared on-site under a retail food permit issued by a municipal authority pursuant to 105 CMR 590.000.

This is to certify that the Board of Selectmen of the Town of Southborough has granted a temporary license to:

150 Southborough LLC, d/b/a Hola!

154 Turnpike Road, Suite 150

DESCRIPTION OF OUTDOOR PREMISES:

Seven (7) parking lot spaces immediately adjacent to the sidewalk in front of the restaurant, with a total of 14 tables, containing 4 seats per table, for a maximum outdoor occupancy of 56.

FOR THE SALE OF: **All Alcoholic Beverages**

This license is granted and accepted upon the express condition that the license shall, in all respects, form to all the provisions of the Liquor Control Act, Chapter 138 of the General Laws as amended, and any rules or regulations made thereunder by the Board of Selectmen.

IN TESTIMONY WHEROF, the undersigned have hereunto affixed their official signatures on June 23, 2020

_____

_____

_____

_____

_____

Expires: November 1, 2020 or until the order is rescinded, whichever comes first

Board of Selectmen (Local Licensing Authority)

CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY): 06/22/2020

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER
AFFILIATED INSURANCE MANAGERS, INC.
935 Jefferson Blvd., Ste. 2001
Warwick RI 02886

CONTACT NAME: Michelle Crabtree
PHONE (A/C, No, Ext): (401) 352-3000 **FAX (A/C, No):** (401) 352-0020
E-MAIL ADDRESS: michelle@aiminsco.com

INSURER(S) AFFORDING COVERAGE	NAIC #
INSURER A : Chubb Insurance	
INSURER B :	
INSURER C :	
INSURER D :	
INSURER E :	
INSURER F :	

INSURED
150 Southborough LLC
154 Turnpike Rd, Suite 150
Southborough MA 01772-2104

COVERAGES **CERTIFICATE NUMBER:** 19/20 **REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS	
A	[X] COMMERCIAL GENERAL LIABILITY [ ] CLAIMS-MADE [X] OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: [ ] POLICY [ ] PRO-JECT [ ] LOC [ ] OTHER:			D94926920	08/23/2019	08/23/2020	EACH OCCURRENCE DAMAGE TO RENTED PREMISES (Ea occurrence) MED EXP (Any one person) PERSONAL & ADV INJURY GENERAL AGGREGATE PRODUCTS - COMP/OP AGG Hired/borrowed	$ 1,000,000 $ 1,000,000 $ 5,000 $ 1,000,000 $ 2,000,000 $ 2,000,000 $ 1,000,000
A	AUTOMOBILE LIABILITY [ ] ANY AUTO [ ] OWNED AUTOS ONLY [ ] SCHEDULED AUTOS [X] HIRED AUTOS ONLY [X] NON-OWNED AUTOS ONLY			D94926920	08/23/2019	08/23/2020	COMBINED SINGLE LIMIT (Ea accident) BODILY INJURY (Per person) BODILY INJURY (Per accident) PROPERTY DAMAGE (Per accident)	$ 1,000,000 $ $ $
	[ ] UMBRELLA LIAB [ ] OCCUR [ ] EXCESS LIAB [ ] CLAIMS-MADE [ ] DED [ ] RETENTION $						EACH OCCURRENCE AGGREGATE	$ $
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) Y / N [ ] If yes, describe under DESCRIPTION OF OPERATIONS below	N / A					[ ] PER STATUTE [ ] OTH-ER E.L. EACH ACCIDENT E.L. DISEASE - EA EMPLOYEE E.L. DISEASE - POLICY LIMIT	$ $ $
A	Liquor Liability			D94926920	08/23/2019	08/23/2020	Aggregate Limit Per Occurence	$1,000,000 $1,000,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

154 Turnpike Road, Ste. 150, Southborough, MA 01772 includes outdoor seating of insureds residence.

CERTIFICATE HOLDER

Town of Southborough
9 Cordaville Road, Lower Level
Southborough MA 01772

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

Susana M. Lourdes

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TOWN OF SOUTHBOROUGH
FIRE DEPARTMENT
32 CORDAVILLE ROAD
SOUTHBOROUGH, MA 01772
(508) 485-3235 (508) 485-3887 (FAX)

Tuesday, June 16, 2020

Board of Selectmen
Town of Southborough
17 Common Street
Southborough, MA 01772

Dear Town of Southborough Board of Selectmen,

Enclosed, please find the following donation made to the Town of Southborough for your acceptance.

RECEIVED FROM:	AMOUNT:	ACCOUNT SPECIFIED:
Louise Gibbons, John Donahue and Patricia Lavoie	$200	Ambulance Fund (2659-4-220-483-48310)
Emma Colcord	$25	Ambulance Fund (2659-4-220-483-48310)
Ingamay Jones & John Grimm	$25	Ambulance Fund (2659-4-220-483-48310)
Marilyn & Frederick Thomas	$25	Ambulance Fund (2659-4-220-483-48310)
Patricia Aspinwall	$10	Ambulance Fund (2659-4-220-483-48310)
McCarthy Pools	$250	Ambulance Fund (2659-4-220-483-48310)

Thank you for your consideration in this request.

Sincerely,

Steven E. Achilles
Southborough Fire Chief

KENNETH M. PAULHUS
CHIEF OF POLICE

TOWN OF SOUTHBOROUGH
POLICE DEPARTMENT

32 Cordaville Road
Southborough, Massachusetts 01772

Emergency: 9-1-1
All Other: (508)485-2121
Business: (508)485-2147
Fax: (508)485-4634
kpaulhus@southboroughma.com

To: Southborough Board of Selectmen

From: Police Chief Kenneth Paulhus

Subject: Full-Time Telecommunications Officer

Date: June 17, 2020

Dear Board of Selectmen:

Please consider my recommendation to elevate Ms. Stephanie Fontaine as a Full-Time Telecommunications Officer, effective on July 2, 2020. She is currently a Part-Time T/C Officer for the Department. The opening becomes available when T/C Officer Brittany Remillard officially resigns from her position on June 25th to pursue other employment.

The recommended pay rate for the position would be **Step 1 of the Local 44 Contract, $21.97 per hour,** based on her past training and experience.

Please feel free to contact me with any questions you might have.

Kenneth M. Paulhus
Chief of Police

TOWN OF SOUTHBOROUGH

Economic Development Committee

TOWN HOUSE · 17 COMMON STREET · SOUTHBOROUGH, MASSACHUSETTS 01772
(508) 485-0710 x3011

15 June, 2020

Board of Selectmen,

The Economic Development Committee (EDC) would like to request some time during your upcoming Board of Selectmen meeting, to discuss and propose a re-organization of the EDC. The committee discussed and agreed at their May 1st meeting that, going forward, the EDC and the Town would benefit from adding members of the BOS, Advisory Board and/or Planning Board to the EDC.

The committee would also like to request the Board of Selectmen to approve changing the EDC from a 9-member committee to a 7-member committee. The EDC voted on requesting the Board of Selectmen to reduce the number of voting members to 7, at their last meeting on 12 June 2020. The motion was accepted unanimously with all in favor.

There will be only 6 members on the EDC after June 30th which will make it increasingly difficult to reach a 5-member quorum.

Sincerely,

John Wood

Vice Chair EDC

Town of Southborough, MA
Thursday, June 18, 2020

Chapter 9. Committees

Article VII. Economic Development Committee

§ 9-27. Establishment; purpose.

The mission of the Southborough Economic Development Committee (EDC) is to stabilize residential taxes through the growth of the Town's commercial and industrial tax base while preserving the character and charm of Southborough. The EDC is established to expand and strengthen the local economy, promote job creation, and enhance the Town's quality of life through prosperous, balanced and sustainable economic development. The role of the EDC is to investigate current economic conditions, assist the Town with the creation and execution of appropriate economic development initiatives and marketing opportunities, coordinate activities to enhance or expand economic development, and engage in related activities as necessary to further EDC's mission and purpose.

Town of Southborough, MA
Thursday, June 18, 2020

Chapter 9. Committees

Article VII. Economic Development Committee

§ 9-28. Membership of the Committee.

The EDC is a volunteer committee consisting of members of the community who want to assist the Town in maintaining and enhancing a prosperous and sustainable economy. The EDC shall be comprised of no more than nine such persons who shall be appointed by the Board of Selectmen for staggered terms of three years, so that the term of office of at least one member expires each year. Efforts shall be made to include a broad representation of the community at large and all appointments shall be made on the basis of the individual's ability to assist in the purpose of the EDC and their willingness to serve.

TOWN OF SOUTHBOROUGH
DEPARTMENT OF PUBLIC WORKS

147 Cordaville Road
Southborough, MA 01772

Tel: 508-485-1210
Fax: 508-229-4444

DATE: **June 18, 2020**

MEMORANDUM

TO: **Southborough Board of Selectmen**
CC: **Mark Purple, Town Administrator**
FROM: **Karen Galligan, DPW Superintendent**
SUBJECT: **Shared Streets and Spaces Grant (MassDOT)**

As you may already know, MassDOT has developed a new, short term, fast track grant program to promote the changes in transportation and public movement that have occurred due to the Covid-19 pandemic. Attached are pages from the Mass.gov website explaining the grant program and eligible projects.

I have been contacted by 5 residents and the Town's EDC Coordinator about projects that they thought would be eligible for the grant. Unfortunately, the timeline and project requirements automatically eliminate several of the proposed projects. However, there are viable options from these ideas.

I have contacted MassDOT about this grant and constructing new sidewalks is an eligible project for this grant. Sidewalks came up in two of the conversations about the grant. As you know, the Town is currently working with our engineers on a project to continue the Main Street improvements through the downtown. Part of this downtown project includes sidewalks part way down Newton Street, extending the sidewalks north on Marlborough Road from the Library's northern parking lot entrance and improving the Cordaville Road sidewalk south of the Main Street Project. These sidewalks meet many of the criteria of, and would score well in, this grant. If any of these sidewalks were funded, or partially funded, by the grant the Town could use the Chapter 90 money allocated for that part of the project to other road projects, such as the Cordaville Road project. After speaking with our engineers, I believe that we could meet the timeline required by the grant.

I am aware that there are competing interests for this grant money within the Town. The Town can apply for funding for up to 3 projects. Therefore, I am requesting that the Selectmen support applying for a Shared Streets and Spaces grant to fund, or partially fund, one of the sidewalks proposed in the downtown project. The sidewalk submitted will be chosen based on its readiness for construction and ability to score high within the grant's criteria.

Supporting funding for the construction of a permanent sidewalk will not preclude the Board from supporting another project for grant money. However, supporting construction of a new sidewalk will help the Town extend its sidewalk network and help make pedestrian travel safer.

Lori Esposito

From: Mark Purple
Sent: Thursday, June 04, 2020 10:35 AM
To: Lori Esposito; Vanessa Hale
Cc: Board of Selectmen
Subject: FW: EDC Resignation

Lori:

Please put on the 6/23 agenda. Thx.

Mark
Mark J. Purple
Town Administrator
Town of Southborough
P: 508-485-0710
F: 508-480-1061

From: Kathy Bartolini <kbartolini1@gmail.com>
Sent: Tuesday, June 2, 2020 2:35 PM
To: Mark Purple <mpurple@southboroughma.com>
Subject: EDC Resignation

[EXTERNAL]

Dear Mark:

The purpose of this email is to inform you and the Board of Selectmen that I have decide to resign from the Economic Development Commission effective June 30, 2020. After writing this letter, I learned there is also a form I need to send to Lori. That will occur this week. I was hoping to get this letter to you before BOS meeting tonight.

The Pandemic quarantine has given me the opportunity to reflect on this my 50th anniversary in government. Whether it was paid professional work or volunteer work I have served at the local, regional, state and federal levels for 50 consecutive years.

For those fact checking, I served as the Co-chair of the National Policy Taskforce of the American Planning Association addressing Housing and Community Development policies during the timeframe when the first federal block grant law was being developed by Congress.
My policy role was to insure all communities in the nation were eligigible to receive these new grants and that the merger of line specific grants into generic block grants did not result in an actual diminuition of federal funding for cities and towns. At the same time, I served on Board of Directors of the New England APA Chapter for 15 years and during that time I was President for 4 years and Vice Pres. of Professional Development for 11yr.

I started my professional career at the regional level over time covering about half of the State, beginning with my work at Central Mass Regional Planning Commission (Worcester and then 39 towns), on to Dep. Dir. at

Merrimack Valley Planning Commission (Lawrence, Lowell, Methuen and Newburyport plus 11 towns) and MAPC with 101 cities and towns. Ironically I later directed the State Regional Planning Program among many other programs when I joined State government.

At the State level I was Dep. Asst. Sec. of the Executive Office of Housing and Community Development where I supervised 20 different programs and the staff and budgets implementing those programs. I also seemed to get assigned or appointed to new coordinating groups such as hazardous waste treatment facilities, Water Resources Policy Board, Agricultural Land Preservation, State Growth Management Policy and Enviromenral Impact Reporting.

When I left State service, I became Exec. Dir. Of MetroWest Growth Management Committee where I became instrumental in new State transportation planning process being established by USDOT and helped to restructure Boston MPO to strengthen local role in policy making and distribution of federal funds

I also helped to coordinate technical assistance for and funding to our member communities while MWRA was building their new MetroWest Water Supply Tunnel. Southborough received free technical assistance in developing a MOA with MWRA, home owner well protection and free procurement services.

Seven plus years later I left to become Dir. of Planning and Community and Economic Development for then Town of Framingham.

In Southborough government I served on the Planning Board for 5 years, the Zoning Advisary Committee for 3.5 yr. and on the EDC from its inception.

For community sponsored committees, I was Pres. of SOS for a year and for 8 yr chaired or served on task forces covering kindergarden to 8th grade. For example it
started with my co-chairing pancake breakfast at Finn Sch. and went on to yearly events at Neary especially 5th grade Treasure Hunt with rock and roll band send off dance to middle school, and culminated with my co-chairing their Career Day at Woodward Scool with 125 speakers. That one took a year of planning just to get all the speakers and handle the logistics. Many thanks to all the parents, who made all the events mentioned and the many more I have not covered, such a wonderful learning experience for our children.

For many years I also chaired the Democratic Town Committee's Family Field Races held within Heritage Day festivities, as well as, decorated pumpkins, bikes and doll carrage events following the parade.

When I was asked if I could help at St. Matthew's by creating a children's choir to sing at the annual Nativity Reenactment, I said yes along with my own shepard and angel.

And then of course their was Pack 2 Cub Scout Board. During my time on the Board, I was Activity Director, which entailed planning and implementing a fun filled out-of-town excursion for entire Pack membership, and each member's extended family, on a monthly basis. We averaged 80 to 100 plus for each ski trip, NBA Hall of Fame, Fall River/ USS Meassachusetts, Plymouth Plantation excursion plus the haunted houses and hayrides, etc.

Thus this historic pandemic gave me an opportunity to realize now is the time for me to step away to enjoy my adult kids, grandchildren and our huge extended family and maybe take care of my health while I am at it.

I have enjoyed working with all of you and wish you well as you carry on the tradition of service to our community .

With all my respect,

Kathy Bartolini

cc: Lori
Economic Development. Commission

Brittney Remillard
[redacted]

June 12, 2020
Chief Kenneth Paulhus
Sergeant Sean McCarthy
Southborough Police Department
Telecommunications Division
32 Cordaville Rd
Southborough, MA 01772

Dear Chief Paulhus,

Please accept this as my resignation of Full Time Public Safety Telecommunications Officer at Southborough Police Department. I have accepted a full time position with Hopkinton Police Department as a Public Safety Telecommunicator. I would still like to continue working here on a per diem basis. My last day working on the full time rotation is June 25, 2020.

I would like to express my gratitude I have for you and for the entire department. I was granted such a great opportunity to work full time under a great command staff. I have enjoyed my time at the department but I hope it doesn't stop here. I hope to see more growth for the communications division throughout the years as I continue to be an asset for our T/C officers and police staff. I appreciate everyone's help and support while pursuing this career path, and I look forward to maintaining a positive relationship with you all.

Sincerely,

Brittney Remillard

RECEIVED
TOWN CLERK'S OFFICE
2020 JUN 10 P 3:52
SOUTHBOROUGH, MA

JFH

LETTER OF RESIGNATION
TO
TOWN OF SOUTHBOROUGH

DATE: June 4, 2020

Southborough Town Clerk
Town House
17 CommonSstreet
Southborough, MA 01772

I, Kathleen Bartolini B. Bartolini, hereby resign from the following boards/committees, effective June 30, 2020:

Economic Development Committee
Master Plan Committee – EDC representative

Kathleen B. Bartolini
Signature

My reason for resignation is:

_____ **relocation**

_____ **personal**

__V__ **other:** after 50 yr. of volunteering & working in the public sector, it's time for a break.

Please return to:
Southborough Town Clerk
17 Common Street
Southborough, MA 01772

EMERGENCY ALERTS | Coronavirus Update HIDE ALERTS

Stay informed about COVID-19. Latest on cases, guidance, regulations *Jun. 17th, 2020, 9:00 am* Read more

Reopening Massachusetts - Learn more about the phased approach *Jun. 6th, 2020, 1:00 pm* Read more

Mass.gov

Eligible Projects - Shared Streets and Spaces Grant Program

Every municipality in the Commonwealth is eligible and encouraged to apply for funding under this program.

Eligible projects include changes to streets, curbs, sidewalks, and/or parking (on- and off-street). Proposed projects can draw from any of the categories or individual elements identified here or introduce alternative ideas. Applications will be scored based on the number of different project elements included and the functionality, creativity, and capacity to advance program goals.

Project Types

Proposals must include at least one project type and two elements listed below, but any additional elements - provided they together form a coherent whole - will garner extra points.

- **Shared Streets and Spaces**: Support for increased rates of walking and/or biking by increasing safety and enabling greater physical separation on re-imagined sidewalks, streets, and parking and/or travel lanes
  - Converted neighborhood streets for exclusive and/or shared use by people walking and/or biking
  - Expanded sidewalks
  - Safety, traffic calming, and speed reduction measures
  - Modified traffic signals to support safe walking and biking (Changes to traffic signals require plans stamped by a registered Professional Engineer, usually a municipal staff member.)
  - Protected bicycle lanes, bicycle parking, signage, pavement markings
  - Accessibility upgrades to curb-ramps, crosswalks, and/or related facilities
  - Contiguous walking and/or biking corridors among neighborhoods and/or destinations
- **Outdoor Dining and Commerce**: Safe and functional environments for curbside or sidewalk retail, dining, and civic programming
  - Repurposed and/or expanded portions of streets, curbs, and/or sidewalks to create more safe space for pedestrians, retail activity, dining, and community programming
  - Repurposed parking areas - on- and off-street - for walking, recreation, outdoor seating, retail and/or dining
- **Better Buses**: Better facilities for bus transportation
  - Dedicated bus lanes (inclusion in any project results in extra credit in project scoring)
  - Transit signal priority
  - Bus stops and related facilities and infrastructure

CONTACT

Shared Streets and Spaces Grant Program

Address

10 Park Plaza, Boston, MA 02116

Direction

s

(https //maps google com/?q=10+Park+Plaza%2C+Bo

Online

Contact Us

sharedstreets@dot state.ma.u

s (mailto sharedstreets@dot state.ma.us)

- **Safe Routes to School**: Creating safer routes and spaces for children and parents to walk or bicycle to school (and childcare and programs for children and youth), and for safe drop-off and pickup
  - Converted neighborhood streets for exclusive and/or shared use by people walking and/or biking
  - Signage, crosswalks
  - Delineated areas for safe child drop-off and pickup
- **Innovation**: Any other project types not identified here that reimagine and repurpose streets, sidewalks, curbs, and parking areas for safer walking, biking, retail, dining, and/or other civic purposes will be considered.

Applications may not:

- Detour or suspend public transit service in the area of the proposed project
- Impede the use of travel routes by people with disabilities or violate the Americans with Disabilities Act or the requirements of the Massachusetts Architectural Access Board
- Repurpose parks or parkland for transportation purposes.

Generally, proposed projects should be implemented on roadways and/or other public infrastructure owned or controlled by the applicant municipality/municipalities. Nothing about this program will change the control or ownership of any municipal roadway. **MassDOT will consider the inclusion of roadways owned or controlled by MassDOT or by the Department of Conservation and Recreation, but applicants are strongly encouraged to contact MassDOT in advance of submitting an application if a Commonwealth-owned/controlled roadway is part of a proposed project.**

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◯ Yes ◯ No

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Mass.gov

Program Details - Shared Streets and Spaces Grant Program

Every municipality in the Commonwealth is eligible and encouraged to apply for funding under this program.

Successful applications will be ones that advance the following Program Goals:

- To calm roadways, modify sidewalks and/or streets, and/or repurpose on- or off-street parking where needed to better support curbside/sidewalk/street retail and dining
- To create safe connections to essential destinations and workplaces, including new and expanded facilities for bus transportation
- To create safe, family-friendly neighborhood walking and biking networks that reduce crowding and provide opportunities for physical activity, including lowering vehicle speeds for safety
- To create safe routes to schools and other facilities for children and youth, including walking and biking networks with lowered vehicle speeds

Program Specifics

- Projects ranging in cost from $5,000-$300,000 will be considered, based on speed of implementation and project scope.
- Proposals will be accepted for 100 days on a rolling basis, beginning on June 22, 2020, and municipalities will be notified of funding decisions within 14 business days of the closest business day to proposal submission. MassDOT will continue to accept applications until Friday, September 27, 2020.
- Projects are expected to be mostly or completely implemented by Friday, October 9, 2020, and preference will be given to projects that can be operational within 15-30 days of award. MassDOT will also consider projects with longer time-horizons if they are exemplary and the applicants can justify the additional time needed for project development and implementation.
- Every application must be led by a municipality, which must control the roadway(s) and other infrastructure needed to implement the proposed project.
- No more than three proposals will be accepted with the same municipality as lead applicant. Proposals can include multiple contiguous projects, which will then be scored as a single proposal. Municipalities may sign on to the applications of other municipalities as supporters without limit.

CONTACT

Shared Streets and Spaces Grant Program

Address

10 Park Plaza, Boston, MA 02116

Direction

s

(https //maps google com/?q=10+Park+Plaza%2C+Bo

Online

Contact Us

sharedstreets@dot.state.ma.u

s (mailto sharedstreets@dot state.ma.us)

- Municipalities may also work together to propose cross-municipality projects, provided one municipality acts as the lead applicant.
- Applicant municipalities must secure all necessary local approvals prior to funds being awarded under this program, including but not limited to sign-off on the proposal concept(s) by the relevant public safety entities.
- At the completion of a project, a report detailing the project, lessons learned, process of implementation, whether it met anticipated goals, whether it was widely used, whether there were any safety concerns, public and business feedback received, and whether it will be made permanent (if not, why not?), along with photographs, should be submitted to MassDOT. MassDOT may work with municipalities to evaluate particular successes or lessons from the projects. Unless otherwise noted, final reports should be submitted by December 30, 2020.
- Municipalities are encouraged to work in partnership with other entities, such as local businesses, civic organizations, chambers of commerce, schools, camps, and other childcare or youth-oriented facilities, Transportation Management Associations, houses of worship, and community centers to develop and implement proposed projects.
- Applicant municipalities are encouraged to work with their local Regional Planning Agency and Regional Transit Authority in support of a proposed project.
- Project costs incurred prior to the issuance date of a Notice to Proceed given under this program will not be considered eligible expenses. Municipalities may apply for funding to augment projects currently underway, so long as the funding requested under this program supports the specific goals of this program and will not be used to fund the base, in-process project.
- All materials should be submitted to **sharedstreets@dot.state.ma.us** (mailto sharedstreets@dot state ma us)

Scoring Criteria

- Proposed project meets Program Goals
- Proposed project includes required Project Type(s) and Project Elements
- Extra Credit for Quick Launch: Proposed project can be implemented within expeditiously (within 15 to 30 days)
- Extra Credit for Permanence: Proposed project shows strong potential to be made permanent
- Extra Credit for Equity: Proposed project is in a Census Block Group identified by the relevant Regional Planning Agency as an Environmental Justice area
- Extra Credit for Bus Lanes: Proposed project includes a dedicated bus lane

Did you find what you were looking for on this webpage?
◯ Yes ◯ No

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Mass.gov

Program Overview - Shared Streets and Spaces Grant Program

Every municipality in the Commonwealth is eligible and encouraged to apply for funding under this program.

The Covid-19 pandemic has highlighted some existing mobility needs and has also created new ones, such as the need for sufficient space for people walking to physically distance themselves from one another and the need for meaningful commerce to now be safely conducted on the sidewalks and in the streets of our cities and towns.

Details

The Massachusetts Department of Transportation's Shared Streets and Spaces quick-launch/quick-build grant program will provide cities and towns with grants as small as $5,000 and as large as $300,000 to improve sidewalks, curbs, streets, on-street parking spaces, and off-street parking lots in support of public health, safe mobility, and renewed commerce.

These improvements can be intentionally temporary or pilots of potentially permanent changes. Grants will be made expeditiously and on a rolling basis so that projects can be built and used this summer and fall. MassDOT has allocated $5 million for this 100-day program. Applications will be accepted from June 22 through September 29.

Every city and town in the Commonwealth is encouraged to apply for funding, access the resource library, and use technical assistance. Applying is simple, and eligibility criteria are intentionally broad to encourage wide participation.

Proposed projects should advance one or more of the following goals:

- **Shared Streets and Spaces**: Supporting increased rates of walking and/or biking by increasing safety and enabling social distancing
- **Outdoor Dining and Commerce**: Calming roadways, modifying sidewalks and streets, and/or repurposing on- or off-street parking to better support curbside/sidewalk/street retail and dining
- **Better Buses**: Supporting safer and more reliable bus transit, including expanded bus stops and lanes dedicated for bus travel (extra scoring credit will be granted for dedicated bus lanes)
- **Safe Routes to School**: Creating safe routes to schools (and childcare and programs for children and youth), including safer walking and biking networks with lowered vehicle speeds

Although projects of all types and sizes are welcome and will be funded, preference will be given to the following types of projects:

CONTACT

Shared Streets and Spaces Grant Program

Address

10 Park Plaza, Boston, MA 02116

Direction

s

(https //maps google com/?q=10+Park+Plaza%2C+Bo

Online

Contact Us

sharedstreets@dot.state.ma.u

s (mailto sharedstreets@dot.state.ma.us)

- **Quick Launch/Quick Build**: projects that can be operational within 15-30 days of award
- **Equity**: projects in designated Environmental Justice areas
- **Pilots for Permanence**: projects that show strong potential to be made permanent

Successful projects can be implemented quickly, flexibly, at low cost, and without major roadway reconstruction. Applicants should consider using inexpensive and readily available materials, such as traffic cones, temporary plastic barriers, flexible delineators, planters, and temporary paint. (Materials purchased using funds from this program become the property of the municipality.) Applicants should also consider how a successful project could eventually be made permanent.

Eligible expenses can include, but are not limited to, the purchase of materials, labor, and associated operating costs. Reasonable costs for time spent by municipal staff on a project will be considered sufficient local contribution. Following award of funding, the applicant municipality and MassDOT will work together to define the precise scope of the project.

Did you find what you were looking for on this webpage?
◯ Yes ◯ No

TOWN OF SOUTHBOROUGH

BOARD OF SELECTMEN Meeting Minutes

Meeting Date: Tuesday, June 2, 2020, 6:30 P.M.
Location: Virtual Meeting through Zoom
Present: Brian Shea, Marty Healey, Lisa Braccio, Daniel Kolenda, Sam Stivers and Town Administrator Mark Purple

I. Chairman Shea called the meeting to order at 6:30 P.M. Chairman Shea read the following statement:

Pursuant to Governor Baker's March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, §18, and the Governor's March 15, 2020 Order imposing strict limitation on the number of people that may gather in one place, this meeting of the Southborough Board of Selectmen will be conducted via remote participation to the greatest extent possible. Specific information and the general guidelines for remote participation by members of the public and/or parties with a right and/or requirement to attend this meeting can be found on the Town of Southborough's website, at https://www.southboroughtown.com/. For this meeting, members of the public who wish to watch or participate in the meeting may do so in the following manner by finding the meeting at: https://www.southboroughtown.com/remotemeetings. No in-person attendance of members of the public will be permitted, but every effort will be made to ensure that the public can adequately access the proceedings in real time, via technological means. In the event that we are unable to do so, despite best efforts, we will post on Southborough's website an audio or video recording, transcript, or other comprehensive record of proceedings as soon as possible after the meeting.

II. **Scheduled Appointments**

Mary O'Brien, Scholarship Committee – Scholarship awards

Ms. O'Brien stated that due to the unprecedented times, the Scholarship Committee was unable to hold a ceremony to present scholarship to recipients. She stated there is wide range of graduates who have excelled academically, have been champions of service and have accomplished many positive milestones who have won scholarships this year. Ms. O'Brien described the individual accomplishments of each and their choice of college for the fall. She listed the scholarship recipients. The 2020 Capital Group Academic Scholarship recipients are David Keefe, Joseph Zhang, Nadia Wong and Arthur Adreyev. The 2020 Carroll Harris Memorial Scholarship recipient is Abigail Dunsmore. The 2020 Southborough Town Scholarship recipient is Caroline Warren.

Chairman Shea thanked Ms. O'Brien and the entire Committee for their continued work facilitating scholarships to deserving students. On behalf of the Board, Chairman Shea congratulated all the scholarship recipients.

Tim Davis, Recreation Director- Recreation update

Mr. Davis stated the COVID-19 pandemic has had significant impact on services and gave a brief summary of the decision process leading to the cancellation of summer camps by the Recreation Department. He added that the decision to cancel summer camp was not an easy one and it was made after six to eight weeks of participating in national planning sessions. He noted that the

State guidelines had not been released but based on the actions of surrounding states and towns including the cancellation of camps from Fay School and the Town of Northborough, the Recreation Department decided to do the same. Mr. Davis stated the American Camp Association released recommended practices which included taking the temperature of every child every day and constant cleaning of equipment and toilets throughout the day. He said after reviewing these with staff, many staffers decided to withdraw employment and most agreed it would be too daunting for their young employees. Mr. Davis said it was agreed that the safety risk was too high to open camp.

Mr. Davis stated that the Recreation Department is very active outside of the summer and are offering additional programs such as yoga and meditation classes. He said currently the staff is working on reimbursing summer camp fees and working with other services to help families in need of child care throughout the summer. He said he is working with the Board of Health and Emergency Management to continue with the Summer Concert Series and other summer programs with social distancing practices. Mr. Kolenda asked why the guidelines for the State to reopen fields is slated for June 28th but Southborough has a date of August 1st. Mr. Davis stated he would not speak for Chief Achilles or the Board of Health but the decision was conservative for safety. He stated that he is meeting with Chief Achilles tomorrow and this concern will be brought to his attention. Mr. Purple added that the decision is data driven and there is the possibility to open earlier. He asked for Mr. Davis to meet with the Chief and report back. Mr. Kolenda requested data from the Board of Health that demonstrates why Southborough would be on a different schedule than the State. Mr. Purple agreed to have information regarding the basis for this decision.

Mr. Davis said construction season has started early due to the closure of fields. He gave a summary of Depietri Field and the lighting project for Neary School. Mr. Healey asked if there was a possibility that the lighting on one or both fields could be completed by the end of summer. Mr. Davis explained that he could not say at the moment and described the process needed to be done before progress can be made. He stated he should know a timeline in approximately two weeks and will share it with the Board.

Jason Malinowski, RE: PSBC update

Mr. Malinowski walked the Board through his presentation included in the packet and explained the Committee feels their work is completed. He walked the Board through the minor open items for which the Committee has authorized Mr. Purple and Mr. Malinowski to manage. He gave the highlights of the project and money saved for the Town. He thanked the Committee members, the Board, and all who supported the project. He asked that the project savings be allocated in a fiscally responsible way. Chairman Shea thanked him and the Committee and referenced the project as a tremendous success story. Ms. Braccio and Mr. Stivers gave their accolades.

Paul Cimino, Moderator, RE: Update on Annual Town Meeting

Mr. Cimino stated that the Annual Town Meeting is June 13, 2020 at 1:00 P.M. with a rain date of June 14, 2020 at 1:00 P.M. He stated that with guidance from the Board of Health and Public Safety, the location has been moved to the athletic fields adjacent to Neary School. He stated that State and Local guidelines will be followed to ensure social distancing and the safety of all participants. He added that the outdoor meeting will be handicap accessible and masks will be

required when not seated. He thanked the Town Clerk, Board of Health and public safety officials for collaborating and executing this plan.

Mr. Cimino told the Board of the legalities of possibly deferring a package of non-critical items to a fall town meeting. He spoke with Town Counsel and reminded the Board that only they could control the order, placement and inclusion of articles on the warrant. He asked that the Board reassure the public that the articles deferred out of convenience at this town meeting will be put on a fall town meeting warrant. He also asked that the citizen petitions be included on the fall town meeting warrant without the requirement for the sponsors to collect signatures and officially submit their article a second time. Chairman Shea stated that the Board had discussed the matter of deferring the non-critical articles to a fall town meeting and there was unanimous agreement to do so. The Board agreed with his statement. Chairman Shea asked if there was a different opinion from the Board not to defer any articles that have been previously listed. The Board agreed to defer the list previously voted upon. Mr. Healey stated that the reason for deferring the non-critical articles is not out of convenience but out of the safety concern of all attendees and the potential for some to not attend out of fear. He said the deferment to fall is to ensure more participation for these articles. Mr. Kolenda expressed concern that town meeting may vote to proceed with these articles and those who would like to vote may not be in attendance because of the intention to defer. Mr. Cimino stated that all proponents of non-critical articles have indicated they do not oppose deferring to fall and he does not expect that town meeting would override that request. He asked Mr. Purple to publish a list of Board suggested deferred articles and call out those where sponsors have not objected to deferring. Mr. Purple stated he would create the list and publish once it has been reviewed by Chairman Shea and Mr. Cimino for accuracy.

Chairman Shea stated a question was asked by the public if Girl Scouts would be participating in Town Meeting. Mr. Cimino stated that there is no intention to include Girl Scouts this year and the Pledge of Allegiance will be led by town meeting. Chairman Shea asked if there has been discussion of child care. Mr. Cimino said he has not discussed this with Mr. Hegarty and that would be a question for him. He said he will announce an update soon.

Joint Meeting with Advisory Committee, RE: FY2021 Budget

Chairman Shea stated the two main points where the Board and Advisory disagree are the new hires for fiscal year 2021 and the start date for those new hires. He stated that the vote from the Board was to defer the hiring of those new positions until January 1, 2021 and Advisory is looking for a July 1, 2020 start date. Advisory Chair, Kathy Cook agreed. Chairman Shea summarized his position to defer the start date. Ms. Braccio agreed with Chairman Shea and added that she is uncomfortable with taking the risk of hiring these positions because local aid is unknown and the economic impact for tax payers is substantial. She felt that there may be more information in September or January to understand the sustainability of these positions. Mr. Healey agreed and stated the Board took the position that in the coming weeks, it could be that the State and Town's economy could be in a worse position than it is currently and the Town should not be adding new positions. He felt it did not make sense to add positions in July with so many unknowns and the Town has been functioning without these positions up until now. Mr. Kolenda countered that the Town has lived without them for too long. He stated the IT position would help the Town manage infrastructure that is necessary at this time. He added that Youth and Family services is already understaffed and is in a dramatically different place since the pandemic. He added that this position would be an addition of seven to eight dollars for the

average resident. Mr. Stivers agreed with Mr. Kolenda and stated that now is the time to reinforce the IT and Youth and Family Services resources. He added that adjustments may need to be made in the future, but these positions would address residents' needs during the pandemic.

Ms. Cook stated she does not agree with the need to rely on the numbers from local aid because the Town has a cushion from local revenue. She stated Advisory identifies a structure of one person in the IT Department as a substantial risk. She added that there is no plan to replace Mr. LaFlamme if he is unable to work. She said this position is crucial for a July 1st start date and that Mr. LaFlamme agreed. Ms. Cook made a case for July 1st start date for Youth and Family Services stating that they have been impacted by the pandemic more than any department. She added that Chief Paulhus has been using overtime to fill the third shift and deferring the start date of police officers would not save money. Ms. Malinowski stated her reasons for not being in favor of an additional Youth and Family Services position which included the lack of sustainability. Mr. Rooney stated the question is not need but of timing. He stated that it is a different of forty dollars per year for the average resident if the individuals were hired now. He stated his reasons for supporting the hiring on July 1, 2020 for the IT position and Youth and Family Services which echoed Ms. Cook's.

Mr. Healey stated that he believes that post-pandemic, the Board has the obligation to not raise taxes this year. He stated that after numerous discussions, the Board compromised to a 2% reduced budget and agreed on items that added forty dollars here and there. He said that increase may be an issue for those that are unemployed. Mr. Healey added that the .8% increase was a compromise and he is not willing to compromise any more. Mr. Stivers stated he appreciated that view but felt that a budget increase of under 1% is a substaintial reduction to the budget and he respectfully disagrees with Mr. Healey. Mr. Kolenda agreed with Mr. Stivers. There was more discussion regarding these points and no agreement was made between the Board and Advisory on this aspect of the budget.

Ms. Cook referenced the spreadsheet depicting the twenty-one departments and their 2% reductions. She stated Advisory disagreed with the cuts made in six departments. Chairman Shea suggested conducting another meeting to discuss this matter and to try to compromise on the new position start dates. All agreed to meet on Monday, June 6th at 5:30 P.M.

III. Reports

Chairman's Report

Chairman Shea noted that this meeting marks the final time the Board will meet as currently constituted in a regular meeting. The next regular meeting is after the upcoming Town Election. He thanked the Board for supporting him as Chair and stated there will be at least one new member the next time the Board meets. He asked members to think over who would be best to serve as Chair for the upcoming year. He thanked Ms. Braccio and Mr. Kolenda for their dedication to the position and Town and stated each served well and should take pride in the accomplishments made as selectman. He wished Ms. Braccio and those running good luck in their campaigns and congratulated Mr. Kolenda on his nine years serving on the Board.

Members' Reports

Mr. Kolenda stated though the Memorial Day Service this year was widely different than those before, it was a respectful event that honored the war dead. He thanked Terry from

Southborough Access Media and Ms. Braccio for speaking and supporting the Troops throughout the years.

Mr. Kolenda stated he decided not to run for reelection and after nine years and it was time for other voices to put their name on the ballot and run for selectman. He added that serving the Town of Southborough is one of his proudest accomplishments and thanked all of those he served with and Mr. Purple and Ms. Hale.

Ms. Braccio thanked Mr. Kolenda for his service to the Town and Military and she enjoyed their respect for each other's opinions. She stated the Town has been very well served by Mr. Kolenda.

Mr. Stivers thanked Mr. Kolenda. Mr. Healey stated it has been a privilege and a pleasure to work with him. Mr. Kolenda thanked the Board.

Town Administrator Report

Mr. Purple pointed out that Mr. Kolenda is the last member of the Board who appointed him and appreciated him being a part of his onboarding. He said it has been a great number of years working with him.

IV. Consent Agenda

a. Chairman Shea made a motion to approve Open Session Minutes: May 14, 2020; May 19, 2020. Mr. Kolenda seconded. The motion passed all in favor (5-0-0) by roll call vote, Braccio, aye; Healey, aye; Kolenda, aye; Stivers, aye; Shea, aye.

b. Ms. Braccio asked to hold the Reappointments of Board/Committee volunteers for Fiscal Year 2021 for discussion. Ms. Braccio asked if the conditional request for reappointment to the Conservation Committee would be approved in this motion. Chairman Shea stated the Board had not taken any action to agree to the conditions. He stated he would move to reappoint the individual. Mr. Kolenda stated the Board would not approve a reappointment with a condition and the individual can choose not to be sworn in. Mr. Healey stated he encouraged Mr. Guyer to reach out to him or any member of the Board to speak to the matter. Chairman Shea made a motion to approve item "b" as listed in the agenda. Mr. Stivers seconded. The motion passed all in favor (5-0-0) by roll call vote, Braccio, aye; Healey, aye; Kolenda, aye; Stivers, aye; Shea, aye.

c. Chairman Shea asked to hold the Consideration of dissolution or new charge for committees for discussion. Chairman Shea made a motion to dissolve items "i-iv" and to work to create a new a new charge for the Golf Course Committee. Mr. Kolenda seconded. The motion passed all in favor (5-0-0) by roll call vote, Braccio, aye; Healey, aye; Kolenda, aye; Stivers, aye; Shea, aye.

    i. Main Street Working Group
    ii. Public Safety Building Committee
    iii. Town Property Review Committee
    iv. PILOT Committee
    v. Golf Course Committee

d. Chairman Shea made a motion to approve the Trails Committee request for installation of map kiosks and recycling receptacles. Mr. Kolenda seconded. The motion passed all in favor (5-0-0) by roll call vote, Braccio, aye; Healey, aye; Kolenda, aye; Stivers, aye; Shea, aye.

e. Chairman Shea made a motion to approve the Capital Planning Committee request to spend $15,000 from engineering article for Town House analysis. Mr. Kolenda seconded. The motion passed all in favor (5-0-0) by roll call vote, Braccio, aye; Healey, aye; Kolenda, aye; Stivers, aye; Shea, aye.
f. Chairman Shea made a motion to approve the Executive Session Minutes: May 19, 2020. Mr. Kolenda seconded. The motion passed all in favor (5-0-0) by roll call vote, Braccio, aye; Healey, aye; Kolenda, aye; Stivers, aye; Shea, aye.
g. Chairman Shea made a motion to approve the Public Safety Building Committee Open Session Minutes: April 2, 2020. Mr. Kolenda seconded. The motion passed all in favor (5-0-0) by roll call vote, Braccio, aye; Healey, aye; Kolenda, aye; Stivers, aye; Shea, aye.
h. Chairman Shea made a motion to approve the appointment of Mary Ann S. Anderson to Taxation Aid Committee, term 6/30/21. Mr. Kolenda seconded. The motion passed all in favor (5-0-0) by roll call vote, Braccio, aye; Healey, aye; Kolenda, aye; Stivers, aye; Shea, aye.

V. Update on impact of COVID-19

Mr. Purple stated that work is continuing to bring staff back into buildings on Monday, June 8th. He has been working with Ms. Hale, Chief Achilles and Public Health nurses Emily Amico and Leslie Chamberlain. He stated that there will be training for all employees regarding social distancing and Mr. Parent has been working to make improvements to the buildings in order to follow State guidelines. Mr. Purple added that some departments will have staggered shifts. He thanked all of those who helped in this process. Mr. Purple stated that it has been over a week without any new positive COVID-19 cases, zero cases remain in isolation and all positive cases are out of isolation and have recovered. He added that the Town is trending in the right direction and is working on a reasonable approach to inviting the public back into buildings in a systematic way.

Ms. Hale thanked the Fay School for their substantial donation of masks and gloves for use at the Town House, Senior Center, Library, Public Safety among other areas. Ms. Hale congratulated Public Health Nurse Leslie Chamberlain on her semi-retirement. She noted that Ms. Chamberlain was working 24 hours a day at the onset of the pandemic and is still working with the Town. She thanked Ms. Chamberlain and congratulated her.

VI. Other Matters Properly Before the Board

Correspondence from Atty. John Davis, RE: Louise Barron, et al. vs. Daniel L. Kolenda, et al.
Chairman Shea read into the record the May 29, 2020 retention letter provided to the Town by Attorney Davis. Chairman Shea stated the Board will not entertain any conversations or questions and will not discuss this matter at this time as suggested by Counsel.

Correspondence from Town Counsel RE: OML complaint filed by Ginny Kremer, dated 5/13/2020
Chairman Shea stated the Board had received correspondence from the Attorney General that a complaint was made from Attorney Ginny Kremer regarding the May 13, 2020 meeting. He stated the alleged circumstance is related to the notice of Executive Session to discuss pending litigation. He said the name of the particular legislation was omitted from the notice and Ms. Kremer alleges the public has a right to know these details. Chairman Shea asked the Board to consider amending the agenda item to specify the name of the case. He added a second item asked for the Executive Session minutes reflect the names in the case for which they do. Chairman Shea made a motion that the Board submit a revised agenda to include the specific name of the case with wording recommended by Attorney Davis. Mr. Healey seconded. Mr.

Healey stated that his view is that this step is not necessary and the Board followed Open Meeting Law without these amendments. He added that he agrees to the amendment to put the matter to rest. Chairman Shea and Mr. Kolenda agreed. The motion passed all in favor (5-0-0) by roll call vote, Braccio, aye; Healey, aye; Kolenda, aye; Stivers, aye; Shea, aye.

VII. Public Comment

David Fialkow, VP of Southborough Little League (10 Lyman Street) thanked Mr. Kolenda for his comments regarding the reopening of the fields and Mr. Davis for his work to do the same. He stated that Phase II of the State reopening calls for limited practices with certain guidelines for youth sports on June 8th with the addition of limited games with guidelines for Phase III projected for the end of June. He stated his concern that the Recreation Department announced an August 1st opening for youth sports. He highlighted surrounding Towns that are following the State guidelines for youth sports and explained a plan setup for opening youth baseball. Mr. Fialkow added that a survey was distributed and most responses were in favor of conducting youth baseball following the State guidelines.

Kristin LeVault (12 Southwood Drive) stated she is on the Recreation Commission but is speaking as a citizen. She thanked Ms. Braccio and Mr. Kolenda for their service. She stated that providing child care for Annual Town Meeting has not been discussed with the Commission but asked if it were feasible for June 13th. Ms. LeVault stated this was an important aspect to holding a Saturday meeting. Mr. Cimino stated that as moderator he is not in favor of this suggestion due to safety reasons. He encouraged Ms. LeVault to speak to the Board of Health regarding this matter. Ms. LeVault stated she will add this as an agenda item to the next Commission meeting. She stated she was in favor of hiring the additional IT position in July and asked if there was a mitigation strategy if Mr. LaFlamme was unavailable to work for a certain period of time. Chairman Shea replied that public comment is reserved for comments and not questions. Mr. Kolenda agreed and stated Ms. LeVault could reach out to a Board member individually to discuss. Ms. LeVault asked if the public could speak after each agenda item. Chairman Shea stated that is a topic to discuss at a future meeting.

Paul Cimino (3 Austin Kelly Lane) stated he was not speaking as the Moderator but as a former selectman. He said he was in favor of dissolving the Main Street Working Group and noted that two of those members are now selectmen. He stated that the intent of the Group was to work until construction was complete but felt confident that the project will be well maintained. He reminded the public that public comment is not a discussion and anything one may choose to speak about may not be on the agenda. He stated the Board is not avoiding a discussion but due to Opening Meeting Law, they are not able to discuss items outside of the agenda. Mr. Cimino congratulated Ms. Braccio for a term well served. He congratulated Mr. Kolenda on his nine years of service. Mr. Kolenda thanked Mr. Cimino.

Ryan Donovan, Library Director, stated that the Library staff has been working in the building since May 18th. He thanked Mr. Purple, Chief Achilles, and Ms. Amico for their help to setup the facility to maintain social distancing. Mr. Donovan added that an announcement for curbside pickup at the Library will be coming soon.

VIII. On a motion made by Mr. Kolenda, seconded by Ms. Braccio and voted all in favor, the meeting was adjourned at 9:27 P.M. by roll call vote, Braccio, aye; Healey, aye; Kolenda, aye; Stivers, aye; Shea, aye.

Upcoming Meetings
June 13, 2020 – Annual Town Meeting
June 23, 2020

Respectfully submitted,

Kathleen Barry, Recording Secretary

List of Documents referred to at the June 2, 2020 BOS Meeting:

- Regular Session Minutes, May 14, 2020
- Regular Session Minutes, May 19, 2020
- BOS Appointment Requests 6.2.20
- Memorandum from Lori Esposito to Carl Guyer dated 5.4.20
- Current Committee Information for Main Street Working Group
- Current Committee Information for Public Safety Building Committee
- Current Committee Information for PILOT Committee
- Current Committee Information for Golf Course Committee
- Current Committee Information for Town Property Review Committee
- Letter from Trails Committee to Head of St. Mark's School re: Choate Fund Grant Proposal: "Enhancing Southborough's Trails" 4.30.20
- Letter from Jason Malinowski to Mark Purple re, Authorization to use Engineering Fund 5.29.20
- Public Safety Building Committee Meeting Minutes, April 2, 2020
- Citizen Activity Form, Mary Ann S Anderson
- Letter from Attorney Davis to Mark Purple dated May 29, 2020
- Public Safety Building Committee Presentation

DRAFT

TOWN OF SOUTHBOROUGH

BOARD OF SELECTMEN Meeting Minutes

Meeting Date: Tuesday, June 9, 2020 6:00 P.M.
Location: Virtual Meeting through Zoom
Present: Brian Shea, Marty Healey, Lisa Braccio, Daniel Kolenda, Sam Stivers and Town Administrator Mark Purple

I. Chairman Shea called the meeting to order at 6:30 P.M. Chairman Shea read the following statement:

Pursuant to Governor Baker's March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, §18, and the Governor's March 15, 2020 Order imposing strict limitation on the number of people that may gather in one place, this meeting of the Southborough Board of Selectmen will be conducted via remote participation to the greatest extent possible. Specific information and the general guidelines for remote participation by members of the public and/or parties with a right and/or requirement to attend this meeting can be found on the Town of Southborough's website, at https://www.southboroughtown.com/. For this meeting, members of the public who wish to watch or participate in the meeting may do so in the following manner by finding the meeting at: https://www.southboroughtown.com/remotemeetings. No in-person attendance of members of the public will be permitted, but every effort will be made to ensure that the public can adequately access the proceedings in real time, via technological means. In the event that we are unable to do so, despite best efforts, we will post on Southborough's website an audio or video recording, transcript, or other comprehensive record of proceedings as soon as possible after the meeting.

II. **Scheduled Appointments**

Joint Meeting with Advisory Committee, RE: FY2021 Budget

Ms. Cook opened the Advisory meeting at 6:00 P.M. and read the above statement. Chairman Shea projected the excel spreadsheet of proposed budget changes from the Advisory Committee included in the packet. The first discussion was in regards to the addition of a recording secretary to document meeting minutes for the Conservation Commission. Chairman Shea stated that the Board felt current staff resources could be used to fill this position. He added that there is potential that Park Central could be an upcoming topic for the Commission and given the litigious nature of the project, this may be a valuable expenditure. Ms. Cook and Mr. Stivers agreed. Ms. Cook added that Conservation is open to using current staff resources.

Chairman Shea stated that the Advisory Board was looking to add in salary items that were reduced from the Recreation Department due to the Selectmen 2% departmental budget decrease exercise. Ms. Cook explained that one employee agreed to not work 28 hours and the other agreed not to work 29 hours as there were no other costs to cut. Mr. Healey stated that with no recreation programs this summer and other towns furloughing many employees, it was odd that furloughing was not a strategy used here. He explained how furloughed employees can be made whole through unemployment. Ms. Cook responded that these employees will not be drawing from unemployment and will most likely still work their full hours with a reduced salary. She explained the reason Youth and Family services would not like a job share. They are still asking for an additional full-time employee.

Kristin LeVault (12 Southwood Drive) stated she is a member of the Recreation Commission and felt it would be unfair to cut the hours of these two individuals as they had nowhere else to cut costs. She added they do not have an excess budget and a lot of work has been made by these two employees to reconfigure programs for the summer and the fall. Ms. LeVault added the new challenges Recreation needs to overcome regarding returning to a new normal with adequate safety measures has been discussed at their recent meetings. She stated the two employees could have more work than normal due to this. Mr. Stivers agreed and supported adding their financial cuts back into the budget. Ms. Braccio stated that every department was hurt by the 2% budget cuts and hesitated to insinuate that it was easier for some departments to make cuts than others.

Mr. Healey stated that the Housing Production Plan data accumulated before the pandemic showed that approximately 30% of households in Southborough are classified as "cost burden" meaning 30% of the income of those households are to support their housing. He stated his opinion that the tax payer needs to be a bigger consideration and that some of the services cut will not affect the Town in a negative way. Mr. Kolenda respectfully disagreed and voiced his support for Recreation, Youth and Family Services and the Treasury Department. He stated he was in support of the changes suggested by Advisory. Mr. Stivers agreed and added that a proposed tax increase of under 1% shows good judgement and empathy to those who are struggling. Ms. Braccio stated that there will be a town meeting in the fall and there is potential for additional budget items to be presented then. Ms. Cook stated she felt these items were meaningful to add back. Andrew Pfaff of Advisory stated he did not feel that any items would affect the tax increase in the fall and Ms. Cook agreed.

Chairman Shea stated that $800 was added back to the Treasury budget to continue with four tax bills instead of a transition to three. Ms. Braccio asked what counseling for Ms. Cassell was being requested to restored. Ms. Cook explained that this counselling is needed for her own clinical consultation and to continue her work. Mr. Kolenda stated he supports all items presented by Advisory with the exception of the Planning Board. Ms. Cook explained the request from Ms. Quinn to have her employee GIS trained. Ms. Braccio asked if this were a skill Mr. LaFlamme's new employee could already possess. Ms. Cook stated she did not know but that Advisory was unanimous on all of these items. Mr. Healey made a motion to approve all six items proposed by Advisory. Mr. Kolenda seconded. The motion passed (3-2-0) by roll call vote, Braccio, aye; Healey, nay; Kolenda, aye; Stivers, aye; Shea, nay.

Ms. Braccio stated she would have preferred a 10/1/2020 start for a Youth and Family Services position as she is worried about receipts and would like the fall town meeting to have been completed. Ms. Cook explained how Advisory came to a 10/1/2020 start date. Mr. Kolenda stated he was in support of a 7/1/2020 start date and felt a 9/1/2020 start date was a good compromise. Mr. Stivers agreed. Mr. Kolenda made a motion to support the proposed start dates from the Advisory Committee. Mr. Stivers seconded. The motion passed (3-2-0) by roll call vote, Braccio, nay; Healey, aye; Kolenda, aye; Stivers, aye; Shea, nay.

Chairman Shea stated the only matter not in consensus is the Finn Boiler. He explained that the Board supported the Finn boiler in the January/February timeframe and asked the Board if there were any difference in opinion. Mr. Kolenda replied there was not yet. Ms. Cook explained that the Advisory Committee was in support until the school pulled this item for their budget during post-pandemic revisions. She stated Superintendent Martineau told her the boiler could last

another five to seven years and she stated it does not appear to be in immediate need of replacement. She felt that deferring this for five years was very favorable. Ms. Cook also would like to defer this item in order for the Capital Planning Committee to review it. Chairman Shea countered that he spoke with the school regarding the MSBA package and felt it was a big risk to defer based on the acceptance of this grant and the status of the twenty-year boiler. He added that the MSBA would not have accepted the application if they did not deem the boiler needed replacement. Mr. Martineau explained the process for applying for and receiving the MSBA grant which will result in a 36.89% reimbursement rate. He added he did not have confidence the boiler will last past the heating season and if it were to break after the one-year expiration period for the MSBA Grant, the Town would have to pay for the entire bill. There was discussion about deferring this item to a fall town meeting and enabling time for the Capital Committee to review. Mr. Martineau stated that the contractor has stated he is not going to honor his original bid if the project could not take place before the heating season. Ms. Braccio asked to hear from the Chair of the School Committee, Keturah Martin. Ms. Martin stated that the community has been very supportive of this project and the long-term application process cost approximately $50,000. She added that if the Town needed to reapply, the cost will have to be incurred again. Chairman Shea reminded the Board that the conversation about a fall town meeting was pre-pandemic and with flu season in the fall, there is a lot of uncertainty whether a meeting could be held. Advisory agreed that their previous unanimous vote to defer the article was due to the impression that the boiler could last another five to seven years. Understanding that is not the case, the Advisory Committee agreed to take another vote. Ms. Cook made a motion for the Advisory Committee to support the school sponsored article to replace the Finn boiler in July. Ms. Budz seconded. The motion passed (4-2-0) by roll call vote, Budz, aye; Cook, nay; Dennington, aye; Malinowski, aye; Martel, aye; Pfaff, nay. Ms. Budz made a motion to adjourn the Advisory Committee meeting at 7:14 P.M. Mr. Dennington seconded. The motion passed unanimously by roll call vote.

III. Consent Agenda

Appointment of new Town Accountant

Mr. Kolenda made a motion to appoint the new Town Accountant. Ms. Braccio seconded. The motion passed all in favor (5-0-0) by roll call, Braccio, aye; Healey, aye; Kolenda, aye; Stivers, aye; Shea, aye.

IV. On a motion made by Chairman Shea, seconded by Mr. Kolenda and voted by roll call all in favor, Braccio, aye; Healey, aye; Kolenda, aye; Stivers, aye; Shea, aye, the meeting was adjourned at 7:15 P.M.

Upcoming Meetings
June 13 – Annual Town Meeting
June 23, 2020

Respectfully submitted,

Kathleen Barry, Recording Secretary

List of Documents referred to at the June 9, 2020 BOS Meeting:

- Advisory Analysis of 2% Exercise
- Final Advisory Budget for ATM
- Memorandum from Mark Purple to Board of Selectmen dated June 9, 2020

DRAFT

TOWN OF SOUTHBOROUGH

OFFICE OF THE TOWN ADMINISTRATOR
TOWN HOUSE · 17 COMMON STREET · SOUTHBOROUGH, MASSACHUSETTS 01772-1662
(508) 485-0710 · FAX (508) 480-0161 · selectmen@southboroughma.com

TO: Board of Selectmen
FROM: Mark J. Purple, Town Administrator
DATE: June 19, 2020
SUBJECT: Temporary Outdoor Dining Regulations

As a result of the COVID-19 pandemic, restaurants have suffered by being limited to takeout orders, not allowing patrons to dine in their establishments. As part of the Commonwealth's phased reopening, Governor Baker is allowing temporary outdoor seating to provide an opportunity for some of these businesses to reopen their doors to their patrons. Attached is a draft set of regulations for the Board to consider at your June 23 meeting, which will allow temporary outdoor seating for Southborough establishments. The regulations are very similar to those of other MA communities extending the same privileges to their restaurant and dining establishments. They have received input from Licensing, Building, Public Safety, and EDC. There are two items of note in the regulations:

1. Application fees for licenses and/or permits for temporary outdoor dining are waived.

2. The Town Administrator is authorized to approve the applications. I made the assumption that the Board will not want to call emergency meetings to approve applications as they are submitted; that is easily changed if the Board decides otherwise. We are trying to be expedient in helping our businesses. Before the applications are approved, it will require the signoffs of the applicable departments, depending on what the business is implementing (i.e., tent permit). The Board cannot delegate your approval authority for alcohol license extension of premises.

Those businesses with an existing alcohol license from the Town can also apply to the Board for an extension of premises, so that they may serve alcohol in the new temporary outdoor seating area. Hola and New Rose Garden are on the June 23 agenda seeking this type of relief. Under the Governor's order, such extension of premises do not need to follow the requirements of a formal public hearing; instead, they may simply be listed on an agenda for approval by the local authority.

Please let me know if you have any questions. Thank you.

TOWN OF SOUTHBOROUGH

TEMPORARY OUTDOOR DINING
RULES AND REGULATIONS
June 15, 2020

GENERAL

1. Purpose and Scope

The 2020 COVID-19 pandemic has caused not only a public health crisis; it has also triggered a worldwide economic crisis. In an effort to respond to the new social distancing requirements and support local businesses, the Town of Southborough has adopted temporary outdoor dining regulations that will allow local restaurants to establish outdoor seating on sidewalks, parking lots, on street parking spaces, or landscaped yard areas around their restaurants to provide more space for seating their patrons. The intent of the program is to allow for greater physical distancing and safety for customers when the Commonwealth's public health orders allow restaurants to resume sit-down service, as outlined in Phase 2 of reopening Massachusetts.

In an effort to make this process easier for Southborough restaurants, the Town has developed the following guidance which includes minimum requirements from all relevant Town departments. Additionally, the Town has streamlined the process to include only one application form, and has waived all application fees, per the Southborough Board of Selectmen.

The State of Massachusetts will be publishing guidance and updates throughout the re-opening process (https://www.mass.gov/info-details/reopening-massachusetts). All State requirements must be met, as they cannot be waived or reduced by the Town.

Outdoor dining license applications will be reviewed by Town staff and will be approved by the Town Administrator. These regulations are temporary and will only be in effect until November 1, 2020. Requirements may evolve to reflect new public health guidelines and the Town reserves the right to revoke these approvals at any time.

State Guidance Documents

Governor Baker's COVID-19 Order No. 35

MA Restaurants COVID-19 Safety Standards

MA Restaurants COVID-19 Checklist

ABCC June1, 2020 Advisory Regarding LLA Approval of Outdoor Seating

2. Eligible Businesses

Eligible businesses include restaurants, cafes, coffee shops, and other similar places of public accommodation currently offering food, beverages, or alcoholic beverages for on-premises consumption.

3. Design and Appearance
Outdoor dining areas must be distinguished from their surroundings by some form of perimeter fence or barrier. Appropriate perimeter materials include, but are not limited to demountable wrought-iron fences, bollards and chains, or individual planters of wood, masonry, or terra cotta. The public sidewalk or street may not be damaged by the installation of any perimeter treatment. Cafe umbrellas are allowed.

4. Pedestrian and Wheelchair Passage
These temporary regulations allow the restaurant operator to place outdoor dining tables and chairs, umbrellas, lighting, service equipment, perimeter fences or barriers to a portion of sidewalk or parking lot while still providing safe, adequate circulation for patrons and pedestrians. All seating areas must comply with all applicable federal, state, and local laws and regulations, including the Americans with Disabilities Act.

5. Food Preparation
Outdoor food preparation is not allowed unless specifically authorized by the Board of Health, under a currently issued 2020 permit.

6. Hours of Operation
Outdoor seating opened under this program must close by 10PM on Sundays - Thursdays and by 11PM on Fridays and Saturdays.

7. Alcoholic Beverages
Restaurants currently in possession of an alcohol license will be allowed to serve alcohol in the outdoor dining area under this temporary regulation, which will expire on November 1, 2020, or until COVID-19 order No. 35 is rescinded. If it is established that there will not be an increase in total occupancy for a restaurant, the serving or consumption of alcohol within the approved outdoor seating areas must be approved by the Board of Selectmen, as the Local Licensing Authority.

Restaurants with outdoor seating areas must serve food, per normal Board of Health approvals. No one shall be seated in an outdoor seating area for the sole purpose of drinking alcohol. Restaurants serving alcohol must properly monitor all entrance and exit points. The outdoor area must be contiguous to the licensed premises with either (a) a clear view of the area from inside the premises, or, alternatively (b) the licensee may commit to providing management personnel dedicated to the area.

All licensees must ensure that they comply with the laws of the Commonwealth of Massachusetts, and that sales of alcoholic beverages take place only as authorized by federal, state, and local law. Please contact Lori Esposito in the Selectmen's Office at lesposito@southboroughma.com if you have questions concerning your alcohol license.

8. Temporary Seating & Parking Relief
Due to the seasonal and temporary nature of an outdoor dining area and reduced occupancy loads required by emergency regulations, the seating within an outdoor dining area will not be interpreted as an increase in the number of seats serving a restaurant or eating establishment, and will not be counted towards any off-street parking requirement.

SUBMISSION AND APPROVAL OF APPLICATIONS

DRAFT

Application Procedure
Applications for outdoor dining licenses are available on the Town website at www.southboroughtown.com. The Town will review the application and outdoor seating plan. All plans must comply with any applicable Massachusetts Governor's orders, Massachusetts Department of Public Health orders [as well as any new orders approved by the local Board of Health] and guidance documents for social distancing and for food services establishments.

Outdoor seating permits may include conditions of approval such as daily cleaning and maintenance of the outdoor seating area. If additional information is needed or a revision to the seating plan is required, the Town Administrator's Office or designee will contact the applicant. To encourage and support local businesses, the Town of Southborough will waive the permit application fee. If the outdoor seating plan is acceptable, Town Departments have provided comments, and the application is complete, the Town Administrator will approve and executed permit(s) will be returned to the applicant so it may be publicly posted.

Approval by the Town
Upon approval of an outdoor dining area, the owner and operator of the restaurant and the Town Administrator will sign the Temporary Outdoor Dining Agreement which will be valid until November 1, 2020.

APPLICATION

For more details on the application requirements and to start your Temporary Outdoor Dining Permit application CLICK HERE

DRAFT

Temporary Extension of Premises for Outdoor Dining

Guidelines and Application Requirements

The Town of Southborough has developed the following guidance for the temporary use of a private parking lot or land adjacent to your restaurant to allow for outdoor dining to increase business activity and revenues in a safe and responsible way during the COVID-19 pandemic.

Please be aware that this temporary expansion of premises is only effective through November 1, 2020, or until the Governor's Order of June 1, 2020 is rescinded, whichever is sooner, at which time will revert to the original licensed premise.

Before the private parking lot or land is used for the benefit of the restaurant, the owner or his/her/their designee, shall submit the following information to the Town of Southborough for approval.

Please direct inquires to the Selectmen's Office:

Lori Esposito, Executive Assistant to the Board of Selectmen
508-485-0710
lesposito@southboroughma.com

For additional information regarding COVID safety and sector-specific guidance for reopening, go to:

https://www.mass.gov/info-details/reopening-massachusetts

Application Requirements:

Please email to Lori Esposito at lesposito@southboroughma.com or
send via mail with attention to:
Board of Selectmen
17 Common Street
Southborough, MA 01772

Or drop off application in the green mailbox outside the Town House at 17 Common Street, Southborough

I. Application Form – fill out the attached application form and include it with your submittal. There is no application fee.

II. Copy of current ABCC License - if applicable - if currently licensed to serve/pour alcohol on-premises.

https://www.mass.gov/doc/abcc-advisory-regarding-lla-approval-of-outdoor-seating/download

III. Tent Permit - If installing a tent, a Tent Permit must be obtained from the Building Department.

50% of the cover's perimeter must be open, meaning a top and two side coverings are acceptable.

- certificate of flame resistance must be submitted and approved.
- All tents must comply with 780 CMR sections 108, 34, 10 and chapter 24 of the International Fire Code (Tent rental companies should be familiar with codes.)
- Tents must have an approved fire extinguisher on site. (Exit signage, emergency lighting and lights are required.)
- Portable heaters must be inspected and approved and carbon monoxide detectors may be required.

For details of tent permit requirements go to: https://southboroughma.viewpointcloud.com/categories/1071/record-types/1006405 or contact the Building Commissioner Laurie Livoli at llivoli@southboroughma.com.

IV. Permission of Property Owner, if applicable – If the parking lot is not owned by the restaurant, submit a letter of permission from the owner of the parking lot indicating permission to use it for outdoor dining.

V. Site Plan – submit a drawing showing the parking lot you would like to use for outdoor dining that includes the following information (please adhere to state guidance):

- Dimensions of the portion of the parking lot to be used for outdoor dining. Include the number of spaces that will be used for dining.
- Layout of tables and chairs.
    - Tables must be 6' apart to facilitate social distancing
    - Identify the number of seats per table and 6' radius around each table.
    - The size of a party seated at a table cannot exceed 6 people.
- Description of proposed furniture. Must be smooth, durable, and easy to clean.
- Photo or description of barriers to be used to protect diners from vehicles and their locations (i.e. at entrance(s) to parking lots, around the portion of the lot being used for outdoor dining, etc.).
- Locations of directional signage, and signage posted to employ social distancing and hygiene protocols.
- The outdoor dining area and barriers must be accessible and meet ADA regulations.
- Alternative Parking Area(s) – describe or indicate on the site plan, other areas where customers could park when visiting your establishment. Indicate whether you will rely on street parking.

VI. Outdoor Dining COVID-19 Safety Protocol Plan – fill out the attached form and include it with your submittal

VII. Outdoor Dining COVID-19 Safety Protocol Affidavit – review the attached affidavit and include the signed document with your submittal.

VIII. Insurance – Provide copy of current Certificate of Insurance with appropriate limits

IX. Inspection – All temporary outdoor dining areas shall be inspected by the inspection team prior to occupancy.

Responsibilities of the Restaurant

The restaurant, through its owner and/or manager, is responsible for the following as it pertains to the use of the parking lot for outdoor dining:

1. Adherence to the plans and documents submitted, reviewed, and approved;

2. Food and Alcoholic beverages may not be served outside of a licensed establishment unless and until an application to extend the licensed premises has been approved.

3. The outdoor area must be contiguous to the licensed premises with either (a) a clear view of the area from inside the premises, or (b) the licensee may commit to providing management personnel dedicated to the area.

4. Procurement of tables, chairs, disinfecting stations, and any other physical items that will be used in the outdoor dining area;

5. Procurement and installation of temporary safety barriers to protect diners from vehicles; and

6. Provide evidence of liability insurance to the Town covering the new dining space.

Rights of the Town of Southborough

The Town of Southborough reserves the right to revoke its permission to allow the use of the parking lot for outdoor dining for the following reasons:

1. The application is for a business, which does not have the appropriate licensure for service of food and where applicable, alcohol, including all requisite licenses/permits, such as: alcohol license for on-premises consumption, common victualler, or food permit

2. The operation of the outdoor dining area is not in compliance with submitted safety protocols;

3. The outdoor dining area is not facilitating safe passage in accordance with Americans with Disability Act requirements.

4. The Board of Health, Chief of Police, and/or their designees determine that the operation of the outdoor dining area is negatively impacting public health and safety.

5. The Governor's COVID-19 Order No. 35 of June 1, 2020 is rescinded.

Application for Temporary Extension of Premises for Outdoor Dining

1. Applicant and Restaurant Information

Business Name:

Business Address:

Telephone: Cell Phone:

Manager: Email Address:

Property Owner:

2. Hours of Operation for Outdoor Dining Area(s)

3. Location(s) of outdoor dining area(s) proposed. *Note: Circle the ones that apply*

Deck Lawn Parking Lot Patio Sidewalk Other (specify):

4. Proposed Outdoor Capacity and Parking Spaces. Note: Tables must be at least 6 feet apart to facilitate social distancing.

Number of Seats: Number of Tables:

5. Alcohol Sales and Consumption (On-Premises): If your establishment is currently licensed to serve/pour alcohol on premises, please enter your

ABCC License #:_____

Maximum Occupancy of temporary dining area:_____

By signing this form the Applicant acknowledges that he/she understands and will comply with all applicable liquor regulations set forth by the Local Licensing Authority (BOS) of the Town of Southborough, Alcoholic Beverages Control Commission, and any other local or state authority.

*Applicant Signature:*_____

*Date:*_____

FOR INTERNAL USE ONLY. PREMISES MEETS EXTENSION REQUIREMENTS

This License has been:

APPROVED

DENIED

Inspection Completed:

Building: _____Health: _____ Police: _____ Fire:_____ Planning: _____

Board of Selectmen or their designee: _____

Date:

TOWN OF SOUTHBOROUGH

OUTDOOR DINING COVID-19 SAFETY PROTOCOL PLAN

I. Social Distancing. Check the boxes to certify that you have:

❑ Ensured that all persons, including employees and customers in the outdoor dining area, remain at least six feet apart to the greatest extent possible.

❑ Established protocols to ensure that employees can practice adequate physical distancing.

❑ Posted signage for safe physical distancing.

❑ Required face coverings or masks for all employees that cover their mouth and nose.

II. Hygiene Protocols. Check the boxes to certify that you have:

❑ Provided hand washing capabilities throughout the workplace.

❑ Ensured frequent hand washing by employees and provided adequate supplies to do so.

❑ Provided regular sanitization of high touch areas, such as workstations, equipment, screens, tables and chairs, perimeter barriers, doorknobs, restrooms.

❑ Implemented additional procedures. Please describe them here:

III. Staffing and Operations. Check the boxes to certify that you have:

❑ Provided training for employees regarding the social distancing and hygiene protocols.

❑ Ensured employees who are displaying COVID-19-like symptoms do not report to work.

❑ Implemented additional procedures. Please describe them here:

IV. Cleaning and Disinfecting. Check the boxes to certify that you have:

❑ Established and maintained cleaning protocols specific to the outdoor dining area.

❑ Ensured that when an active employee is diagnosed with COVID-19, cleaning and disinfecting is performed

❑ Prepared to disinfect all common surfaces at intervals appropriate to said workplace.

❑ Implemented additional procedures. Please describe them here:

Signature of Owner/Manager Print Name Date

TOWN OF SOUTHBOROUGH

OUTDOOR DINING COVID-19 SAFETY PROTOCOL AFFIDAVIT

I,_____(name) being the owner or manager of _____(name of restaurant) located at _____ (address), Southborough, MA, acknowledge and accept the responsibilities of maintaining a clean and safe outdoor dining experience for guests and for staff in the outdoor dining area through the diligent adherence to the Outdoor Dining COVID-19 Safety Protocol Plan submitted along with any and all mandatory state safety standards for workplaces and outdoor dining.

_____ _____

Signature of Applicant Date

_____

Print Name

Town of Southborough
Transfer Station Expenses

Direct Labor (FY21 Rates)

	100% Operator Employee 1	100% Operator Employee 2	Shift Coverage (Sat & wkdy) Various	15% Hauler Employee 4	15% Hauler Employee 5
SALARY*	$ 65,379.00	$ 66,179.00	$ 14,337.00	$ 10,550.00	$ 10,520.00
UNIFORMS	$ 600.00	$ 600.00		$ 90.00	$ 90.00
* inc. longevity	**$ 65,979.00**	**$ 66,779.00**	**$ 14,337.00**	**$ 10,640.00**	**$ 10,610.00**

	2.50% DPW Office Employee 6	0.42% DPW Office Employee 7	15% DPW Office Employee 8
SALARY	$ 1,613.00	$ 488.00	$ 9,253.00
UNIFORMS	$ -	$ -	$ -
	$ 1,613.00	**$ 488.00**	**$ 9,253.00**

TOTAL LABOR ***179,699.00***

Other Labor and Benefit Annual Expenses (FY20 Rates)

Health & Dental	**34,523.00**
Medicare	**2,265.00**
Liability Insurance	**4,527.00**
Workers Compensation	**1,313.00**
Treasurer Expense	**1,557.00**
Accounting Expense	**2,751.00**

TOTAL OTHER LABOR AND BENEFIT ***46,936.00***

Town of Southborough
Transfer Station Expenses

Capital Expenses

Tractor: 125K over 20YRS	**6,250.00**
Front End Loader: 125K over 20 YRS	**6,250.00**
Trailers: 50K over 10 YRS (4)	**20,000.00**
Hydraulics: 40K over 20 YRS	**2,000.00**
Roof replacements and paving: 60k over 30 YRS	**2,000.00**
Gen'l Repair and Maintenance	**10,000.00**
TOTAL CAPITAL EXPENSES	***46,500.00***

Departmental Expenses (FY21 Estimates)

Cell phone	**600.00**
Telephone	**1,100.00**
Eagle Box	**-**
Snowmelt, and other misc supplies	**2,450.00**
Other services (Fire alarm and Extermination services)	**3,900.00**
Electricity	**6,300.00**
Heat	**600.00**
Water	**350.00**
Portable Toilet	**1,200.00**
Stickers	**2,000.00**
City Hall Systems (card charges, fulfillment)	**9,000.00**
Postage and Mailings	**3,400.00**
TOTAL DEPARTMENTAL EXPENSES	***30,900.00***

Disposal Expenses (FY19 Actual)

Disposal Costs (Refuse, Recycling, HHW, Brush)	231,740.00
TOTAL DISPOSAL EXPENSES	***231,740.00***

TOTAL GROSS EXPENSES	**(535,775.00)**
REVENUES FY19*	**424,970.00**
VARIANCE (- Shortfall / + Surpus)	**(110,805.00)**

Revenues FY20 (through 3/30/20)	424,430.00
FY18	369,249.00

Town of Southborough
Transfer Station Expenses

TO COVER COSTS BY PERMIT FEES

Expenses (from above) $ 535,775.00

Permit Fee to cover all expenses $ 313.69
(expenses divided number of paid 1st permits) 1708 (first permits)
752 (2020 Senior Permits)
2460 (households in system)

FY19 white goods cost $1,032

2nd + permits no 1843
2nd + permits se 432

With Seniors Paying - Various Amounts				
	5%	10%	15%	$50
Non-Senior Rate	$ 306.93	$ 300.46	$ 294.25	$ 291.67
Senior Rate	$ 15.35	$ 30.05	$ 44.14	$ 50.00

			1.00	1.00	1.00	1.00
Charging nominal fee for second permits						
1st Permit - Non Senior		$ 255.00	$ 260.00	$ 250.00	$ 270.00	$ 275.00
2nd Permit - Non Senior		$ 20.00	$ 15.00	$ 10.00	$ 10.00	$ -
1st Permit Senior		$ 45.00	$ 40.00	$ 80.00	$ 30.00	$ 45.00
2nd Permit Senior		$ 10.00	$ 15.00	$ 10.00	$ 10.00	$ -
revenue		510,560.00	508,285.00	509,910.00	506,470.00	503,540.00

TO COVER COSTS PAYT

Operational Expenses (from above) $ 304,035.00

Permit Fee to cover operations $ 178.01
(operational expenses divided number of paid 1st permits

Disposal Expenses (from above) $ 231,740.00

Bag Fee to cover disposal costs $ 1.81
(disposal expenses divided by number of households in system by 52 weeks)

negatively impacting public health and safety.
5. The Governor's COVID-19 Order No. 35 of June 1, 2020 is rescinded.

Application for Temporary Extension of Premises for Outdoor Dining

1. Applicant and Restaurant Information

Business Name: HOLA RESTAURANTE & TEQUILA BAR
Business Address: 154 TURNPIKE RD. STE 150.
Telephone: 508-460-2058 Cell Phone:
Manager: GERSON FRANCO Email Address: HOLARESTAURANTE@ICLOUD.COM
Property Owner: CAPITAL GROUP PROPERTIES

2. Hours of Operation for Outdoor Dining Area(s) 11 AM — 10 PM MONDAY - THURSDAY 11-AM-11 PM FRIDAY-SAT 11AM-9PM SUN

3. Location(s) of outdoor dining area(s) proposed. *Note: Circle the ones that apply*
Deck Lawn (Parking Lot) Patio
Sidewalk Other (specify):

4. Proposed Outdoor Capacity and Parking Spaces. Note: Tables must be at least 6 feet apart to facilitate social distancing.
Number of Seats: 56 Number of Tables: 14

5. Alcohol Sales and Consumption (On-Premises): If your establishment is currently licensed to serve/pour alcohol on premises, please enter your ABCC License #: 03380-RS-1216
Maximum Occupancy of temporary dining area: 56

By signing this form the Applicant acknowledges that he/she understands and will comply with all applicable liquor regulations set forth by the Local Licensing Authority (BOS) of the Town of Southborough, Alcoholic Beverages Control Commission, and any other local or state authority.

Applicant Signature: [signature]

Date: 06/18/20

☑ Established and maintained cleaning protocols specific to the outdoor dining area.
☑ Ensured that when an active employee is diagnosed with COVID-19, cleaning and
disinfecting is performed
☑ Prepared to disinfect all common surfaces at intervals appropriate to said workplace.
❑ Implemented additional procedures. Please describe them here:

Signature of Owner/Manager Print Name GERSON FRANCO
Date

TOWN OF SOUTHBOROUGH
OUTDOOR DINING COVID-19 SAFETY PROTOCOL AFFIDAVIT

I, GERSON FRANCO (name) being the owner or manager of HOLA RESTAURANTE (name of restaurant) located at 154 TURNPIKE RD STE 150 (address), Southborough, MA, acknowledge and accept the responsibilities of maintaining a clean and safe outdoor dining experience for guests and for staff in the outdoor dining area through the diligent adherence to the Outdoor Dining COVID-19 Safety Protocol Plan submitted along with any and all mandatory state safety standards for workplaces and outdoor dining.

06-18-2020

Signature of Applicant Date

GERSON FRANCO
Print Name

FOR INTERNAL USE ONLY. PREMISES MEETS EXTENSION REQUIREMENTS

This License has been:
APPROVED
DENIED
Inspection Completed:
Building: _____Health: _____ Police: _____
Fire:_____ Planning: _____
Board of Selectmen or their designee: _____

Date:

TOWN OF SOUTHBOROUGH
OUTDOOR DINING COVID-19 SAFETY PROTOCOL PLAN

I. Social Distancing. Check the boxes to certify that you have:
☑ Ensured that all persons, including employees and customers in the outdoor dining area,
remain at least six feet apart to the greatest extent possible.
☑ Established protocols to ensure that employees can practice adequate physical distancing.
☑ Posted signage for safe physical distancing.
☑ Required face coverings or masks for all employees that cover their mouth and nose.

II. Hygiene Protocols. Check the boxes to certify that you have:
☑ Provided hand washing capabilities throughout the workplace.
☑ Ensured frequent hand washing by employees and provided adequate supplies to do so.
☑ Provided regular sanitization of high touch areas, such as workstations, equipment,
screens, tables and chairs, perimeter barriers, doorknobs, restrooms.
☑ Implemented additional procedures. Please describe them here: USE OF GLOVES & PROPER CHANGING PROCEDURES

III. Staffing and Operations. Check the boxes to certify that you have:
☑ Provided training for employees regarding the social distancing and hygiene protocols.
☑ Ensured employees who are displaying COVID-19-like symptoms do not report to work.
☑ Implemented additional procedures. Please describe them here: ONLINE ORDER TO MINIMIZE CONTACT BETWEEN STAFF & CUSTOMERS

IV. Cleaning and Disinfecting. Check the boxes to certify that you have:

CAPITAL GROUP
PROPERTIES

June 19, 2020

Hola Restaurante and Tequila Bar
154 Turnpike Road, Suite 150
Southborough, MA 01772
Cc: Town of Southborough

RE: Outside Dining at 154 Turnpike Road Southborough

To Whom It May Concern:

This letter is to certify that 154 Turnpike Road LLC and Capital Group Properties LLC are allowing Hola Restaurante and Tequila Bar to utilize eight (8) parking spaces in the parking lot of the building to provide outdoor dining for its customers.

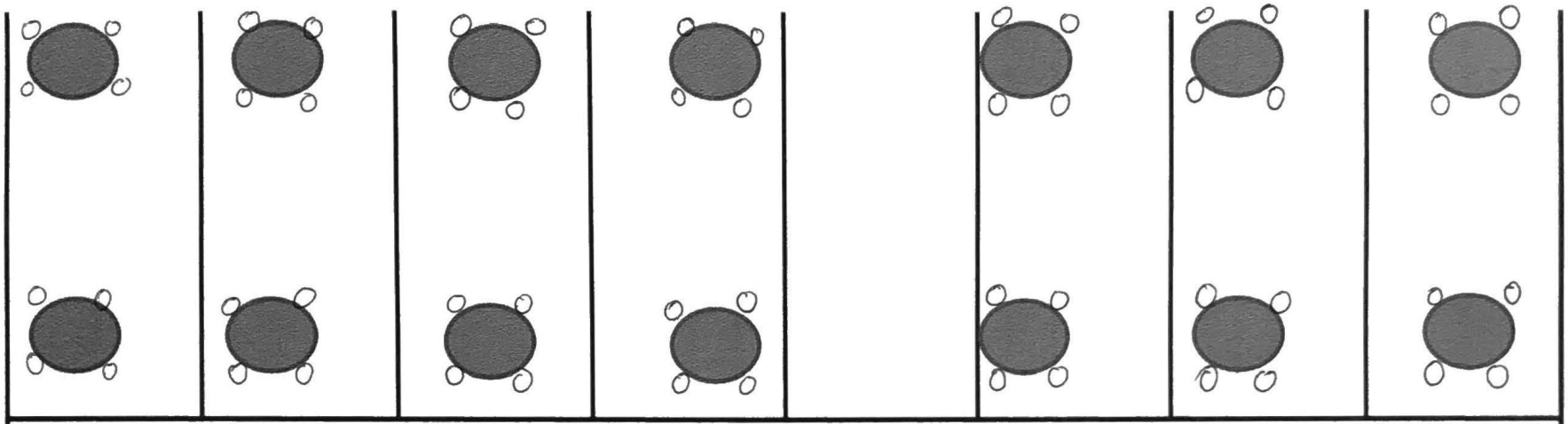
If you have any questions or concerns, please feel free to contact me at the number below.

Sincerely,

Katie Keefe

Katie Keefe
Property Manager

259 Turnpike Road ♦ Suite 100 ♦ Southborough, Massachusetts 01772 ♦ Office (508) 357-8825 ♦ Fax (508) 357-6859



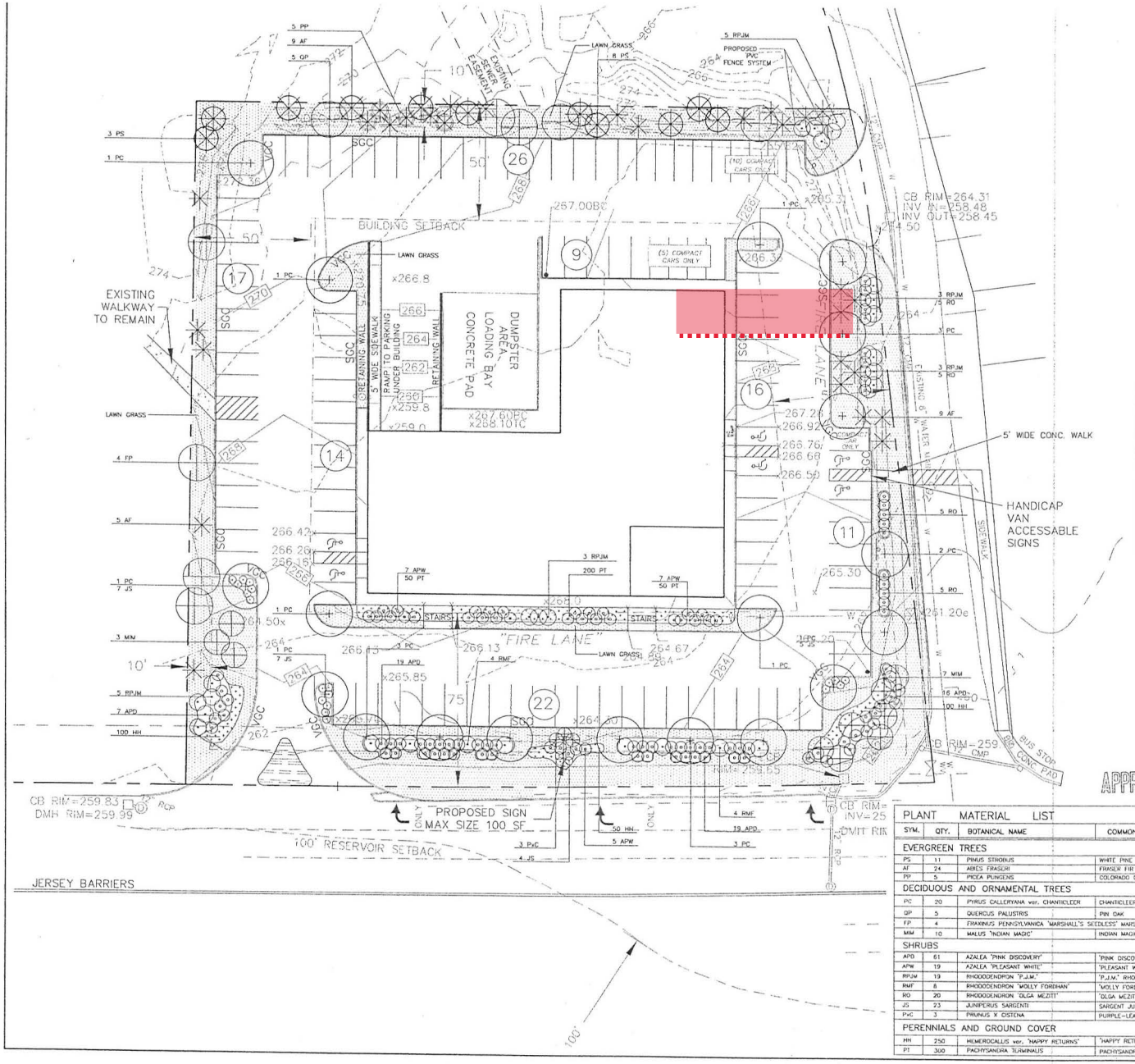
BUSHES BUSHES BUSHES BUSHES WALK THROUGH BUSHES BUSHES BUSHES

SIDE WALK

EDWARD JONES

HOLA
RESTAURANTE

154



GENERAL NOTES

1. All contractors shall inspect site prior to bidding to verify existing conditions for themselves.
2. The Contractor shall supply all plant material in quantities sufficient to complete the planting shown on the drawings.
3. All plant material shall conform to the guidelines established by "The American Standard for Nursery Stock", published by the American Association of Nurserymen, Inc. ANSI Z60.1-1990
4. All plants to be balled in burlap or container grown. No plastic burlap.
5. The landscape contractor shall guarantee all plant materials for one (1) full year from date of acceptance.
6. Heal all construction scars with naturalized grass, lawn or mulch as indicated by drawings and/or Landscape Architect.

LANDSCAPE NOTES:

LOAM DEPTHS SHALL BE AS FOLLOWS:

A. LAWN AREAS - 6" ROLLED THICKNESS
B. PLANT BEDS - 1'-0" LOAM DEPTH IN THE PLANTED AREA WITH 2" MULCH.
C. ISOLATED PLANTED ISLANDS - 1'-0" LOAM DEPTH

SOUTHBOROUGH ZONING REQUIREMENTS

VEHICULAR USE / SIDE LINE PLANTING TOTAL S.F. = 9294 (1 TREE/20 L.F., 1 SHRUB/3 L.F.)	
TOTAL TREES REQUIRED	TOTAL TREES PROPOSED
6	15 DECIDUOUS / 39 EVERGREEN
TOTAL SHRUBS REQUIRED	TOTAL SHRUBS PROPOSED
24	31
STREET PLANTING - ROUTE 9 TOTAL L.F. = 320 (1 TREE/1500 S.F. 4 SHRUBS/1500 S.F.)	
TOTAL TREES REQUIRED	TOTAL TREES PROPOSED
16	18
TOTAL SHRUBS REQUIRED	TOTAL SHRUBS PROPOSED
105	105

GRAPHIC LEGEND

- EVERGREEN TREES
- DECIDUOUS SHADE TREES
- ORNAMENTAL & FLOWERING TREES
- EVERGREEN SHRUBS
- DECIDUOUS SHRUBS
- SEEDED LAWN
- GROUND COVER/ PERENNIALS

APPROVED

PLANT MATERIAL LIST

SYM.	QTY.	BOTANICAL NAME	COMMON NAME	SIZE	ROOT	REMARKS
EVERGREEN TREES						
PS	11	PINUS STROBUS	WHITE PINE	8 -10'	B&B	
AF	24	ABIES FRASERI	FRASER FIR	7- 8'	B&B	NATURAL SHAPE
PP	5	PICEA PUNGENS	COLORADO GREEN SPRUCE	7- 8'	B&B	
DECIDUOUS AND ORNAMENTAL TREES						
PC	20	PYRUS CALLERYANA var. CHANTICLEER	CHANTICLEER PEAR	2 1/2 -3"	B&B	6' HIGH BRANCHING
QP	5	QUERCUS PALUSTRIS	PIN OAK	2 1/2 -3"	B&B	LOW BRANCHED
FP	4	FRAXINUS PENNSYLVANICA 'MARSHALL'S SEEDLESS'	MARSHALL'S SEEDLESS ASH	2 1/2 -3"	B&B	6' HIGH BRANCHING
MM	10	MALUS "INDIAN MAGIC"	INDIAN MAGIC FLOWERING CRAB	1 1/2 -2"	B&B	MULTI-STEM CLUMP
SHRUBS						
APD	61	AZALEA 'PINK DISCOVERY'	'PINK DISCOVERY' AZALEA	2 -3'	CAN	CLEAR PINK
APW	19	AZALEA 'PLEASANT WHITE'	'PLEASANT WHITE' AZALEA	2 -3'	CAN	WHITE
RPJM	19	RHODODENDRON 'P.J.M.'	'P.J.M.' RHODODENDRON	2 1/2 -3'	CAN	LAVENDER
RMF	8	RHODODENDRON 'MOLLY FORDHAM'	'MOLLY FORDHAM' RHOD.	2 1/2 -3'	CAN	WHITE
RO	20	RHODODENDRON 'OLGA MEZITT'	'OLGA MEZITT' RHOD.	2 1/2 -3'	CAN	PINK
JS	23	JUNIPERUS SARGENTI	SARGENT JUNIPER	18 -24"	CAN	
PxC	3	PRUNUS X CISTENA	PURPLE-LEAF SAND CHERRY	3 -4'	B&B	PURPLE FOLIAGE
PERENNIALS AND GROUND COVER						
HN	250	HEMEROCALLIS var. "HAPPY RETURNS"	'HAPPY RETURNS' DAYLILLY	1 GAL	POT	
PT	300	PACHYSANDRA TERMINALIS	PACHYSANDRA	4"	POT	

General Notes

No.	Revision/Issue	Date
2	Revisions	01/23/03
1	Issued for Site Plan Review	10/23/02

Seal

WILLIAM FLEMING ASSOCIATES
LANDSCAPE ARCHITECTURE
PLANNING
3 Central Square
Third Floor
Newmarket, NH. 03857
T (603) 659-3095
T (781) 639-0611
E wfa@willflemingassoc.com

Project Name and Address

WHITE'S CORNER REDEVELOPMENT
SOUTHBOROUGH, MA.

LANDSCAPE PLAN

Project Number	Sheet
0248	L-1
Date: 10/15/02	
Scale: 1"=20'-0"	

REVIEWED
By Town Clerk/amb at 4:56 pm, Aug 16, 2020

TOWN OF SOUTHBOROUGH

BOARD OF SELECTMEN Meeting Minutes

Meeting Date: Tuesday, July 14, 2020, 6:30 P.M.
Location: Virtual Meeting through Zoom
Present: Marty Healey, Brian Shea, Lisa Braccio, Chelsea Malinowski, Sam Stivers and Town Administrator Mark Purple
Absent:

I. Chairman Healey called the meeting to order at 6:30 P.M. Chairman Healey read the following statement:

Pursuant to Governor Baker's March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, §18, and the Governor's March 15, 2020 Order imposing strict limitation on the number of people that may gather in one place, this meeting of the Southborough Board of Selectmen will be conducted via remote participation to the greatest extent possible. Specific information and the general guidelines for remote participation by members of the public and/or parties with a right and/or requirement to attend this meeting can be found on the Town of Southborough's website, at https://www.southboroughtown.com/. For this meeting, members of the public who wish to watch or participate in the meeting may do so in the following manner by finding the meeting at: https://www.southboroughtown.com/remotemeetings. No in-person attendance of members of the public will be permitted, but every effort will be made to ensure that the public can adequately access the proceedings in real time, via technological means. In the event that we are unable to do so, despite best efforts, we will post on Southborough's website an audio or video recording, transcript, or other comprehensive record of proceedings as soon as possible after the meeting.

II. Scheduled Appointments

Joint Meeting with Advisory Committee — FY20 Interdepartmental Transfers

Mr. Healey stated that due to conflicts the Advisory Committee could not attend the meeting tonight. He stated they will be meeting tomorrow to vote on their transfers. Mr. Stivers asked if the Board voted on these transfers and sign the documents, will Advisory be able to vote on their transfers to move forward. Mr. Purple answered in the affirmative.

Mr. Ballantine explained that there are eight transfers for the end of the year and explained the State statute that allows for this. He stated the three transfers for Board approval are for the Building Department, postage, and liability insurance. Mr. Ballantine explained that the Building Department completely turned over last year and a budget mistake was missed that resulted in an $18,000 deficit. He stated that the Building Department typically has a full time Building Inspector, a full-time building administrator and a part-time ZBA administrator. He said the budget was for two part-time administrators. Mr. Stivers asked if the Building Department could function with two part-time administrators and Mr. Ballantine said they could not. Mr. Purple added that the building administrator has always been full-time. Ms. Braccio asked if this budget item was corrected for fiscal year 2021 and Mr. Ballantine responded in the affirmative. Mr. Stivers made a motion to approve the interdepartmental transfer for the Building Department. Mr. Shea seconded. The motion passed all in favor (5-0-0) by roll call vote, Braccio, aye; Malinowski, aye; Shea, aye; Stivers, aye; Healey, aye.

Mr. Stivers stated that he is not concerned about the transfer for postage but encouraged the Board to have a further discussion to find a less expensive way to send out tax bills and other notices. Mr. Healey stated this will be a discussion for the next meeting. Mr. Stivers made a motion to approve the interdepartmental transfer for postage. Mr. Shea seconded. The motion passed all in favor (5-0-0) by roll call vote, Braccio, aye; Malinowski, aye; Shea, aye; Stivers, aye; Healey, aye.

Mr. Stivers made a motion to approve the interdepartmental transfer for liability insurance. Mr. Shea seconded. The motion passed all in favor (5-0-0) by roll call vote, Braccio, aye; Malinowski, aye; Shea, aye; Stivers, aye; Healey, aye.

Mr. Shea asked what would happen if Advisory did not approve one of the transfers. Mr. Ballantine explained that the deficit will remain either way. He added that if Advisory does not approve a transfer, it will decrease free cash next year which the auditor and DOR would see as a bad practice. Mr. Purple stated that if Advisory does not agree to the transfers, the deficit could be shifted to come out of the benefits budget but Advisory would still have to approve this. Either way it would look poorly on the Town from the perspective of the auditor and DOR.

Tim Davis, Recreation Director — Recreation update

Mr. Davis informed the Board that Depietri Field was completed last week and will be closed until mid-September for the sod to establish effectively. He thanked the DPW and Water Department for their assistance tapping the water line into the main road. Mr. Davis stated that Town House playground has been installed with the help of the DPW. The playground is ADA accessible and should be open to the public by this weekend. He stated that a third-party engineer was brought in to ensure the proposed plan for Kallander Field could withstand the water coming down from the hill. The report from the engineer reiterated the findings from the original engineer stating that the proposed as-built plan will withstand the waterflow from the hill. He said he will create a report for the public prior to fall town meeting. Mr. Davis added that they had a productive meeting with the Planning Board, Ms. Galligan and the engineering firm for the lighting projects at Mooney and Neary Fields. They are applying to the Planning Board for their August 10th meeting. Ms. Braccio asked what the timeframe would be for completion if the lighting plan for the fields were approved in August or September. Mr. Davis said it is unknown due to the COVID-19 pandemic but if there were no such interruptions, he felt there would be an 8-11 week process from procurement and bidding to final construction. Ms. Malinowski asked if the finances were still in appropriation from town meeting approval. Mr. Davis stated he believed so. He stated that it has been 3-4 years since the funds were allocated and they are proposing to switch to LED for energy. He added there has been no indication that it has changed in scope or price.

Mr. Healey asked if it would be beneficial for the Board to take a formal vote of support on the lighting projects at Mooney and Neary Fields at the July 21st meeting. Mr. Davis stated he would be in support of the vote. Chairman Healey requested Mr. Purple add this item to the July 21st agenda and Mr. Purple agreed.

Mr. Davis gave an update on youth sports and stated that Southborough Little League, Algonquin Summer Soccer, adult and youth soccer leagues, and lacrosse have started their seasons at a smaller capacity and with written and approved COVID-19 safety standards. He stated that every group submitted their plan to address COVID-19 safety and had been reviewed and approved by the Recreation Department and the Board of Health. Ms. Malinowski asked if these groups are

being monitored to ensure they are following their safety plans. Mr. Davis replied that they continually check and there have been no issues.

Mr. Davis stated that they have been monitoring local summer camp programs and after finding many have closed shortly after opening due to challenges following the guidelines or sickness, the Recreation Department has decided to not open camps at all this summer. He stated that the Summer Concert Series has been cancelled due to the guidelines presented and setup of Neary Field. He stated that the outside movie series will continue as planned for now with social distancing similar to Town Meeting. Mr. Davis added that they are working closely with schools to address the need for programs during the year. Ms. Braccio asked if Summer Nights was still scheduled. Mr. Davis replied that they are in a holding patter until they understand the guidelines for the next step of Phase III reopening from the State. Ms. Malinowski stated that she understood from the last Recreation Meeting that they will not be sending out a flier this year through the mail. Mr. Davis stated that due to time constraints, there will be an interactive digital brochure out late August or early September.

III. Reports

Chairman's Report

Chairman Healey stated there is a Capital Planning vacancy and urged the public to apply. He added that he would like to discuss how the Board addresses vacancies and filling them at their next meeting.

Chairman Healey stated that at the Metro West Collaborative there was a discussion regarding Shared Streets. He was told that the Shared Streets and Spaces Grant Program could not be used for permanent sidewalks. He informed Ms. Galligan and Mr. Purple. They sought guidance from the Lieutenant Governor's Office and were told that it could be used for permanent sidewalks and the projects Ms. Galligan has proposed for the Town.

Chairman Healey informed the Board that Attorney Cipriano will be coming to the August meeting to give an update on the Town's standing on various legal issues.

Chairman Healey stated he spoke with Attorney Davis regarding the Open Meeting Law litigation. He stated Attorney Davis moved the case from State Court to Federal Court due to the Civil Rights claim in the complaints. Chairman Healey stated that the plaintiffs are going to withdraw their Federal Complaint and the case will stay in State Court. Attorney Davis asked Chairman Healey how frequently the Board would like updates on the case. Chairman Healey recommended that minor strategic items could be reported to Mr. Purple and him and if the Board would like a broader discussion regarding any of these items, they could request it as an agenda item. The Board agreed.

Chairman Healey stated that there are requests for Board member appearances at Town-wide functions such as Eagle Scout Ceremonies. He recommended adding this as an agenda item to the July 21st meeting.

Chairman Healey stated that Mr. Purple received numerous letters from members of the community in relation to the George Floyd killing and its aftermath. He said relating legislative and town initiatives were noted and he would like this topic added as an agenda item to the July 21st meeting. He added that the letter asks for the support of the Board and that there is a lot to discuss before deciding. Chairman Healey stated he would like to speak to the Chief of Police and

thanked the public for sending their letters. He requested Mr. Purple distribute the letters to the Board and Mr. Purple agreed.

Members' Reports

Mr. Stivers stated that the Golf Course is off to a great start to their rounds are up 30% from May to June.

Mr. Stivers stated that Governor Baker was at the New England Center for Children to announce a $16 million grant. He added the New England Center for Children received approximately $1.9 million from the grant.

Town Administrator Report

Mr. Purple stated he receives monthly reports from Bill Harrison of the Golf Course Committee and considering March and April will show $0 income, the year should end with approximately $400,000 if it continues through Thanksgiving. He added this may allow the Town to receive a percentage of revenue over $200,000 which will be put into a revolving fund used for golf course improvements.

Mr. Purple said the Town House, Cordaville Road and DPW Buildings are open to the public by appointment. The Town House meetings have been held outside at the picnic table and has been a positive experience.

Mr. Purple gave an update on the Main Street Project that included excavating should be done by end of day tomorrow, all grading and gravel should be in place by early next week and the contractor could be laying the asphalt basecoat the week of the 27th. He added that it is unknown if they will get the final pavement and stripping done before snowfall but anything left will be done next spring. Mr. Purple said that Verizon needs to move numerous poles and Ms. Galligan is working with Legislature to motivate them to do so soon.

IV. Consent Agenda

a. Ms. Malinowski asked to hold item "a." Ms. Malinowski asked that a correction be made to section 3A to show that Ms. Galligan wanted to remove the $10 replacement sticker charge and the Board voted to keep it. The Board agreed. Mr. Purple outlined a scrivener's error on page six under "Public Comment." He asked that "Planning Board" be changed to "Advisory Committee." The Board agreed. Chairman Healey made a motion to approve Open Session Minutes: June 23, 2020 with the aforementioned revisions. Ms. Malinowski seconded. The motion passed all in favor (5-0-0) by roll call vote, Braccio, aye; Malinowski, aye; Shea, aye; Stivers, aye; Healey, aye.

b. Ms. Braccio made a motion to accept donations totaling $80.00 for the Fire Dept. Ambulance Fund. Mr. Shea seconded. The motion passed all in favor (5-0-0) by roll call vote, Braccio, aye; Malinowski, aye; Shea, aye; Stivers, aye; Healey, aye.

c. Ms. Braccio made a motion to appoint Meme Luttrell as Planning Board Rep. to Metro West Regional Collaborative; term 6/30/21. Mr. Shea seconded. The motion passed all in favor (5-0-0) by roll call vote, Braccio, aye; Malinowski, aye; Shea, aye; Stivers, aye; Healey, aye.

d. Mr. Shea recused himself from this agenda item and left the meeting. Ms. Braccio asked to hold item "d." Ms. Braccio requested that Mr. Weishan attend the next public meeting to discuss his appointment before the Board votes. Chairman Healey asked Ms. Deans-Rowe if there was any conflict with this request. Ms. Deans-Rowe replied there would be no conflict and it would enable to the Commission to hold a meeting and have their own vote. She

added the Commission will then send a letter of recommendation for Mr. Weishan's appointment. The Board agreed. Ms. Braccio made a motion to continue the appointment of Michael Weishan to the Historical Commission; term 6/30/23 until the August 18th meeting. Mr. Stivers seconded. The motion passed (4-0-1) by roll call, Braccio, aye; Malinowski, aye; Stivers, aye; Healey, aye. Mr. Shea was recused.

e. Mr. Shea returned to the meeting. Ms. Braccio made a motion to reappoint Douglas Peck to Council on Aging; term 6/30/23. Mr. Shea seconded. The motion passed all in favor (5-0-0) by roll call vote, Braccio, aye; Malinowski, aye; Shea, aye; Stivers, aye; Healey, aye.
f. Ms. Braccio made a motion to accept the resignation from Emily Brogie as PT Communications Officer. Mr. Shea seconded. The motion passed all in favor (5-0-0) by roll call vote, Braccio, aye; Malinowski, aye; Shea, aye; Stivers, aye; Healey, aye.
g. Ms. Braccio made a motion to award the Facilities Department recommendation #2 Fuel Oil Bid. Mr. Shea seconded. The motion passed all in favor (5-0-0) by roll call vote, Braccio, aye; Malinowski, aye; Shea, aye; Stivers, aye; Healey, aye.
h. Ms. Malinowski asked to hold item "h." Ms. Malinowski stated that she reviewed the application noticed that an employee at Chestnut Hill Farm is listed who no longer works there. Mr. Purple said he will update that information before the release of the license. Chairman Healey made a motion to accept the One-Day alcohol license applications - Chestnut Hill farm: August 8th and August 22nd Brew Moon Hikes with the correction. Mr. Shea seconded. The motion passed all in favor (5-0-0) by roll call vote, Braccio, aye; Malinowski, aye; Shea, aye; Stivers, aye; Healey, aye.
i. Chairman Healey stated that this amount is consistent with St. Mark's statement to him for increasing their fiscal year 2020 PILOT amount. He added that this amount generally reflects the amount of taxes that was attributable to a purchase they made in fiscal 2020. Ms. Braccio made a motion to accept St. Mark's School annual donation of $48,500. Mr. Shea seconded. The motion passed all in favor (5-0-0) by roll call vote, Braccio, aye; Malinowski, aye; Shea, aye; Stivers, aye; Healey, aye.

V. Update on impact of COVID-19

Mr. Purple stated there was no other information to share on this topic. Ms. Braccio wanted to update the Board on the success of the outside dining at Hola! Restaurant.

VI. Other Matters Properly Before the Board

Approval of Southborough Golf Club CR Management Plan

Melissa Danza gave an overview of the plan that needs to be approved yearly. She explained that Kristin O'Brien from Sudbury Valley Trustees created the management plan and the Conservation Commission has agreed to the terms. She added that this plan is status quo to the current role of the golf course management team and the change agreed to was to establish a ten-foot no mowing area near the stream by Cordaville Road. Ms. Danza stated this is in line with Audubon International Status and the goal is to reach a twenty-foot no mowing area. Ms. Braccio stated this was well done and she appreciated the hard work put into it. Mr. Stivers made a motion to approve the Southborough Golf Club CR Management Plan. Mr. Shea seconded. The motion passed all in favor (5-0-0) by roll call vote, Braccio, aye; Malinowski, aye; Shea, aye; Stivers, aye; Healey, aye.

Approval of Firmin Avenue property CR

Ms. Danza stated this item was a condition of the Site Plan Approval through the Planning Board. She explained there is a small parcel of land not attached to 0 Firmin Avenue to develop. The lot is mostly parking for the U-Haul property and the current project is much less intensive than

previously approved projects. She stated the conservation restriction is similar to the basic outline from the State and the Conservation Commission has approved this. Ms. Malinowski asked if Attorney Cipriano had reviewed the documents and Ms. Danza stated he has and he approved. She added that Open Space has also reviewed and approved. Ms. Braccio stated that the document has Mr. Kolenda listed as a signee and not Ms. Malinowski. Ms. Danza said she was aware and will be editing the document. Mr. Stivers made a motion to approve the Firmin Avenue property conservation restriction with the above edit. Ms. Malinowski seconded. The motion passed all in favor (5-0-0) by roll call vote, Braccio, aye; Malinowski, aye; Shea, aye; Stivers, aye; Healey, aye.

Review of revised charge for Golf Committee

Chairman Healey asked if it were better to let the Committee decide if they should develop a master plan. Mr. Purple stated that he suggested a master plan for the Golf Course in order to develop ways to improve play and draw more people. He added that a master plan could be inclusive of a lot of bullets already listed. Ms. Malinowski suggested making Mr. Davis an ex-officio member as he could incorporate improvements to programs offered in Town. Mr. Shea agreed and stated he was in support of the charge. Mr. Stivers stated he was in support of the master plan concept. He added that he would like to see the term "interests" included in the professional background and qualifications section. He felt that without that term, it may be a challenge to find volunteers. Mr. Stivers suggested adding the requirement of an annual report to be submitted no later than 60 days after the end of golf seasons. He stated he would like to see a bullet added to develop both longer term and annual goals. Mr. Shea stated that longer term goals could be covered through capital improvement plans. Mr. Stivers said he would be open to that but would like to see a Committee member involved in those discussions. Ms. Malinowski asked for clarification from Mr. Stivers regarding longer term goals and the inclusion of a master plan. Mr. Stivers stated he felt strongly that a master plan should be included in the charge. Mr. Shea stated that he would like to see a report from the Golf Committee before the holidays as opposed to 60 days after the end of the golf season. Mr. Stivers agreed.

Ms. Braccio suggested including goals driven towards the achievement of the Audubon International certification. Mr. Purple stated that could be part of the master plan discussion. Ms. Braccio agreed but would like to make sure that it is included. Chairman Healey asked if Ms. Malinowski could update the charge for the July 21st meeting and she stated she could.

Discussion of format and location for July 21 Goals/Planning meeting

Chairman Healey stated Southborough Access Media is not conducting in-person meetings as of now and there was discussion regarding recording the meeting or using the meeting minutes as the only record. Chairman Healey added there is flexibility regarding Open Meeting Law and accurate minutes would be sufficient for this meeting. Ms. Hale noted that past goal setting meetings were not televised. Ms. Braccio voiced her concern that more people have been watching the meetings through Zoom than ever and felt it was important for the public to see the discussions had at this meeting. Chairman Healey stated he will work with Ms. Hale and Mr. Purple regarding booking a room that will fit the social distance needs and a way to videotape the meeting.

Discussion of Crown Castle proposal for Town House cell tower; renewal of lease agreement

Chairman Healey asked Mr. Purple if there was a proposal from Crown Castle for the Board to act on or if this was only a discussion. Mr. Purple stated that would be a decision for the Board but there was no specific proposal needing approval. He added that the flagpole looks awful and a

flag cannot fly at this point. He reviewed the proposal provided by Crown Castle. He stated the first suggestion from Crown Castle was to modify the top of the flag pole to add more antennas that would be blocked by the flag. The Board rejected this option. Mr. Purple stated that the Town received annual income of approximately $36,000 from Crown Castle due to this lease and the cell tower as a flagpole no longer operates for AT&T in terms of new equipment and technology. He added that the "flagpole only" solution will not work for Crown Castle and he asked the Board if they felt the $36,000 was worth more than the flagpole. Ms. Braccio stated that the disrespect it would show to alter the flagpole is not worth the income. Mr. Purple stated that the lease is coming to an end in October. He asked the Board if they were interested in executing a new lease with Crown Castle at the flagpole. Ms. Braccio stated she would be willing to entertain the idea if the flagpole looked like a flagpole.

Chairman Healey stated that the requirements as related to the construction of the flagpole were clear that the design calculations shall be submitted to the Town for review and approval and the specifics stated that the flagpole must be able to continue to look like a flagpole. He added that Crown Castle acted outside of those provisions and asked what they will need to do to make the Town whole for the length of time the flagpole could not be used.

Steve Whynot stated he appreciates the work of the Building Commissioner and Mr. Parent for their swift action to halt the production of the tower. He said the work done is unacceptable and appreciates the Board's opposition to this.

Brian Stearns thanked the Board and all the efforts to keep the flagpole a flagpole. He added that the flag is not meant to cover anything. He said he met with the Worcester County Veteran's Officers and this sets a bad precedent. There was concern that this could happen in other towns and they do not want to undo anything that is historic.

Chairman Healey asked Mr. Purple if he had a clear understanding of the sentiments regarding what needs to be done to the flagpole. Mr. Purple stated he did. Mr. Stivers asked if there were any other locations in Town that could serve as an alternate. Mr. Purple stated he was not aware of any and there is a process that needs to be followed in order to change locations which includes Town Meeting approval. Mr. Stivers asked if they were going to restore the flagpole. Mr. Purple stated that they will. He stated he will indicate to Crown Castle that the Board wants the flagpole to remain as a flagpole and any equipment will be contained internally otherwise the Board will not be open to entertaining a new lease. Mr. Whynot asked if there was a timeframe for the flagpole to be restored. Mr. Purple stated that they will have to return it to its original state before the lease ends. He added that they are doing everything they can to execute this quickly.

Ms. Malinowski stated she watched several committee meetings over the past few weeks and she would like to add an agenda item for a future meeting regrading proper conduct and respectful interaction with boards, committees and departments. Chairman Healey agreed and would like this to be an agenda item for the July 21st meeting.

VII. Public Comment

None

VIII. On a motion made by Mr. Stivers seconded by Ms. Malinowski and voted all in favor, Braccio, aye; Malinowski, aye; Shea, aye; Stivers, aye; Healey, aye, the meeting was adjourned at 8:30 P.M.

Upcoming Meetings
July 21, 2020 (Goal Setting)
August 18, 2020

Respectfully submitted,

Kathleen Barry, Recording Secretary

List of Documents referred to at the July 14, 2020 BOS Meeting:

- List of Proposed Interdepartmental Transfers
- Letter from Mr. Parent to Mr. Ballantine dated June 29, 2020
- Personnel Board Meeting Minutes October, 3, 2019
- Letters from Kathy Cook to Brian Ballantine dated September 2019
- Letter from Karen Galligan to BOS, Mark Purple, Brian Ballantine and Laurie Livoli dated September 10, 2019
- Draft Meeting Minutes, June 23, 2020
- Letter from Chief Achilles to BOS dated June 23, 2020
- Letter from Chief Achilles to BOS dated July 7, 2020
- Letter from the Planning Board to the BOS dated June 23, 2020
- Citizen Activity form, Michael Weishan
- Letter from Emily Brogie to Chief Paulhus and Lieutenant Newell dated June 22, 2020
- Letter from Mr. Parent to BOS dated July 14, 2020
- Supplying and Delivery of Number 2 Fuel Oil Conditions for Quoting
- Supplying and Delivery of Number 2 Fuel Oil Quotation Form
- Application for One-Day Alcohol License dated July 3, 2020
- Application for One-Day Alcohol License dated July 3, 2020_2
- Southborough Golf Club Management Plan
- Conservation Restriction_Firmin Avenue
- Golf Course Committee Charge
- Letter from Jeffrey Barbadora to Mark Purple dated June 29, 2020
- Lease Agreement with Crown Castle

APPLICATION FOR ONE-DAY ALCOHOL LICENSE

TOWN OF SOUTHBOROUGH

Board of Selectmen

17 Common Street, Southborough MA 01772

TOWN USE ONLY
Date: 7/6/20
Paid: $50.00
Check#
Cash ✓
Lic.#

Special or "one-day" licenses for the sale of alcoholic beverages are available to the responsible event manager of any activity conducted by an organization which, in the opinion of the Town of Southborough Select Board, complies with all State and local requirements and demonstrates satisfactorily that granting of the license is in the best interests of the Town of Southborough. This application must be submitted at least 30 days prior to the event.

(X) **WINE/MALT ONLY** ( ) **ALL ALCOHOL** [for non-profits only]

License Fee: $50.00, non-refundable, check or cash only, payable to Town of Southborough

APPLICATION DATE: 7/3/20

Jessica Devine — 617-899-7036

Event Manager/Applicant Name — 24-Hour Contact Telephone Number

5 Chestnut Hill Road Southborough MA 01772

Event Manager/Applicant Address

jdevine@thetrustees.org seastland@thetrustees.org

Event Manager/Applicant Email Address

The Trustees - Chestnut Hill Farm — 5 Chestnut Hill Road Southborough MA 01772

Organization Representing — Address of Organization

Brew Moon Hike — 8/8/20 — 8/15/20

NAME OF EVENT / PURPOSE — **DATE OF EVENT** — **RAIN DATE**

LOCATION OF EVENT Chestnut Hill Farm

( ) Inside (X) Outside

Is the organization you are representing non-profit* X YES ____ NO

*If 'Yes' and applying for "All Alcohol" license, acceptable proof of non-profit status must be attached

Town has on file

"Alcohol Awareness Server Training Affidavit" and Server Certificates attached ____YES ____NO

Hours of Sale/Consumption of Alcoholic Beverages 7pm AM/PM to 9pm AM/PM

APPLICATION FOR ONE-DAY ALCOHOL LICENSE

What is the maximum number of expected attendees? 20-40, split into small groups

What is the predominate age group of the expected attendees? families

Is an admission fee to be charged? X Yes _____No

Are tickets being sold in advance for this event? X Yes _____No

How will alcoholic beverages be dispensed or served? (*Please check all that apply)*

_____Waiter/Waitress
_____Bar with bartender
_____By the glass
X By the bottle
_____Self-serve

Name and address of company providing bartending service, if applicable:

_____

_____

If any attending are under age 21, what method will be used to check identification and what procedures will be followed to make certain that those under age 21 are not served and are not allowed to consume alcoholic beverages?

Certified person will ID those being served.

_____

Have you consulted with the Police Department about the need for a security plan or detail officer required for the Event? x Yes _____No

If Yes, with whom and what date? Name Chief Paulhus via email Date 7/3/20

Will a police detail or other security be required? _____Yes X No

If Yes, # of details and name and address of provider (if applicable)?

_____

_____

APPLICATION FOR ONE-DAY ALCOHOL LICENSE

ALCOHOL AWARENESS SERVER TRAINING AFFIDAVIT

I hereby certify that I have read the Training Requirements for Liquor License Holders and Employees. I understand that failure to comply with this policy may result in the revocation or non-renewal of the license. Below is a current roster of my employees and the related alcohol awareness server training information.

*****NOTE: Copies of all original certificates MUST accompany this form.*****

The Trustees - Chestnut Hill Farm

Company/Organization

Susan Eastland 7/3/20

Manager [Note: Manager training MUST be current] **Date**

Manager/Employee Name	Date of Hire	Type of Training [certification]	Date Valid	Date of Expiration
Susan Eastland	8/1/19	AIM	n/a	9/16/22
Town has Susan's AIM card on file				

Any applicant for a one-day liquor license shall, as a condition of their being granted the license, ensure that at least one person to be engaged in the sale/service of alcoholic beverages at their event has been certified in a program from the list of Board of Selectmen sanctioned programs. On-line ["e-training") training is not an acceptable means of obtaining certification. A copy of their certification must accompany the application.

Listed below are the only programs currently available that meet the requirements of this policy approved by Board of Selectmen on September 17, 2013 [telephone numbers and contacts are provided as of date of policy]:

1. **ServSafe Alcohol** offered by the National Restaurant Association [www.servsafe.com/alcohol, then click on "Find a Class"]
2. **SAFE ID Check** offered by J.B.S. Professional Services, LLC [617-539-0118]
3. **Alcohol Intervention Methods [A.I.M.]** offered by Campbell/Trent [508-756-8542]
4. **Training for Intervention Procedures by Servers of Alcohol [TIPS]** offered by Health Communication, Inc. [www.gettips.com, then click on "Get Tips Certified, 'training session'" to find a class. NOTE: "Online training with eTIPS" is NOT ACCEPTABLE]
5. Approved for OFF-PREMISE sales license only: Beverage Alcohol Training [B.A.T.] offered by the Massachusetts Package Store Association [Mass Pack Contact: Frank Anzalotti 800-322-1383, or, to find a class, go to www.masspack.org/servertraining]

I understand that anyone holding a Special License must purchase alcoholic beverages from a licensed wholesaler/importer, manufacturer, farmer-winery, farmer-brewery or special permit holder. Purchasing alcoholic beverages from a package store is prohibited by the ABCC. A list of authorized sources to purchase alcohol can be found on the ABCC website www.mass.gov/abcc or you can contact the ABCC directly at (617) 727-3040.

Initial JD

I understand that the license holder must provide a Certificate of Liability Insurance with a liquor liability policy with $1M coverage, naming the Town of Southborough as the certificate holder.

Town has Trustees COLI on file

Initial JD

I certify under penalty of perjury that I shall be responsible for the proper observance of all applicable Alcohol Control Laws of the State of Massachusetts, policies and regulations of the Town of Southborough, and conditions governing this license; all information contained in this application is true and correct; and this License is being sought for the exclusive benefit and use of the Non-Profit Sponsor and its members.

Initial JD

LIABILITY DISCLAIMER FOR ONE-DAY ALCOHOL LICENSES

By exercising the privileges of this license in serving persons with alcoholic beverages, the licensee is potentially exposed to significant liability for injuries and damages to persons served or to others who are injured or damaged by the persons served. Your acceptance and exercise of this license will be deemed to be acknowledgement that you are aware of this potential liability. You are encouraged to discuss the risks associated with exercising your privileges of the license and the precautions appropriate to avoid injuries, damage, and liability to others with your legal and/or insurance advisors. The Town of Southborough, and the Select Board as Local Licensing Authority, shall not be liable to the licensee or others if injury or damage shall result from the exercise of the license.

I, Jessica Devine, in consideration of having been granted a special
(Event Manager/Applicant)
license for the service of alcoholic beverages, hereby agree to defend, indemnify and hold harmless the Town of Southborough ("Town"), its officers, boards, employees and agents, from any liability for any and all loss, damage, cost, claim, expense, compensation and cause of action arising out of, or in connection with, the issuance or exercise of the special license granted to me by the Select Board acting as the Town's Local Licensing Authority.

Jessica A. Devine / 7/3/20

Event Manager/Applicant Signature Date

APPLICATION FOR ONE-DAY ALCOHOL LICENSE

REQUIRED FORMS TO SUBMIT WITH APPLICATION:

☑ Completed license application with cash/check

☑ A Certificate of General Liability Insurance with a Liquor Liability for $1M, naming the Town of Southborough (17 Common Street, Southborough MA 01772) as Certificate Holder* Town has on file

☑ Completed 'Alcohol Awareness Server Training Affidavit' form, including copies of training cards Town has on file

☑ List of designated drivers to be available for transporting attendees considered unable to drive Uber/Lyft

IF APPLICABLE:

☐ Invitation/flyer/letter of explanation regarding event

☑ Proof of non-profit status (for 'All Alcohol License' only) Town has on file

*Voted May 18, 1993: To maintain the policy that was put in effect October 25, 1988 with the stipulation that the Board of Selectmen does have the authority to waive the requirement for a one million dollar insurance policy if it is so voted by a majority of the Board.

GUIDELINES:

- Application for Special One-day License must be submitted at least 30 days prior to event
- A police detail may be required, depending upon the number of people and the event. *It is the applicant's responsibility to contact the Southborough Police Department prior to application submission: 508-485-2147*
- Events can only be held on day and date approved on license. No refund is possible after a Special One-Day License has been issued. Rain dates for events must be noted on the application prior to approval. If no rain date is listed, the event cannot be held on date other than date specified.
- Special One-day Licenses can only be issued for events occurring between 11:00 a.m. – midnight on Monday – Saturday, and noon - midnight on Sundays.
- License must be posted in the most conspicuous place at the location of event
- DO NOT allow anyone to bring their own alcoholic beverages to your event
- A one-day license CAN NOT be granted to:
  - any person for more than a total of 30 days per calendar year
  - any person that has an on-premises annual license application pending
  - any premises that has an alcoholic beverages license.

FOR TOWN USE ONLY

LOCAL LICENSING AUTHORITY DECISION DATE: _____

☐ **APPROVED**

☐ **DENIED**

License #_____ Notice Sent to ABCC (within 10 days of issuance) _____

Payment received: _____ Date_____ Cash_____ Check# _____

Remarks:_____

_____

APPLICATION FOR ONE-DAY ALCOHOL LICENSE

TOWN OF SOUTHBOROUGH

Board of Selectmen

17 Common Street, Southborough MA 01772

TOWN USE ONLY
Date: 7/6/20
Paid: $50.00
Check#
Cash ✓
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5 Chestnut Hill Road Southborough MA 01772

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jdevine@thetrustees.org seastland@thetrustees.org

Event Manager/Applicant Email Address

The Trustees - Chestnut Hill Farm — 5 Chestnut Hill Road Southborough MA 01772

Organization Representing

Brew Moon Hike — 8/22/20 — 8/29/20

NAME OF EVENT / PURPOSE — **DATE OF EVENT** — **RAIN DATE**

LOCATION OF EVENT Chestnut Hill Farm

( ) Inside (X) Outside

Is the organization you are representing non-profit* X YES _____ NO

*If 'Yes' and applying for "All Alcohol" license, acceptable proof of non-profit status must be attached

"Alcohol Awareness Server Training Affidavit" and Server Certificates attached Town has on file ____YES ____NO

Hours of Sale/Consumption of Alcoholic Beverages 7pm AM/PM to 9pm AM/PM

APPLICATION FOR ONE-DAY ALCOHOL LICENSE

What is the maximum number of expected attendees? 20-40, split into small groups

What is the predominate age group of the expected attendees? families

Is an admission fee to be charged? X Yes _____No

Are tickets being sold in advance for this event? X Yes _____No

How will alcoholic beverages be dispensed or served? (*Please check all that apply)*

_____Waiter/Waitress

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_____

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If Yes, with whom and what date? Name Chief Paulhus via email Date 7/3/20

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If Yes, # of details and name and address of provider (if applicable)?

_____

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The Trustees - Chestnut Hill Farm

Company/Organization

Susan Eastland 7/3/20

Manager [Note: Manager training MUST be current] **Date**

Manager/Employee Name	Date of Hire	Type of Training [certification]	Date Valid	Date of Expiration
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Town has Susan's AIM card on file				

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(Event Manager/Applicant)
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Jessica A. Devine / 7/3/20

Event Manager/Applicant Signature Date

APPLICATION FOR ONE-DAY ALCOHOL LICENSE

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- License must be posted in the most conspicuous place at the location of event
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- A one-day license CAN NOT be granted to:
  - any person for more than a total of 30 days per calendar year
  - any person that has an on-premises annual license application pending
  - any premises that has an alcoholic beverages license.

FOR TOWN USE ONLY

LOCAL LICENSING AUTHORITY DECISION DATE: _____

☐ **APPROVED**

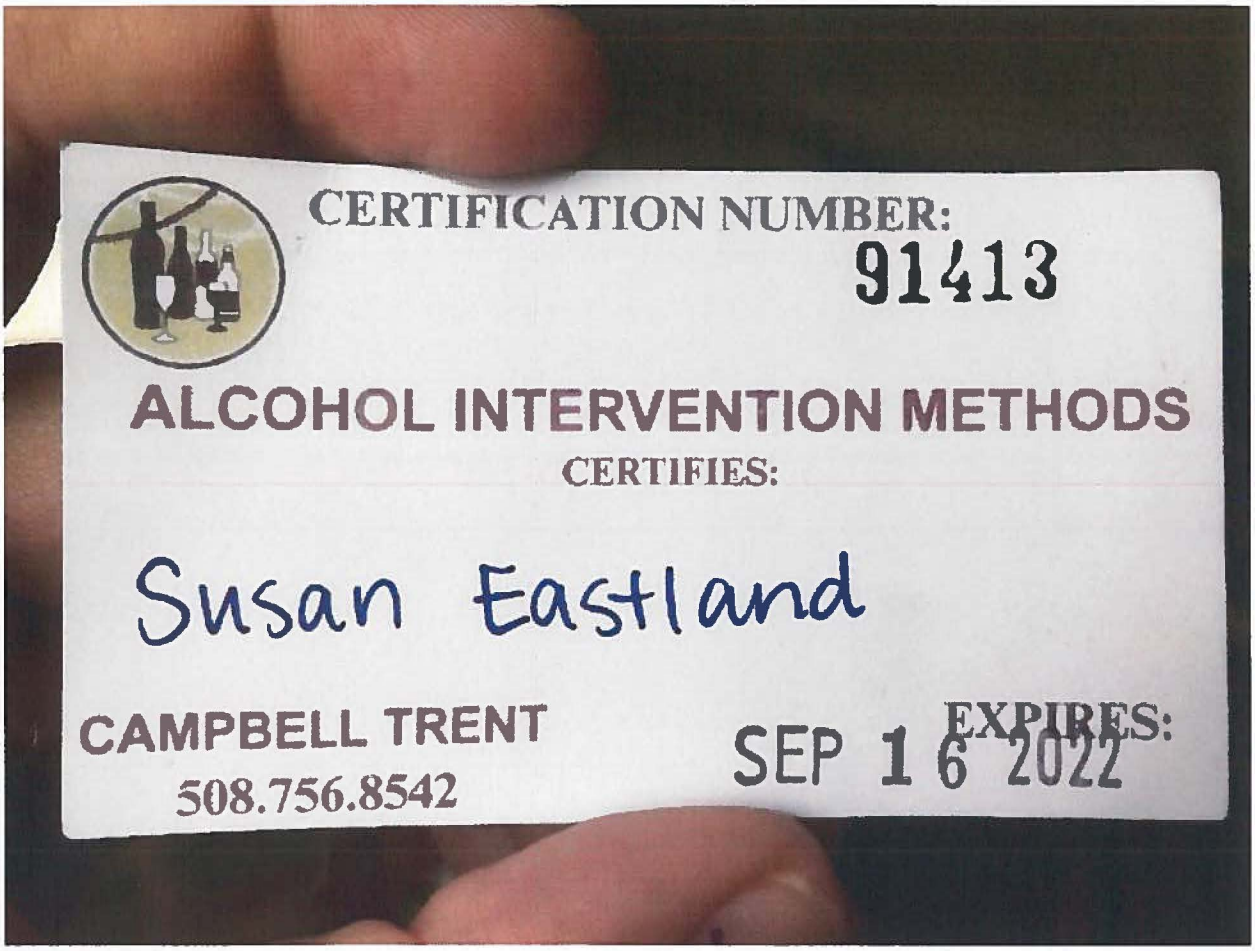
☐ **DENIED**

License #_____ Notice Sent to ABCC (within 10 days of issuance) _____

Payment received: _____ Date_____ Cash_____ Check# _____

Remarks:_____

_____



CERTIFICATION NUMBER:

91413

ALCOHOL INTERVENTION METHODS

CERTIFIES:

Susan Eastland

CAMPBELL TRENT

508.756.8542

EXPIRES:

SEP 16 2022

Southborough, MA
17 Common Street

Phone: 508-485-0710

Citizen Activity Form

Good Government Starts with You

Date Submitted:	June 25, 2020
Name:	Michael Weishan
Home Address:	189 Cordaville Road Southborough MA 01772
Mailing Address:	189 Cordaville Road Southborough MA 01772
Phone Number(s):	5086247640 - Home
Email Address:	mdwonline@yahoo.com
Current Occupation/Employer:	landscape architect/historian
Narrative:	5 previous terms SHC; President Southborough Historical Society
Board(s) / Committee(s):	___HISTORICAL COMMISSION

GRANTOR: Amerco Real Estate Company
GRANTEE: Town of Southborough acting by and through its Conservation Commission
ADDRESS OF PREMISES: Land off Firmin Avenue, Southborough
FOR GRANTOR'S TITLE SEE: Middlesex South Registry of Deeds at Book 70819, Page 341 and Worcester District Registry of Deeds at Book 58622, Page 218.

CONSERVATION RESTRICTION

AMERCO REAL ESTATE COMPANY, a Nevada corporation having a place of business at 2727 N. Central Avenue, Phoenix, Arizona 85004, being the sole owner, for its successors and assigns ("Grantor"), acting pursuant to Sections 31, 32, and 33 of Chapter 184 of the Massachusetts General Laws, grant with QUITCLAIM COVENANTS to the Town of Southborough acting by and through its Conservation Commission by authority of Section 8C of Chapter 40 of the Massachusetts General Laws, with an address of 17 Common Street, Southborough, MA 01772, its permitted successors and assigns ("Grantee"), for nominal consideration, IN PERPETUITY AND EXCLUSIVELY FOR CONSERVATION PURPOSES, the following Conservation Restriction on the entirety of a 1.739-acre parcel of land located in the Town of Southborough ("Premises"), which Premises is shown in the attached reduced copy of a recorded survey plan in Exhibit A, which is incorporated herein and attached hereto.

I. PURPOSES:

This Conservation Restriction is defined in and authorized by Sections 31-33 of Chapter 184 of the General Laws and otherwise by law. The purpose of this Conservation Restriction is to assure that the Premises will be maintained in perpetuity for conservation purposes, in a natural, scenic and undeveloped condition, and to prevent any use or change that would impair or interfere with its conservation and preservation values ("conservation values").

This Conservation Restriction is required by the following permits: Major Site Plan Approval granted by the Southborough Planning Board to the Grantor dated February 27, 2019 and recorded in the Middlesex South Registry of Deeds at Book 72584, Page 33; by the Southborough Planning Board to the Grantor dated February 27, 2019 and recorded in the Worcester District Registry of Deeds at Book 60410, Page 272; and by the Framingham Planning Board to the Grantor dated March 7, 2019 and recorded in the Middlesex South Registry of Deeds at Book 72584, Page 18.

The conservation values include the following:

Open Space Protection. The Premises contributes to the protection of the natural scenic and open space character of Southborough and the protection of the Premises will enhance the open-space value of these and nearby lands.

Public Access. Public access to the Premises will be allowed for passive outdoor recreational purposes.

Water Quality Protection. The Premises contains a significant component of a wooded swamp wetland complex, as identified by the MA Department of Environmental Protection, that extends onto adjacent undeveloped parcels, which wetlands provide valuable habitat for a diverse array of wildlife species as well as provide the many other public benefits of wetlands protection recognized by the Commonwealth of Massachusetts (Massachusetts General Laws Chapter 131, section 40).

II. PROHIBITED ACTS AND USES, EXCEPTIONS THERETO, AND PERMITTED USES

A. Prohibited Acts and Uses

Subject to the exceptions set forth herein, the Grantor will not perform or allow others to perform the following acts and uses which are prohibited on, above, and below the Premises:

(1) Constructing, placing or allowing to remain any temporary or permanent building, tennis court, landing strip, mobile home, swimming pool, asphalt or concrete pavement, sign, fence, billboard or other advertising display, antenna, utility pole, tower, solar panel, solar array, conduit, line or other temporary or permanent structure or facility on, above or under the Premises;

(2) Mining, excavating, dredging or removing from the Premises of soil, loam, peat, gravel, sand, rock or other mineral resource or natural deposit or otherwise making topographical changes to the area;

(3) Placing, filling, storing or dumping of soil, refuse, trash, vehicle bodies or parts, rubbish, debris, junk, tree and other vegetation cuttings generated off-site, waste or other substance or material whatsoever or the installation of underground storage tanks;

(4) Cutting, removing or otherwise destroying trees, grasses or other vegetation;

(5) Activities detrimental to drainage, flood control, water conservation, water quality, erosion control, soil conservation, wildlife habitat, or archaeological conservation;

(6) Use, parking or storage of vehicles including motorcycles, mopeds, all-terrain vehicles, trail bikes, or any other motorized vehicles on the Premises except for vehicles necessary for public safety (i.e., fire, police, ambulance, other government officials) in carrying out their official duties or as necessary for the mobility impaired;

(7) Subdivision or conveyance of a part or portion of the Premises alone, or division or subdivision of the Premises (as compared to conveyance of the Premises in its entirety which shall be permitted), and no portion of the Premises may be used towards building or development requirements on this or any other parcel;

(8) The use of the Premises for business, residential or industrial use, or for more than *de minimis* commercial recreation; and

(9) Any other use of the Premises or activity which is inconsistent with the purpose of this Conservation Restriction or which would impair its conservation values.

B. Reserved Rights and Exceptions

The Grantor reserves the right to conduct or permit the following activities and uses on the Premises, but only if such uses and activities do not impair the conservation values or purposes of this Conservation Restriction.

(1) Vegetation Management. The selective minimal removing of brush, pruning and cutting to prevent, control or remove hazards, disease, insect or fire damage, or to preserve the present condition of the Premises, including woods, roads, fence lines and trails and meadows;

(2) Non-native or nuisance species. The removal of non-native or invasive species, the interplanting of native species, and the control of species in a manner that minimizes damage to surrounding, non-target species and preserves water quality;

(3) Wildlife Habitat Improvement. With the prior written approval of Grantee, measures designed to restore native biotic communities, or to maintain, enhance or restore wildlife, wildlife habitat, or rare or endangered species including selective planting of native trees, shrubs and plant species;

(4) Archaeological Investigations. The conduct of archaeological activities, including without limitation survey, excavation and artifact retrieval, following submission of an archaeological field investigation plan and its approval in writing by Grantee and the State Archaeologist of the Massachusetts Historical Commission (or appropriate successor official).

(5) Trails. The marking, clearing and maintenance of existing trails. With prior approval of the Grantee, the construction of new trails or the relocation or alteration of existing trails, provided that any construction, relocation, or alteration results in trails that are no wider than six (6) feet;

(6) Signs. The erection, maintenance and replacement of signs with respect to trespass, trail access, identity and address of the occupants, sale of the Premises, the Grantee's interest in the Premises, any gift, grant, or other applicable source of support for the conservation of the Premises, the Reserved Rights, and the protected conservation values;

(7) Outdoor Passive Recreational Activities. Hiking, horseback riding, cross-country skiing, jogging, walking, and other non-motorized outdoor recreational activities that do not

materially alter the landscape, do not degrade environmental quality, and do not involve more than minimal use for commercial recreational activities;

(8) Stone Walls. The maintenance, repair, and temporary relocation, but not the removal, of existing stone walls on the Premises.

(9) Site Restoration. Any work undertaken in conjunction with the Reserved Rights described in this Paragraph B shall seek to minimize disturbance to the Conservation Values and other natural features within the Premises that may be impacted as a result of exercising of any of the Reserved Rights described herein. Upon completion of any site work performed in conjunction with the Reserved Rights described in this Paragraph B, any disturbed areas shall be restored substantially to the conditions with respect to soil material, grade, and vegetated ground cover, as applicable, that existed prior to said work.

(10) Permits, Regulations, Laws. The exercise of any right reserved by Grantor under this Paragraph B shall be in compliance with zoning, the Wetlands Protection Act, and all other applicable federal, state and local laws, rules, regulations, and permits. The inclusion of any reserved right requiring a permit from a public agency does not imply that the Grantee or the Commonwealth takes any position whether such permit should be issued.

(11) Best Management Practices. The exercise of any right reserved by Grantor under this Paragraph B shall follow, when available and if applicable, established, up to date, and regionally-applicable Best Management Practices or similar standards developed by a governmental agency or other entity with known expertise in the area of practice and designed to protect the natural features potentially affected by the action(s).

C. Notice and Approval.

Whenever notice to or approval by Grantee is required, Grantor shall notify Grantee, by a method requiring proof of receipt, in writing not less than 60 days prior to the date Grantor intends to undertake the activity in question. The notice shall describe the nature, scope, design, location, timetable and any other material aspect of the proposed activity in sufficient detail to permit the Grantee to make an informed judgment as to its consistency with the purposes of this Conservation Restriction. Where Grantee's approval is required, Grantee shall grant or withhold approval in writing within 60 days of receipt of Grantor's request. Grantee's approval shall not be unreasonably withheld, but shall only be granted upon a showing that the proposed activity shall not impair the purposes of this Conservation Restriction.

Subject to any applicable law or regulation, failure of Grantee to respond in writing within 60 days shall be deemed to constitute approval by Grantee of the request as submitted, so long as the request sets forth the provisions of this section relating to deemed approval after 60 days in the notice, the requested activity is not prohibited herein, and the activity will not impair the conservation values or purposes of this Conservation Restriction.

III. LEGAL REMEDIES OF THE GRANTEE

A. Legal and Injunctive Relief.

The rights hereby granted shall include the right to enforce this Conservation Restriction by appropriate legal proceedings and to obtain injunctive and other equitable relief against any violations, including, without limitation, relief requiring restoration of the Premises to their condition prior to the time of the injury complained of (it being agreed that the Grantee will have no adequate remedy at law). The rights hereby granted shall be in addition to, and not in limitation of, any other rights and remedies available to the Grantee for the enforcement of this Conservation Restriction. Grantee agrees to cooperate for a reasonable period of time, not less than 90 days, prior to resorting to legal means in resolving issues concerning violations, except during periods of emergency when delayed action could lead to irreparable injury of the Premises.

B. Non-Waiver.

Enforcement of the terms of this Conservation Restriction shall be at the discretion of Grantee. Any election by the Grantee as to the manner and timing of its right to enforce this Conservation Restriction or otherwise exercise its rights hereunder shall not be deemed or construed to be a waiver of such rights.

C. Disclaimer of Liability

By acceptance of this conservation restriction, the Grantee does not undertake any liability or obligation relating to the condition of the Premises pertaining to compliance with and including, but not limited to, hazardous materials, zoning, environmental laws and regulations, or acts not caused by the Grantee or its agents.

D. Acts Beyond the Grantor's Control

Nothing contained in this Conservation Restriction shall be construed to entitle the Grantee to bring any actions against the Grantor for any injury to or change in the Premises resulting from causes beyond the Grantor's control, including but not limited to fire, flood, storm and earth movement, action and/or inaction by third parties, or from any prudent action taken by the Grantor under emergency conditions to prevent, abate, or mitigate significant injury to the Premises resulting from such causes. In the event of any such occurrence, the Grantor and Grantee will cooperate in the restoration of the Premises, if desirable and feasible.

IV. ACCESS

1. To the Grantee. The Grantor hereby grants to the Grantee, or its duly authorized agents or representatives, the right to enter the Premises upon reasonable notice, not less than 30 days, and at reasonable times, for the purpose of inspecting the Premises to determine compliance with or to enforce this Conservation Restriction. The Grantor also grants to the Grantee, after notice of a violation and failure of the Grantor to cure said violation within 90 days of said notice, except during periods of emergency when delayed action could lead

to irreparable injury of the Premises, the right to enter the Premises for the purpose of taking any and all actions with respect to the Premises as may be necessary or appropriate to remedy or abate any violation hereof, including but not limited to the right to perform a survey of boundary lines.

2. To the General Public. The Grantor grants access to the Premises to the general public and agrees to take no action to prohibit or discourage access to and use of the Premises by the general public, but only for daytime use and only as described in Section II(B)(7) provided that such agreement by Grantor is subject to the Grantor's reserved right to establish reasonable rules, regulations, and restrictions on such permitted recreational use by the general public for the protection of the purposes and conservation values of this Conservation Restriction. Grantor has the right to control, limit, or prohibit by posting and other reasonable means activities or uses of the Premises not authorized in Section II(B)(7). The Grantor's right to grant public access across the Premises is subject to the restrictions described in this Conservation Restriction. Any public use which is permitted by the terms of this Conservation Restriction constitutes permission to use the Premises for purposes described in the Massachusetts General Laws Chapter 21, Section 17C and the Grantor and Grantee hereto benefit from exculpation from liability to the extent provided in such section. The Grantee may require the Grantor to post the Premises against any use that may result in rutting or erosion or other damage to the natural resources of the Premises

V. EXTINGUISHMENT

A. If circumstances arise in the future such as render the purpose of this Conservation Restriction impossible to accomplish, this Conservation Restriction can only be terminated or extinguished, whether in whole or in part, as provided by the then-applicable law by a court of competent jurisdiction under applicable law after review and approval by the Massachusetts Secretary of Energy and Environmental Affairs.

B. Grantee's Receipt of Property Right. Grantor and Grantee agree that the conveyance of this Conservation Restriction gives rise to a real property right, immediately vested in the Grantee, but does not entitle the Grantee to any proceeds that may result from an extinguishment of the Conservation Restriction pursuant to Paragraph V(A).

C. Grantor/Grantee Cooperation Regarding Public Action. Whenever all or any part of the Premises or any interest therein is taken by public authority under power of eminent domain or other act of public authority, then the Grantor and the Grantee shall cooperate in recovering the full value of all direct and consequential damages resulting from such action. All related expenses incurred by the Grantor and the Grantee shall first be paid out of any recovered proceeds, and the remaining proceeds shall be distributed to the Grantor in accordance with Paragraph V(B). If a less than fee interest is taken, the proceeds shall be distributed to the Grantor in accordance with Paragraph V(B).

VI. DURATION & ASSIGNABILITY

A. Running of the Burden. The burdens of this Conservation Restriction shall run with the Premises in perpetuity, and shall be enforceable against the Grantor and the successors and assigns of the Grantor holding any interest in the Premises.

B. Execution of Instruments. Upon prior review and approval as to form by Grantor, the Grantee is authorized to record or file any notices or instruments appropriate to assuring the perpetual enforceability of this Conservation Restriction; the Grantor, on behalf of itself and its successors and assigns, appoints the Grantee their attorney-in-fact to execute, acknowledge and deliver any such instruments on its behalf. Without limiting the foregoing, the Grantor and its successors and assigns agree themselves to execute any such instruments upon Grantor's prior review and approval as to form.

C. Running of the Benefit. The benefits of this Conservation Restriction shall run to the Grantee, shall be in gross and shall not be assignable by the Grantee, except in the following instances:

As a condition of any assignment, the Grantee shall require that the purpose of this Conservation Restriction continues to be carried out; that the Assignee is not an owner of the fee in the Property, and the Assignee, at the time of the assignment, qualifies under Section 170(h) of the Internal Revenue Code of 1986, as amended, and applicable regulations thereunder, and is a donee eligible to receive this Conservation Restriction under Section 32 of Chapter 184 of the General Laws of Massachusetts. Any assignment will comply with Article 97 of the Amendments to the Constitution of the Commonwealth of Massachusetts, if applicable.

VII. SUBSEQUENT TRANSFERS

The Grantor agrees to incorporate by reference the terms of this Conservation Restriction in any deed or other legal instrument which grants any interest in all or a portion of the Premises, including a leasehold interest and to notify the Grantee not less than twenty (20) days prior to the execution of such transfer. Failure to do any of the above shall not impair the validity or enforceability of this Conservation Restriction. Any transfer will comply with Article 97 of the Amendments to the Constitution of the Commonwealth of Massachusetts, if applicable.

The Grantor shall not be liable for violations occurring after their ownership. Liability for any acts or omissions occurring prior to any transfer and liability for any transfer if in violation of this Conservation Restriction shall survive the transfer. Any new owner shall cooperate in the restoration of the Premises or removal of violations caused by prior owner(s) and may be held responsible for any continuing violations.

VIII. ESTOPPEL CERTIFICATES

Upon request by the Grantor, the Grantee shall, within thirty (30) days execute and deliver to the Grantor any document, including an estoppel certificate, which certifies the Grantor's compliance or non-compliance with any obligation of the Grantor contained in this Conservation Restriction.

IX. NON MERGER

The parties intend that any future acquisition of the Premises shall not result in a merger of the Conservation Restriction into the fee. The Grantor agrees that it will not grant, and the Grantee agrees that it will not take title, to any part of the Premises without having first assigned this Conservation Restriction to a non-fee owner that is qualified under Section 170(h) of the Internal Revenue Code of 1986, as amended, and applicable regulations thereunder and is eligible to receive this Conservation Restriction under Section 32 of Chapter 184 of the General Laws of Massachusetts in order to ensure that merger does not occur and that this Conservation Restriction continues to be enforceable by a non-fee owner.

X. AMENDMENT

If circumstances arise under which an amendment to or modification of this Conservation Restriction would be appropriate, Grantor and Grantee may jointly amend this Conservation Restriction; provided that no amendment shall be allowed that will affect the qualification of this Conservation Restriction or the status of Grantee under any applicable laws, including Section 170(h) of the Internal Revenue Code of 1986, as amended, or Sections 31-33 of Chapter 184 of the General laws of Massachusetts. Any amendments to this conservation restriction shall occur only in exceptional circumstances. The Grantee will consider amendments only to correct an error or oversight, to clarify an ambiguity, or where there is a net gain in conservation value. All expenses of all parties in considering and/or implementing an amendment shall be borne by the persons or entity seeking the amendment. Any amendment shall be consistent with the purposes of this Conservation Restriction, shall not affect its perpetual duration, shall be approved by the Secretary of Energy and Environmental Affairs and if applicable, shall comply with the provisions of Art. 97 of the Amendments to the Massachusetts Constitution. Any amendment shall be recorded in the Worcester District Registry of Deeds.

XI. EFFECTIVE DATE

This Conservation Restriction shall be effective when the Grantor and the Grantee have executed it, the administrative approvals required by Section 32 of Chapter 184 of the General Laws have been obtained, and it has been recorded in a timely manner in the Worcester District Registry of Deeds.

XII. NOTICES

Any notice, demand, request, consent, approval or communication that either party desires or is required to give to the other shall be in writing and either served personally or sent by first class mail, postage pre-paid, addressed as follows:

To Grantor: Amerco Real Estate Company
2727 N. Central Avenue, Suite 500
Phoenix, Arizona 85004

and

Scott Chase, President
U-Haul Eastern Massachusetts
6 Merrill Street
Salisbury, MA 01952

To Grantee: Town of Southborough by and through its Conservation Commission
17 Common Street
Southborough, MA 01772

or to such other address as any of the above parties shall designate from time to time by written notice to the other or, if notice is returned to sender, to an address that is reasonably ascertainable by the parties.

XIII. GENERAL PROVISIONS

A. Controlling Law. The interpretation and performance of this Conservation Restriction shall be governed by the laws of the Commonwealth of Massachusetts.

B. Liberal Construction. Any general rule of construction to the contrary notwithstanding, this Conservation Restriction shall be liberally construed in favor of the grant to effect the purpose of this Conservation Restriction and the policy and purposes of Chapter 184, Sections 31, 32, and 33 of the Massachusetts General Laws. If any provision in this instrument is found to be ambiguous, any interpretation consistent with the purpose of this Conservation Restriction that would render the provision valid shall be favored over any interpretation that would render it invalid.

C. Severability. If any provision of this Conservation Restriction or the application thereof to any person or circumstance is found to be invalid, the remainder of the provision of this Conservation Restriction shall not be affected thereby.

D. Entire Agreement. This instrument sets forth the entire agreement of the parties with respect to this Conservation Restriction and supersedes all prior discussions, negotiations, understandings or agreements relating to the Conservation Restriction, all of which are merged herein.

XIV. MISCELLANEOUS

A. Pre-existing Public Rights. Approval of this Conservation Restriction pursuant to Chapter 184, Section 32 of the Massachusetts General Laws by any municipal officials and by the Secretary of Energy and Environmental Affairs is not to be construed as representing the existence or non-existence of any pre-existing rights of the public, if any, in and to the Premises, and any such pre-existing rights of the public, if any, are not affected by the granting of this Conservation Restriction.

B. Subordination. The Grantor attests that there is no mortgage, promissory note, loan, lien, equity credit line, refinance assignment of mortgage, lease, financing statement or any other agreement which gives rise to a surety interest affecting the Premises.

C. Attached hereto and incorporated herein by reference are the following:

Signature pages:

Grantor
Grantee Acceptance
Approval by Town of Southborough Board of Selectmen
Approval of the Secretary of Energy and Environmental Affairs.

Exhibit:

Exhibit A: Reduced Copy of Recorded Plan of Premises

GRANT BY AMERCO REAL ESTATE COMPANY

AMERCO REAL ESTATE COMPANY

By:_____

Its duly authorized:_____

WITNESS my hand and seal this ____day of _____, 20___,

_____

COMMONWEALTH OF MASSACHUSETTS

WORCESTER, ss:

On this _____ day of _____ , 20___, before me, the undersigned notary public, personally appeared _____, and proved to me through satisfactory evidence of identification which was _____ to be the person whose name is signed on the proceeding or attached document, and acknowledged to me that he signed it voluntarily for its stated purpose.

_____
Notary Public
My Commission Expires:

ACCEPTANCE OF GRANT BY TOWN OF SOUHBOROUGH CONSERVATION COMMISSION

We, the undersigned, being a majority of the Conservation Commission of the Town of Southborough, Massachusetts, hereby certify that at a public meeting duly held on _____, 2020, the Conservation Commission voted to approve and accept the foregoing Conservation Restriction from Amerco Real Estate Company pursuant to Massachusetts General Laws, Chapter 184, Section 32, and Chapter 40, Section 8C, and do hereby accept the foregoing Conservation Restriction.

TOWN OF SOUTHBOROUGH
CONSERVATION COMMISSION:

_____
Mark Possemato

_____
Benjamin Smith

_____
Russell S. Gregory, Jr.

_____
Carl Guyer

_____
Judith Watson

_____
Sheri Widdiss

_____
Jeffrey Peet

COMMONWEALTH OF MASSACHUSETTS

WORCESTER, ss:

On this _____ day of _____ , 20___, before me, the undersigned notary public, personally appeared _____, and proved to me through satisfactory evidence of identification which was _____ to be the person whose name is signed on the proceeding or attached document, and acknowledged to me that he signed it voluntarily for its stated purpose.

_____

Notary Public
My Commission Expires:

APPROVAL OF GRANT BY TOWN OF SOUTHBOROUGH BOARD OF SELECTMEN

We, the undersigned, being a majority of the Board of Selectmen of the Town of Southborough, hereby certify that at a public meeting duly held on _____, 2020, the Board of Selectmen voted to approve the foregoing Conservation Restriction from Amerco Real Estate Company to the Town of Southborough acting by and through its Conservation Commission in the public interest pursuant to Massachusetts General Laws, Chapter 184, Section 32.

TOWN OF SOUTHBOROUGH BOARD OF SELECTMEN:

_____
Brian Shea

_____
Martin Healey

_____
Lisa Braccio

_____
Daniel Kolenda

_____
Sam Stivers

COMMONWEALTH OF MASSACHUSETTS

WORCESTER, ss:

On this _____ day of _____ , 20___, before me, the undersigned notary public, personally appeared _____, and proved to me through satisfactory evidence of identification which was _____ to be the person whose name is signed on the proceeding or attached document, and acknowledged to me that he signed it voluntarily for its stated purpose.

_____
Notary Public
My Commission Expires:

APPROVAL OF GRANT BY SECRETARY OF ENERGY AND ENVIRONMENTAL AFFAIRS COMMONWEALTH OF MASSACHUSETTS

The undersigned, Secretary of Energy and Environmental Affairs of the Commonwealth of Massachusetts, hereby certifies that the foregoing Conservation Restriction from Amerco Real Estate Company to the Town of Southborough acting by and through its Conservation Commission has been approved in the public interest pursuant to Massachusetts General Laws, Chapter 184, Section 32.

Dated: _____, 2020

_____
KATHLEEN THEOHARIDES
Secretary of Energy and Environmental Affairs

COMMONWEALTH OF MASSACHUSETTS

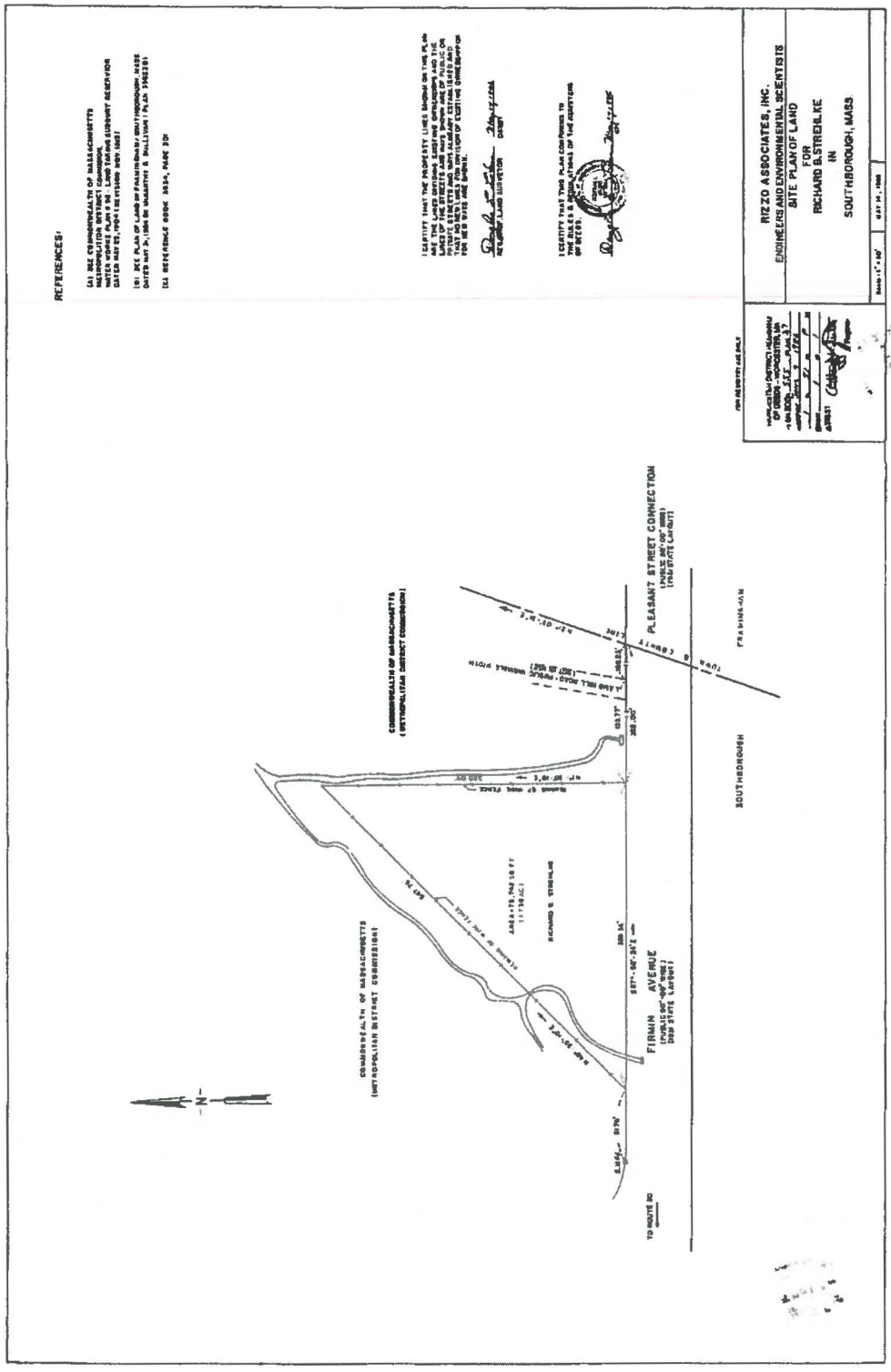
SUFFOLK, ss:

On this _____ day of _____, 2020, before me, the undersigned notary public, personally appeared KATHLEEN A. THEOHARIDES, and proved to me through satisfactory evidence of identification which was _____ to be the person whose name is signed on the proceeding or attached document, and acknowledged to me that she signed it voluntarily for its stated purpose.

_____
Notary Public
My Commission Expires:

EXHIBIT A - Reduced Copy of Recorded Plan of Premises

For official plan, see Worcester District Registry of Deeds Plan Book 555 Plan 37.



TOWN OF SOUTHBOROUGH

BOARD OF SELECTMEN Meeting Minutes

Meeting Date: Tuesday, June 23, 2020, 6:30 P.M.
Location: Virtual Meeting through Zoom
Present: Brian Shea, Marty Healey, Lisa Braccio, Chelsea Malinowski, Sam Stivers and Town Administrator Mark Purple

I. Chairman Shea called the meeting to order at 6:30 P.M. Chairman Shea read the following statement:

Pursuant to Governor Baker's March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, §18, and the Governor's March 15, 2020 Order imposing strict limitation on the number of people that may gather in one place, this meeting of the Southborough Board of Selectmen will be conducted via remote participation to the greatest extent possible. Specific information and the general guidelines for remote participation by members of the public and/or parties with a right and/or requirement to attend this meeting can be found on the Town of Southborough's website, at https://www.southboroughtown.com/. For this meeting, members of the public who wish to watch or participate in the meeting may do so in the following manner by finding the meeting at: https://www.southboroughtown.com/remotemeetings. No in-person attendance of members of the public will be permitted, but every effort will be made to ensure that the public can adequately access the proceedings in real time, via technological means. In the event that we are unable to do so, despite best efforts, we will post on Southborough's website an audio or video recording, transcript, or other comprehensive record of proceedings as soon as possible after the meeting.

II. **Reorganization of the Board**

Chairman Shea congratulated Ms. Braccio and Ms. Malinowski on their successful campaigns for a seat on the Board. Chairman Shea addressed the incident at the Public Safety Complex saying that matter is under investigation and he has no new information to release. He thanked the rescue personnel that assisted the injured officer and the Westborough Police Department. He commended Chief Paulhus for his handling of the incident and wished the injured officer the best in his recovery.

Chairman Shea asked if any members were interested in being Chair for the upcoming year. Mr. Stivers stated he was not interested and nominated Ms. Braccio highlighting her experience and the challenging times the Town is currently facing. Ms. Braccio respectfully declined and stated she was interested in being Chair in the future but not currently. Chairman Shea nominated Mr. Healey for Chair of the Board. Mr. Stivers seconded. Mr. Healey thanked them both and accepted the nomination. Mr. Stivers asked Mr. Healey what his goals were for the coming year. Mr. Healey stated overcoming the challenges that the COVID-19 pandemic has brought, supporting inclusivity for this year and beyond, and making sure the Board is more accessible to the public. The motion passed (4-0-1) by roll call vote, Braccio, aye; Malinowski, aye; Stivers, aye; Shea, aye; Healey, abstain. Mr. Shea made a motion to appoint Ms. Braccio as Vice Chair. Ms. Malinowski seconded. The motion passed (4-0-1) by roll call vote, Malinowski, aye; Stivers, aye; Shea, aye; Healey, aye; Braccio, abstain.

III. Scheduled Appointments

Karen Galligan, DPW Superintendent

a. Transfer Station Rules and Regulations

Ms. Galligan stated the changes were mostly formatting to make the document easier to read. Th Planning Board voted to keep the rate as is and talk about possibly putting the Transfer Station back into the tax rate in the future. Ms. Galligan said stickers would remain at $250 and any additional household stickers and stickers for Seniors would be free. She added that the DPW is looking to charge $10 for replacement stickers and Mr. Stivers stated he was in support of this. Chairman Healey asked how many replacement stickers are typically given and Ms. Galligan said approximately thirty. Mr. Stivers added that the Capital Planning Committee is working with John Butler on a high-level analysis of Transfer Station operations. Ms. Braccio stated that the $250 fine should be made more prominent in the document. Ms. Galligan agreed. Ms. Malinowski pointed out a typo in paragraph three. Ms. Malinowski inquired about the cost of the mailing. Ms. Galligan explained that to send the mailing to all residents costs the Town approximately $3,400. Ms. Malinowski asked if there were requirements to send this and Ms. Galligan replied there were not. Ms. Malinowski suggested sending a postcard to include in the tax bill in lieu of a full mailer to save on cost. Ms. Galligan agreed and stated a postcard could cost approximately $800. Mr. Healey suggested posting signs at the Senior Center. Ms. Galligan agreed. She stated there will not be a drive through for Seniors this year. Mr. Stivers suggested looking into how much the Town is mailing to residents and if there is a possibility to save on cost by moving to more virtual communication. Mr. Stivers made a motion to approve the regulations as discussed with the minor edits mentioned with the intent to use a postcard mailer for communications. Ms. Braccio seconded. The motion passed all in favor by roll call vote, Braccio, aye; Malinowski, aye; Shea, aye; Stivers, aye; Healey, aye.

b. MassDOT Shared Streets and Spaces Grant Program

Ms. Galligan stated she was hopeful this grant would fund approximately $300,000 of a $400,000 project to extend the sidewalks from Main Street up Newton Street to the medical building. She explained how the grants work and that the bid starts a 100-day deadline process which started yesterday. Ms. Galligan explained that they are ready to move forward and she is confident they can make the 100-day deadline which includes public meetings for feedback. She explained that the remaining $100,000 would be covered by the Town or Town road funds. Chairman Healey asked that due to the nature of the grant, could the town potentially apply for three different projects. Mr. Stivers agreed this should be done if possible and asked if there were any other projects to include. Ms. Galligan replied that she did not want the Town to compete with itself but agreed to look into it. Mr. Stivers suggested including legislators to reinforce the importance of these projects. Ms. Galligan suggested the EDC pursue other projects they may be interested in with the support of the Board. Ms. Braccio stated her support for the project. Chairman Healey asked to hear from the Trails Committee, Open Space Commission and Recreation Committee to understand their support for these projects. Mr. Stivers made a motion to support Ms. Galligan's proceeding with grant applications for the sidewalk project as proposed. Mr. Shea seconded. Mr. Stivers amended his motion to include the condition to allow Chairman Healey to sign documents on behalf of the Board if necessary. Ms. Braccio seconded. The motion passed all in favor (5-0-0) by roll call vote, Braccio, aye; Malinowski, aye; Shea, aye; Stivers, aye; Healey, aye.

IV. Reports

Chairman's Report

Chairman Healey stated he visited the Southborough Police Department this morning and spoke with Chief Paulhus. He stated that he witnessed the multiple media outlets interviewing the Chief. He said this was an isolated incident and the Town should be proud of the Department and the Chief for his response and handling of the situation.

Members' Reports

Ms. Braccio thanked Mr. Shea for his year as Chairman as he brought an increase level of patience and skills to the Board.

Ms. Malinowski echoed Chairman Healey's sentiments and commended the Police Department. She stated that she is looking forward to working with the Board.

Mr. Stivers echoed comments regarding Mr. Shea's time as Chairman.

Chairman Healey gave best wishes to Sergeant DeLuca for a speedy recovery.

Town Administrator Report

Mr. Purple echoed the comments regarding the incident last evening and highlighted the Chief for his focus to develop and train the officers. He added that the outcome depicts a positive result for the training and gave credit to both the officers and Chief Paulhus.

Mr. Purple explained that the flag pole in front of the Town House has changed in appearance. He explained that Crown Castle submitted a building permit to structurally reinforce the poles and replace wires. He added the pictures included in the application were not in line with what was replaced and the Building Commissioner and Facilities Director halted the project and had the company remove the equipment. He stated he and the Building Commissioner spoke with Crown Castle and they have agreed to revert the pole to its original condition in a couple weeks.

Mr. Purple stated he spoke with Representative Dykema and there are more technology grants passed by the House. These grants are in the Senate for approval and apply to both the Town and schools. He stated Representative Dykema will inform him of any updates.

Mr. Purple stated the Public Health Nurse informed him that the Town has had 41 positive COVID-19 cases and one was in isolation. He was informed that the person in isolation has passed away and was in their 60s. He stated that the Town has had their first COVID-19 related death but has gone over 15 days since its last positive case in Southborough. Chairman Healey stated this was tragic news and thoughts and prayers are with the family of the deceased.

V. Consent Agenda

a. Ms. Malinowski asked to hold agenda item "a." Ms. Malinowski informed the Board she will be abstaining from this vote. Mr. Shea made a motion to approve Open Session Minutes: June 2, 2020; June 8, 2020; June 9, 2020. Ms. Braccio seconded. The motion passed (4-0-1) by roll call vote, Braccio, aye; Malinowski, abstain; Shea, aye; Stivers, aye; Healey, aye.

b. Ms. Braccio asked to hold agenda item "b." Ms. Braccio thanked Ms. Bartolini for all the time and effort she has given to the Town in many capacities. Chairman Healey and Mr. Stivers echoed her appreciation. Mr. Stivers made a motion to accept the resignation from Kathleen

Bartolini from EDC. Mr. Shea seconded. The motion passed all in favor (5-0-0) by roll call vote, Braccio, aye; Malinowski, aye; Shea, aye; Stivers, aye; Healey, aye.

c. Ms. Braccio asked to hold agenda item "c." Ms. Braccio wished Ms. Remillard well on her future endeavors and thanked her for her time and service given to the Town. Mr. Stivers made a motion to accept the resignation from FT Communications Officer Brittney Remillard. Mr. Shea seconded. The motion passed all in favor (5-0-0) by roll call vote, Braccio, aye; Malinowski, aye; Shea, aye; Stivers, aye; Healey, aye.

d. Ms. Braccio made a motion to appoint Stephanie Fontaine as FT Communications Officer effective July 2, 2020. Mr. Stivers seconded. The motion passed all in favor (5-0-0) by roll call vote, Braccio, aye; Malinowski, aye; Shea, aye; Stivers, aye; Healey, aye.

e. Ms. Braccio made a motion to reappoint: Keith Ackley, Registrar of Voters; term 6/30/23. Mr. Stivers seconded. The motion passed all in favor (5-0-0) by roll call vote, Braccio, aye; Malinowski, aye; Shea, aye; Stivers, aye; Healey, aye.

f. Ms. Braccio made a motion to accept donations totaling $535.00 for Fire Department Ambulance fund. Mr. Stivers seconded. The motion passed all in favor (5-0-0) by roll call vote, Braccio, aye; Malinowski, aye; Shea, aye; Stivers, aye; Healey, aye.

g. Ms. Braccio made a motion to appoint Council on Aging, term 6/30/23

    i. Russell B. Miliholland

    i. Peter Brent Trottier

Mr. Stivers seconded. The motion passed all in favor (5-0-0) by roll call vote, Braccio, aye; Malinowski, aye; Shea, aye; Stivers, aye; Healey, aye.

h. Ms. Braccio asked to hold agenda item "h." Approve alcohol license alteration of premises request for outdoor seating

    i. Hola!

    ii. New Rose Garden

Chairman Healey informed the Board that there is only one application as the New Rose Garden withdrew. After some discussion regarding the application, Chairman Healey suggested moving the discussion of agenda item "h" to agenda item entitled "Discussion of outdoor seating policy and approval authority." The Board agreed.

i. Mr. Stivers asked to hold agenda item "i." Mr. Stivers stated the spending authorization request was set for $100,000 and he wanted to ensure the Town was being appropriate and as aggressive as possible. Mr. Purple stated the number is estimated with a significant amount of padding in order to add other items in the near future. He said these items are strictly from fiscal year 2020 and there will be a new list come July. Ms. Malinowski asked if the Town has applied for the CARES Act or through FEMA. Mr. Purple replied that the State had encouraged the Town to wait until closer to the end of June. Mr. Stivers made a motion to approve the request to DOR for COVID-19 related spending authority. Mr. Shea seconded. The motion passed all in favor (5-0-0) by roll call vote, Braccio, aye; Malinowski, aye; Shea, aye; Stivers, aye; Healey, aye.

VI. Update on impact of COVID-19

<u>Discussion of outdoor seating policy and approval authority</u>

Chairman Healey began the discussion regarding Consent Agenda item "h." He stated he appreciated the straightforward materials provided by Mr. Purple. Mr. Purple stated Ms. Hale and Ms. Esposito managed this process along with Ms. Livoli, Chief Achilles, Chief Paulhus, Ms. Munsiff and Ms. Quinn. Ms. Hale stated this policy was a collaboration with code and permitting departments. She spoke with multiple surrounding communities regarding their policies and

issues and she is hopeful this will help local businesses start recovering from the impact of the pandemic. She stated Hola Restaurant is currently the only business to apply.

Ms. Braccio stated she supports anything to help small business get back up and running. She stated that the issue she had with the outdoor seating policy is that the Board is currently not involved in the application process and she would like them to be. She added the Board could move quickly to move the process along. Chairman Healey asked Ms. Hale if she were comfortable circulating any applications with the Board and adding the item to the consent agenda for the next meeting. Ms. Braccio supported this. Ms. Hale stated she was concerned that this may be considered deliberation over email. Chairman Healey stated that there would be no deliberation. Mr. Shea stated the feedback would be sent directly to Mr. Purple only. Ms. Hale replied that due to timing, the Board may need to have a special meeting to approve an application. Mr. Purple summarized the current process for restaurants that have applied and stated he supported the process suggested by the Board. Mr. Shea suggested that any establishment with a liquor license associated with it should be required to come to the Board and all others could be approved by Mr. Purple. Mr. Stivers stated he would like to be informed of all establishments applying for outdoor seating. Mr. Purple agreed to circulate all applications to the Board and any requests to discuss would be put on the next agenda. Mr. Stivers made a motion to approve the policy as amended. Mr. Shea seconded. The motion passed all in favor (5-0-0) by roll call vote, Braccio, aye; Malinowski, aye; Shea, aye; Stivers, aye; Healey, aye.

Ms. Braccio asked what the proposed lighting would be for the outside seating at Hola! Restaurant. She also asked about lighting hours due to the proximity of the restaurant to a residential area. Mr. Purple said lighting plans were not included but he would follow up on those details. Ms. Braccio asked if there were any consideration to the threat of EEE. Ms. Hale stated the Health Agent did not have any concerns but will ask at the next Board of Health meeting. Ms. Malinowski asked if residents were informed of this application. Ms. Hale stated that they had not as that requirement has been waived by the State. Ms. Malinowski asked about parking and barriers surrounding the outdoor dining area. Mr. Purple stated he would report back with that specific details. Chairman Healey asked if the Police Department reviewed the application and asked for a document be sent to Hola! regarding these specific concerns. Ms. Hale agreed to do so. Mr. Stivers made a motion to approve the Hola! application as included in the packet. Mr. Shea seconded. The motion passed all in favor (5-0-0) by roll call vote, Braccio, aye; Malinowski, aye; Shea, aye; Stivers, aye; Healey, aye. Chairman Healey encouraged establishments in Town to apply for outdoor dining.

VII. Other Matters Properly Before the Board

Request from EDC to reduce membership and change structure of the Committee

John Wood, Chair of the EDC, stated that Ms. Bartolini resigned and due to quorum concerns, he respectfully asked the Board to shrink the size of the Committee from nine to seven. He added that for future consideration, he would like to discuss including a Board and Planning member to the Committee. He added that most successful surrounding EDCs are setup in this manner. Mr. Stivers supported changing the size of the Committee from nine to seven and could support adding a member of the Planning Board. He said he was not convinced adding a Board member would be a good idea but they could create more leadership from the Board. Mr. Purple stated that the Town Clerk states the bylaw reads "up to nine members" and he is currently carrying a committee with nine spots. He agreed with Mr. Wood that other EDCs are setup with a Board and Planning Board member. He suggested the bylaw may need to be changed. Ms. Braccio stated she supported and understood the reason for downsizing. She stated she would like more discussion on restructuring the Committee. She outlined her concern regarding a Board

member having voting power when a budget and employee are brought to the Board for approval. Mr. Shea agreed with Ms. Braccio. Chairman Healey stated he researched the Attorney General's website for guidance on the term "up to nine members" and his conclusions is that the Board could vote to reduce the number. He said he will put a call to the Attorney General's Office and follow up with any further guidance. Chairman Healey made a motion that the Board specify as of 6/23/020 that for the purposes of quorum and other items, the size of the EDC be 7 as consistent with the letter of intent of the bylaw passed in 2017 that allows and EDC size to be up to 9 members. Mr. Stivers seconded. The motion passed all in favor (5-0-0) by roll call vote, Braccio, aye; Malinowski, aye; Shea, aye; Stivers, aye; Healey, aye.

Discussion of a revised Charge for a New Golf Course Committee

Mr. Purple summarized the original charge of the Golf Course Committee and stated that with the completion of the Public Safety Building and the work on the course, the Committee feels their task has been completed. He suggested the second iteration should be a focus on the long-term success of the course and to be a conduit between the management company and the Board. Chairman Healey agreed and stated that Mr. Purple and the former members could draft a new charge to be considered at another meeting. Mr. Purple asked for volunteers to work with Mr. Parent and him to draft a charge. Mr. Stivers volunteered and added that the charge should include assistance with a marketing program to increase patronage. Ms. Malinowski also volunteered. Mr. Stivers supported Ms. Malinowski. The Board agreed.

Appoint BOS member to Metro West Regional Collaborative

Mr. Shea explained the purpose of the MetroWest Regional Collaborative and stated he has been the representative from the Board for a number of years. Chairman Healey asked Ms. Braccio if she would like to be the new Board representative and she respectfully declined. Chairman Healey stated he would volunteer as this collaborative works with the commuter rail for which he is passionate about. The Board agreed.

VIII. Public Comment

Timothe Litt (148 Woodland Road) reminded the Board of the ongoing issue of lack of safe pedestrian access to the Public Safety Building. Chairman Healey promised this issue would be on an upcoming agenda for discussion.

Scheduling of annual goal setting meeting

The Board discussed their schedules and availability and agreed to meet on July 21, 2020 for a socially distant in person meeting.

Summer schedule for Selectmen meeting

Mr. Purple reminded the Board that usually one meeting is held in July and one in August. He added that there are end of year interdepartmental transfers that need to be done before July 15, 2020. After discussing their schedules and availability, the Board agreed to meet on July 14, 2020 for a regular business meeting and to discuss the interdepartmental transfers with the Planning Board. The Board agreed to meet on August 18, 2020 for a regular business meeting. Mr. Purple agreed to create a schedule that reflects this.

Update on operations – COVID19

Ms. Hale stated that part-time assistance to the Public Health Nurse will be solicited for help over the summer months. Ms. Hale added that as the Governor looks to move towards Phase III of the Reopening Guidelines, there is hope for Town buildings to be open to the public. She said there is a lot of planning put into this but will include meeting outside, contract tracing and logs of those who visit the offices. Ms. Hale stated Phase III includes larger gatherings which will impact the Library and Recreation Department but not the Senior Center.

Mr. Purple stated that curbside pickup at the Library is going well and thanked Mr. Parent and his staff for readying the building. He added that work at the DiPietri Field is in the final stages and is expected to be completed by July 3, 2020. Mr. Purple stated that bids have been submitted for the lights at Mooney Field and he is hopeful that fall baseball could be under the lights if all goes well. He stated Southborough Little League started their season on June 15, 2020 at skills and drills level with 119 athletes. Games and scrimmages could begin July 6, 2020. He thanked the Recreation Department, Fay School and St. Mark's School for their coordination. He added that Mr. Davis will be at the next meeting to provide updates on camp, general recreation programs, outdoor movies and summer nights.

IX. **On a motion made by Mr. Shea, seconded by Mr. Stivers and voted by roll call all in favor, Braccio, aye; Healey, aye; Malinowski, aye; Stivers, aye; Shea, aye, the meeting was adjourned at 8:42 P.M.**

Upcoming Meetings *To be determined*

Respectfully submitted,

Kathleen Barry, Recording Secretary

List of Documents referred to at the June 23, 2020 BOS Meeting:

- 2020-2021 Transfer Station Rules and Regulations
- ABCC advisory re Local outdoor seating approval
- Hola Application
- Hola TEMPORARY Alcohol extension outdoor seating
- Hola updated COI
- Temporary Outdoor Dining Regulations
- UPDATE Hola Application
- 2019-2020 Transfer Station Rules and Regulations
- Transfer Station Expenses
- Letter from Karen Galligan to BOS dated June 18, 2020
- Mass.gov - Shared Streets and Spaces Grant Program Information
- Regular Session Minutes: June 2, 2020
- Regular Session Minutes: June 8, 2020
- Regular Session Minutes June 9, 2020
- Letter of Resignation from Kathleen Bartolini
- Letter from Kathy Bartolini to Mark Purple dated June 4, 2020
- Letter of Resignation from Brittney Remillard
- Letter from Chief Paulhus to BOS dated June 17, 2020
- Letter from Chief Achilles to BOS dated June 16, 2020
- Citizen Activity form from Russell Millholland
- Citizen Activity form from Peter Trottier
- Letter from John Wood of EDC to BOS dated June 15, 2020

DRAFT

Golf Course Committee Charge

Membership

- The Committee shall consist of up to 5 members, consisting of at-large representatives of the community, with professional backgrounds and qualifications consistent with those needed for design, maintenance, policies and operation of a municipal golf course facility in Massachusetts;
- Members will be appointed by the Board of Selectmen at a duly posted public meeting following the advertisement for interest in serving on the committee;
- Appointed committee members must be sworn in by the Town Clerk's Office according to pertinent town by-laws.

Term and Organization

- The term of office shall be for one (1) year;
- The Committee shall report to the Board of Selectmen as required, with a report at the end of each golf season;
- The Committee shall elect its own Chair, and shall establish a regular meeting schedule. All records of the Committee shall be filed with the Town Clerk and open to public inspection in accordance with applicable Open Meeting Law and Public Record statutes;
- The Committee shall operate in accordance with the State Conflict of Interest Laws;
- Members shall serve without financial compensation.

Duties

- The Committee shall manage the day-to-day relationship with the current management company;
- The Committee shall provide a scorecard to evaluate the current management company's performance;
- The Committee shall identify opportunities for increasing revenue through additional golf programming in conjunction with other town departments and the community at large;
- The Committee shall prepare draft budgets for operations and capital improvements to be considered by the Board of Selectmen for future Town Meetings;
- The Committee shall take input from the public regarding golf matters and communicate policies to residents;
- The Committee shall develop a "master plan" to include annual goals for the golf course with resident and management company input;
- The Committee shall communicate with town departments, officials, and other resources as needed [i.e. Inspectional Departments, Town Administrator, permitting boards, etc.].

DRAFT

Crown Castle
301 North Cattlemen Road, Suite 200
Sarasota, FL 34232

_____, 2019

Town of Southborough
17 Common Street
Southborough, MA 01772

RE: Lease Agreement for property located at 17 Common Street, Southborough, Massachusetts 01772; Crown Castle Business Unit:842944

Dear _____:

This letter agreement ("Letter Agreement") sets forth the terms of the agreement between CCATT LLC, a Delaware limited liability company ("Company"), as ultimate successor in interest to AT&T Wireless PCS, Inc., by and through its agent AT&T Wireless Services, Inc., d/b/a AT&T Wireless Services, a Delaware corporation, and the Town of Southborough ("Town"), to extend the length of the term of that certain Lease Agreement between the Town and Company dated August 4, 1999 (as amended and assigned, the "Lease"), for property located at the address above (the "Site"). A copy of that lease with an exhibit is attached hereto and incorporated herein by reference.

The Lease expires on September 30, 2019. The Town requires additional time to complete the Request for Proposal ("RFP") process. For that reason, the parties agree that the Company may remain on the Site and continue to operate under the same terms and conditions of the Lease after the expiration date until the earlier of (i) the parties execute an additional amendment further extending the term of the Lease or (ii) September 30, 2020. Company may terminate the Lease prior to the expiration of this Letter Agreement by providing the Town thirty (30) days' notice of termination and the Lease shall terminate at the end of the thirty (30) day notice period. The Lease may be further extended only upon the written agreement of the parties.

The parties agree that the annual rent shall continue to escalate at three percent (3%) annually pursuant to the terms of the Lease. Accordingly, the next three percent (3%) rent escalation shall occur on October 1, 2019, pursuant to Section 5 of the Lease.

If this Letter Agreement accurately sets forth our understanding regarding the foregoing, please so indicate by signing and returning to the undersigned the enclosed copy of this letter.

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]

Town:	Company:
Town of Southborough	CCATT LLC, a Delaware limited liability company,
By: _____	By: _____
Name: BRIAN E. SHEA	Name: _____
Title: CHAIRMAN - BOARD OF SELECTMEN	Title: _____
Date: 9/17/19	Date: _____

Attest:

By: _____

Name: MARK. J. PURPLE

Title: TOWN ADMINISTRATOR

Date: 9/17/19

RECEIVED AND FILED IN THE OFFICE OF THE TOWN CLERK NOVEMBER 21, 2006 AT 11:45 AM

THE TOWN OF SOUTHBOROUGH

Paul J. Berry

PAUL J. BERRY, TOWN CLERK

BOARD OF SELECTMEN

Town House, 17 Common Street, Southborough, MA 01772-1662
Tel. 508-485-0710 Fax 508-480-0161 Email selectmen@southboroughma.com

CONTRACT SUBMISSION DOCUMENT

Date: November 21, 2006

To: ☐ Town Accountant Dorothy Phaneuf
☒ Town Clerk Paul J. Berry

From: Jean E. Kitchen, Town Administrator

Re: Contract of: Town of Southborough and New Cingular Wirelesss PCS, LLC

For: First Amendment to Lease Agreement

Amount: (see agreement)

Enclosed are the following papers:

☑ Bid/Proposal/Agreement from the above company

☐ Letter of award to the above company

☐ Copy of bidding summary

☐ Copy of legal ad as it appeared in the newspaper

☐ Copy of bid specifications

☐ If no bid summary is available, copy of bid proposals is attached from companies not receiving award

☐ Letter of recommendation

[contract submission letter]

Cell Site No MA0348
Market: New England
Address: 17 Common Street, Southborough MA 01772

FIRST AMENDMENT TO LEASE AGREEMENT

THIS FIRST AMENDMENT TO LEASE AGREEMENT ("Amendment"), dated as of the latter of the signature dates below, is by and between The Town of Southborough, having a mailing address 17 Common Street, Southborough MA 01772 (hereinafter referred to as "LANDLORD") and New Cingular Wireless PCS, LLC, a Delaware limited liability company, having a mailing address of 6100 Atlantic Boulevard, Norcross, Georgia 30071 as successor in interest to AT&T Wireless PCS, Inc (hereinafter collectively referred to as "TENANT").

WHEREAS, LANDLORD and TENANT entered into a Lease Agreement dated August 1999, whereby LANDLORD leased to TENANT certain Premises, therein described, that are a portion of the Property located at 17 Common Street, Southborough MA ("Agreement"); and

WHEREAS, LANDLORD and TENANT desire to amend the Agreement to expand the Premises approximately 23 square feet (5' x 4'6") on the outside of the building as shown in **Exhibit 1**; and

WHEREAS, LANDLORD and TENANT desire to amend the Agreement to modify the notice section thereof; and

WHEREAS, LANDLORD and TENANT desire to amend the Agreement to permit TENANT to add, modify and/or replace equipment in order to be in compliance with any current or future federal, state or local mandated application, including but not limited to emergency 911 communication services; and

WHEREAS, LANDLORD and TENANT, in their mutual interest, wish to amend the Agreement as set forth below accordingly.

NOW THEREFORE, in consideration of the foregoing and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, LANDLORD and TENANT agree as follows:

1. **Rent.** Commencing on the first day of the month following the date that Tenant commences construction (the "Rent Commencement Date"), Rent shall be increased by two hundred dollars ($200.00) per month, subject to adjustments as provided in the Agreement.

2. **Notices.** Section 18 of the Agreement is hereby deleted in its entirety and replaced with the following: **NOTICES.** All notices, requests, demands and communications hereunder will be given by first class certified or registered mail, return receipt requested, or by a nationally recognized overnight courier, postage prepaid, to be effective when properly sent and received, refused or returned undelivered. Notices will be addressed to the parties as follows. As to TENANT, c/o Cingular Wireless LLC, Attn: Network Real

Estate Administration Re: Cell Site # MA0348, Cell Site Name Town of Southborough, 6100 Atlantic Boulevard, Norcross, GA 30071, with a copy to Cingular Wireless LLC, Attn: Legal Department 5 Wood Hollow Road, Parsippany, NJ 07054 Re: Cell Site # MA0348, Cell Site Name Town of Southborough, with a copy to Cingular Wireless LLC, Attn: Network Real Estate, 580 Main Street, Bolton, MA. 01740 Re: Cell Site #MA0348, Cell Site Name Town of Southborough; and as to LANDLORD, The Town of Southborough, 17 Common Street, Southborough MA 01772. Either party hereto may change the place for the giving of notice to it by thirty (30) days prior written notice to the other as provided herein.

3. **Emergency 911 Service.** LANDLORD agrees that TENANT may add, modify and/or replace equipment in order to be in compliance with any current or future federal, state or local mandated application, including but not limited to emergency 911 communication services provided that such equipment is located within TENANT'S leased Premises. Any expansion of TENANT'S leased Premises must be agreed to in writing by LANDLORD and TENANT.

4. **Other Terms and Conditions Remain.** In the event of any inconsistencies between the Agreement and this Amendment, the terms of this Amendment shall control. Except as expressly set forth in this Amendment, the Agreement otherwise is unmodified and remains in full force and effect. Each reference in the Agreement to itself shall be deemed also to refer to this Amendment.

5. **Capitalized Terms.** All capitalized terms used but not defined herein shall have the same meanings as defined in the Agreement.

IN WITNESS WHEREOF, the parties have caused their properly authorized representatives to execute and seal this Amendment on the dates set forth below.

LANDLORD: Town of Southborough

By: Roger W Challen
Name: ROGER W CHALLEN
Title: CHAIRMAN, BOS
Date: NOV 6, 2006

TENANT:
NEW CINGULAR WIRELESS PCS, LLC

By:
Name: R. Michael Mathis
Title: Executive Director
New England Market
Date: 11-16-06

TENANT ACKNOWLEDGEMENT

COMMONWEALTH OF MASSACHUSETTS
)ss:
COUNTY OF WORCESTER

On the 16 day of November 2006 before me personally appeared R. Michael Gross and acknowledged under oath that he is the Exec. Dir. Network of New Cingular Wireless PCS, LLC, the limited liability company named in the attached instrument, and as such was authorized to execute this instrument on behalf of the limited liability company.

Consuelo M Wappel
Notary Public:
My Commission Expires:

CONSUELO M. WAPPEL
Notary Public
Commonwealth of Massachusetts
My Commission Expires
August 24, 2012

LANDLORD ACKNOWLEDGEMENT

INDIVIDUAL ACKNOWLEDGEMENT

STATE OF Massachusett)
) ss:
COUNTY OF Worcester)

BE IT REMEMBERED, that on this 6 day of November 2006 before me, the subscriber, a person authorized to take oaths in the State of Massachusetts, personally appeared Roger W. Challen who, being duly sworn on his/her/their oath, deposed and made proof to my satisfaction that he/she/they is/are the person(s) named in the within instrument; and I, having first made known to him/her/them the contents thereof, he/she/they did acknowledge that he/she/they signed, sealed and delivered the same as his/her/their voluntary act and deed for the purposes therein contained.

Notary Public: Jean E. Kitchen
My Commission Expires:

JEAN E. KITCHEN
Notary Public
My Commission Expires
April 9, 2010

PARTNERSHIP (consisting of corporate partners) ACKNOWLEDGEMENT

STATE OF _____)
) ss:
COUNTY OF _____)

I CERTIFY that on _____ _____, 200__, _____ personally came before me and this/these person(s) acknowledged under oath to my satisfaction, that:

(a) this/these person(s) signed, sealed and delivered the attached document as _____ [title] of _____ [name of corporation] a corporation of the State of _____, which is a general partner of the partnership named in this document;

(b) the proper corporate seal of said corporate general partner was affixed; and

(c) this document was signed and delivered by the corporation as its voluntary act and deed as [a] general partner(s) on behalf of said partnership [by virtue of authority from its Board of Directors].

_____
Notary Public: _____
My Commission Expires _____

CORPORATE ACKNOWLEDGEMENT

COMMONWEALTH OF MASSACHUSETTS
)
COUNTY OF WORCESTER

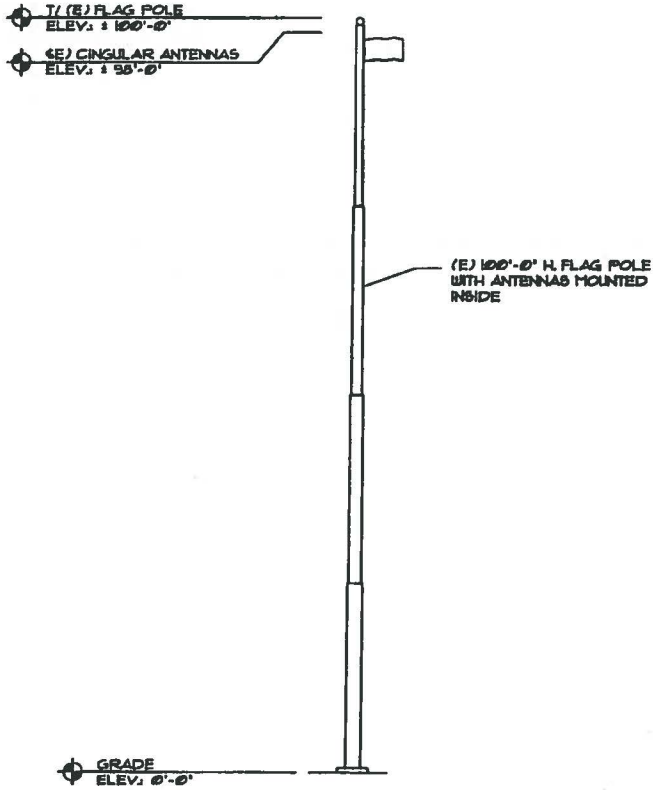
I CERTIFY that on _____ _____, 2006, _____ [name of representative] personally came before me and acknowledged under oath that he or she:

(a) is the _____ [title] of Circle Company, Inc., the corporation named in the attached instrument,

(b) was authorized to execute this instrument on behalf of the corporation and

(c) executed the instrument as the act of the corporation.

_____
Notary Public
My Commission Expires:_____



1 EXISTING FLAGPOLE ELEVATION
1" = 20'-0"

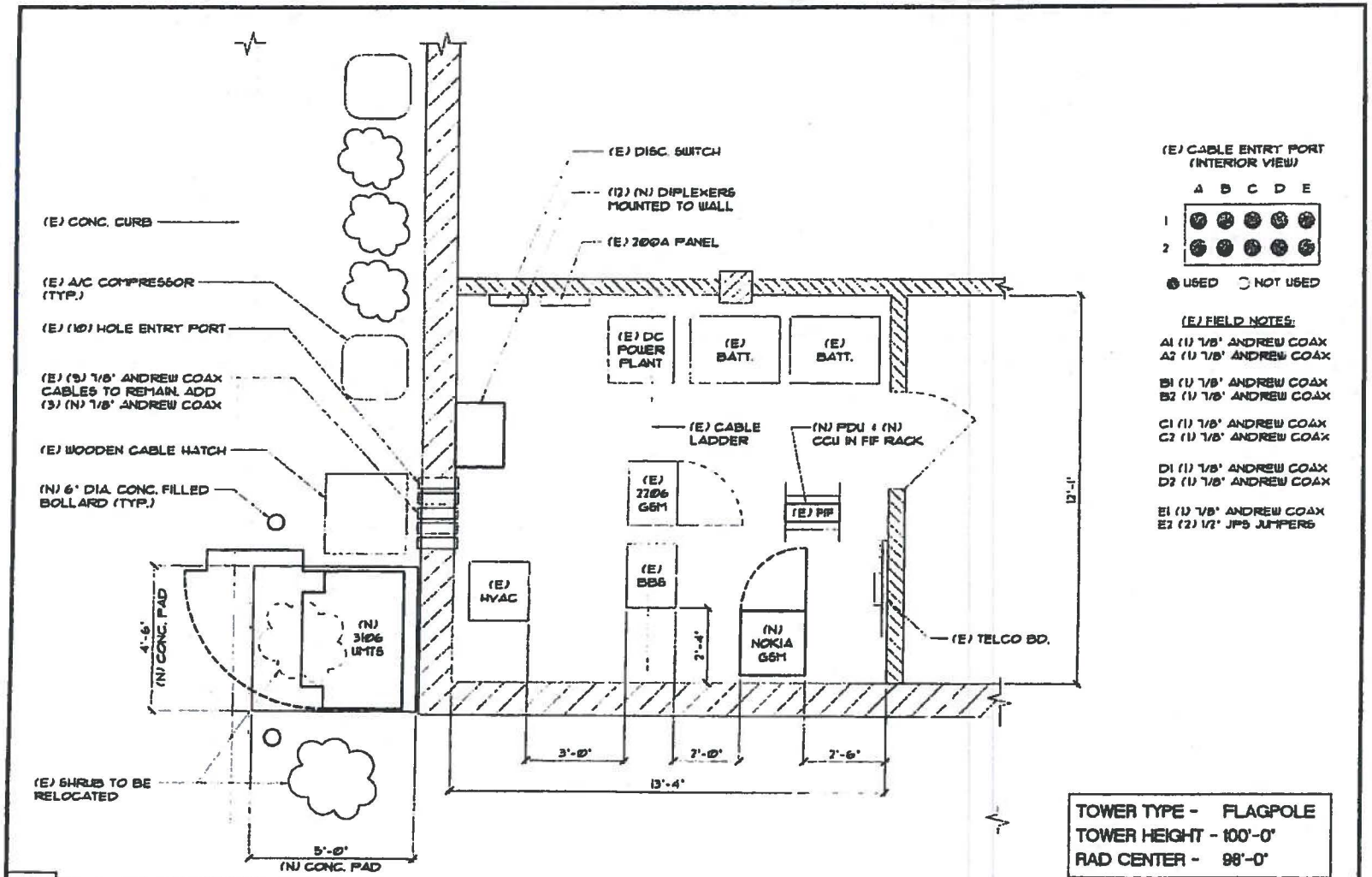
cingular WIRELESS | ERICSSON | CH2M HILL 8550 WEST BRYN MAWR CHICAGO, ILLINOIS 60631

NO.	DATE	REVISION DESCRIPTION	BY	CHK	APP'D
0	01-31-06	SCOPING REVIEW	AC	JZ	JZ

SCALE: 1" = 20'-0" | CHECKED BY: JZ | DRAWN BY: AC

CINGULAR WIRELESS
SITE #: MA0348
SITE NAME: SOUTHBOROUGH TOWN HALL
SCOPING REVIEW
DRAWING NUMBER: MA0348 | REV: 0

EXHIBIT 1



1 PROPOSED EQUIPMENT PLAN
1/4" = 1'-0"

cingular WIRELESS | ERICSSON

CH2M HILL
8619 WEST BRYN MAWR
CHICAGO, ILLINOIS 60631

NO.	DATE	REVISION DESCRIPTION	BY	CHK	APP'D
0	04-11-06	SCOPING REVIEW	ML	JZ	JZ

SCALE: 1/4" = 1'-0" | CHECKED BY: JZ | DRAWN BY: ML

CINGULAR WIRELESS
SITE #: MA0348
SITE NAME: SOUTHBOROUGH TOWN HALL
SCOPING REVIEW
DRAWING NUMBER: MA0348 | REV: 0

EXHIBIT 1

E-348

Cell Site Number: E- 348.1
Address: 17 Common Street, Southborough, MA

LEASE AGREEMENT

THIS LEASE AGREEMENT ("Agreement"), dated as of the date below, is entered into by Town of Southborough, a Municipal Corporation, with a Tax ID# of 04-6001305, having its principal office/residing at 17 Common Street, Southborough, Massachusetts 01772-9109 (hereinafter referred to as "Landlord") and AT&T WIRELESS PCS, INC., by and through its agent AT&T Wireless Services, Inc. d/b/a AT&T WIRELESS SERVICES, a Delaware corporation, having an office at 400 Blue Hill Drive, Suite 100, Westwood, Massachusetts 02090 (hereinafter referred to as "Tenant").

BACKGROUND

Landlord owns that certain plot, parcel or tract of land, together with all rights and privileges arising in connection therewith, located at 17 Common Street, identified as Lot 4 in Map 54 in the Town of Southborough, Worcester County, State of Massachusetts 01772-9109 (collectively "Property"). Tenant desires to use a portion of the Property in connection with its federally licensed wireless communications business.

The parties agree as follows:

1. **LEASE OF PREMISES.** Landlord leases to Tenant a certain portion of the Property containing approximately 200 square feet as described on attached Exhibit1 (collectively, "Premises").

2. **PERMITTED USE.** Tenant may use the Premises for the following: (i) transmission and reception of communications signals; (ii) to construct, install, operate, maintain, repair, replace, protect and secure, its radio fixtures and related equipment, cables, accessories and improvements (collectively, the "Antenna Facility"); including the right to construct an operational flagpole with three internally mounted antennas, an equipment room, ; and (iii) any activities related to the forgoing. Landlord and Tenant agree that Exhibit 1 shows the initial installation of Tenant and that it does not limit Tenant's rights under this paragraph. Tenant has the right (i) to install and operate transmission cables from the equipment room to the antennas, electric lines from the main feed to the equipment room, and telephone lines from the main telephone entry point to the equipment room and (ii) to erect, construct or make Property improvements, alterations, or additions appropriate for Tenant's use ("Tenant Changes").

3. **INSTALLATIONS.** Tenant agrees to comply with all applicable governmental laws, rules, statutes and regulations, relating to its use of the Antenna Facility on the Property. Tenant has the right to modify, supplement, replace, and upgrade the Antenna Facility within the Premises at

any time during the term of this Agreement. Tenant will be allowed to make such alterations to the Property in order to accomplish Tenant's Changes or to insure that Tenant's Antenna Facility complies with all applicable federal, state or local laws, rules or regulations. Prior to the initial installation of Tenant's Changes, Tenant will supply the Landlord with plans and specifications ("Plans") to be reviewed and approved by the Landlord prior to commencement of Tenant's Changes. Landlord's approval will not be unreasonably withheld, conditioned or delayed.In no event will Tenant begin construction of the Antenna Facility until Landlord has approved the Plans. After approval, the Plans will be considered incorporated in this Agreement as Exhibit 2. Any subsequent changes to the Premises or the Property, except for Tenant's changes regarding routine maintenance, will require the same approval process. Landlord will not knowingly permit or suffer any person to copy or utilize the Plans for any purpose other than as provided in this Agreement and will return the Plans to Tenant promptly upon request.

4. TERM.

(a) The initial lease term will be five (5) years ("Initial Term"), commencing upon the Commencement Date, as defined below. The Initial Term will terminate on the last day of the month in which the fifth annual anniversary of the Commencement Date occurred.

(b) This Agreement will automatically renew for three (3) additional five (5) year Term(s) (the "Extension Term"), upon the same terms and conditions unless the Tenant notifies the Landlord in writing of Tenant's intention not to renew this Agreement at least ninety (90) days prior to the expiration of the existing Term.

(c) If Tenant remains in possession of the Premises after the termination or expiration of this Agreement then Tenant will be deemed to be occupying the Premises on a month to month basis (the "Holdover Term"), subject to the terms and conditions of this Agreement.

(d) The Initial Term, and the Extension Term and the Holdover Term are collectively referred to as the Term. ("Term").

5. RENT. Commencing on the date that Tenant commences construction (the "Commencement Date"), Tenant will pay the Landlord a monthly rental paymentbased upon the attached Exhibit 3 at the address set forth above, on or before the 5th day of each calendar month in advance or to such other person, firm, or place as Landlord may, from time to time, designate in writing at least thirty (30) days in advance of any due date. Rent will be prorated for any partial month.

6. APPROVALS.

(a) Landlord agrees that Tenant's ability to use the Premises is contingent upon its suitability for Tenant's intended use from both an economic and technical engineering basis and Tenant's ability to obtain all governmental licenses, permits, approvals or other relief required of or

deemed necessary or appropriate by Tenant for its use of the Premises, including without limitation applications for zoning variances, zoning ordinances, amendments, special use permits, and construction permits (collectively referred to as "Governmental Approvals"). Landlord specifically authorizes Tenant to prepare, execute and file all necessary or appropriate applications to obtain Governmental Approvals for its use under this Agreement and to reasonably cooperate with the same.

(b) Tenant has the right to obtain a title report or commitment for a leasehold title policy from a title insurance company of its choice and to have the Property surveyed by a surveyor of choice.

(c) Tenant may also obtain, with Landlord's approval, at Tenant's sole cost and expense, soil boring, percolation, engineering procedures, environmental investigation or other tests or reports ("Tests") on, over, and under the Property, necessary to determine if the Tenant's use of the Premises will be compatible with Tenant's engineering specifications, system, design, operations or Governmental Approvals.

7. TERMINATION. This Agreement may be terminated, without penalty or further liability, as follows:

(a) by either party on thirty (30) days prior written notice, if the other party remains in default under Paragraph 16 of this Agreement after the applicable cure periods;

(b) by Tenant on sixty (60) days prior written notice, if Tenant is unable to obtain, maintain, or otherwise forfeits or cancels any required approval(s) or the issuance of a license or permit by any agency, board, court or other governmental authority necessary for the construction or operation of the Antenna Facility as now and hereafter intended by Tenant; or if the Premises become unsuitable for Tenant's operation due to governmental regulations or if Tenant determines in its sole discretion that the cost of obtaining or retaining the same is commercially unreasonable;

(c) by Tenant on sixty (60) days prior written notice, if Tenant determines, in its sole discretion that Tenant's use of the Premises (as the same may have been modified from time to time) is no longer consistent with the optimal operation of Tenant's communications network based upon either technical or economic considerations in Tenant's sole discretion;

(d) by Tenant on sixty (60) days prior written notice, if Tenant determines that interference by or to Tenant's use of the Premises cannot be resolved to Tenant's satisfaction;

(e) by Tenant immediately upon notice, if destruction or damage to the Premises or the taking thereof (by partial condemnation or otherwise) is sufficient, in Tenant's reasonable judgment, to adversely affect Tenant's use of the Premises; or

(f) by Tenant immediately upon notice, if Tenant determines, in its sole discretion, due to the title results, survey results or Tests, that the condition of the Premises is unsatisfactory or Tenant

believes that the leasing or continued leasing of the Premises would expose Tenant to undue risks of government action or intervention or third-party.

If this Agreement is terminated for any reason outlined in this paragraph, any prepaid rent will be refunded on a prorata basis.

8. INSURANCE.

(a) Tenant will carry during the Term, at its own cost and expense, the following insurance: (i) "All Risk" property insurance for its property's replacement cost; (ii) commercial general liability insurance with a commercial general liability endorsement having a minimum limit of liability of $1,000,000 combined single limit for bodily injury or death/property damage arising out of any one occurrence; and (iii) Workers' Compensation Insurance as required by law.

(b) Tenant will name the Landlord as an additional insured under its general liability policy. Tenant will require its insurance company to give at least thirty (30) days prior written notice of termination or cancellation of the policy to the additional insured, except for termination or cancellation for non-payment of premium, which notice will be ten (10) days. Such endorsement will be delivered to the additional insured within thirty (30) days from the Commencement Date.

(c) Notwithstanding anything in this Agreement, with respect to all loss, damage, or destruction to the insured party's property (including rental value and business interruption) occurring during the term of this Agreement, each of Landlord and Tenant hereby releases and waives all claims (except for willful misconduct and negligence) against the other party, and each of the other party's, employees, agents, officers, and directors. Landlord and Tenant will make a reasonable effort to include in their property insurance policy or policies a waiver of subrogation provision whereby any such release does not adversely affect such policies or prejudice any right of the insured party to recover thereunder.

9. INTERFERENCE.

(a) Where there are prior existing radio frequency users on the Landlord's property, the Landlord will provide Tenant with a list of all current radio frequency user(s) (and their frequencies) on the Property to allow Tenant to evaluate the potential for interference. Tenant warrants that its use of the Premises will not interfere with existing third parties on the Premises as long as the current user(s) operate and continue to operate within their frequencies, and in accordance with all applicable laws and regulations.

(b) Landlord will not grant, after the date of this Agreement, a lease, license or any other right to any third party for use of Landlord's Property, if such use may in any way adversely affect or interfere with Tenant's Antenna Facility. Landlord will notify Tenant and receive Tenant's written approval prior to granting any third party the right to install and operate communications equipment on Landlord's Property. Nothing contained herein will restrict Tenant nor its successors and assigns from installing and modifying its/their communication equipment.

(c) Landlord will not use, nor will Landlord permit its employees, tenants, licensees, invitees or agents to use, any portion of the Property or any of Landlord's other properties in any way which interferes with the operations of Tenant or the rights of Tenant under this Agreement. Landlord will cause such interference to cease upon not more than twenty-four (24) hours' notice from Tenant. In the event any such interference does not cease within the aforementioned cure period then the parties acknowledge that Tenant will suffer irreparable injury, and therefore, Tenant will have the right, in addition to any other rights that it may have at law or in equity, for Landlord's breach of this Agreement, to elect to enjoin such interference or to terminate the Agreement upon notice to Landlord.

10. INDEMNIFICATION.

(a) Tenant agrees to indemnify, defend and hold Landlord harmless from and against any direct injury, loss, damage or liability (or any claims in respect of the foregoing), costs or expenses (including reasonable attorneys' fees and court costs) resulting from the installation, use, maintenance, repair or removal of the Antenna Facilities or the breach of any provision of this Agreement, except to the extent attributable to the negligent or intentional act or omission of Landlord, its employees, agents or independent contractors.

(b) Landlord agrees to indemnify, defend and hold Tenant harmless from and against any and all direct injury, loss, damage or liability (or any claims in respect of the foregoing), costs or expenses (including reasonable attorneys' fees and court costs) arising from the actions or failure to act of Landlord or its employees or agents, or the breach of any provision of this Agreement, except to the extent attributable to the negligent or intentional act or omission of Tenant, its employees, agents or independent contractors.

11. WARRANTIES.

(a) Tenant and Landlord each acknowledge and represent that it is duly organized, validly existing and in good standing and has all rights, power and authority to enter into this Agreement and bind itself thereto through the party set forth as signatory for the party below.

(b Landlord represents and warrants that: Landlord (i) solely owns the Property as a legal lot in fee simple, or controls the Property by lease or license, unencumbered by any liens, restrictions, mortgages, covenants, conditions, easements, leases, agreements of record or not of record, which would adversely affect Tenant's use and enjoyment of the Premises under this Agreement; (ii) as long as Tenant is not in default then Landlord grants to Tenant sole, actual, quiet and peaceful use, enjoyment and possession of the Premises; (iii.) its execution and performance of this Agreement will not violate any Laws, ordinances, covenants or the provisions of any mortgage, lease or other agreement binding on the Landlord.

12. **ENVIRONMENTAL.** Landlord represents, warrants and agrees that: (i) the Property and its uses and operations complies, and will comply, with all local, state or federal statutes or regulations, or ordinances pertaining to the environment or natural resources ("Environmental Laws"); (ii) the Property has not been used or allowed to be used by Landlord or, to the best of Landlord's knowledge, any previous owner, to emit through ground, water or air, refine, manufacture, generate, produce, store, contain, handle, transfer, process, treat or transport hazardous substances or hazardous wastes, products or pollutants, including without limitation asbestos, oil, petroleum products and their by-products, (collectively called "Hazardous Substance") as defined and regulated under any Environmental Laws; (iii) the Property has never been the subject of any federal or state Hazardous Substance related list; (iv) the Property has never required closure or clean-up of Hazardous Substance; and (v) no asbestos, Polychlorinated Biphenyls or other Hazardous Materials or underground storage tanks exist or have existed or will exist on the Property. Landlord warrants and represents that it will be solely liable for the clean-up and removal of Hazardous Substance and the restoration of the Property related to Hazardous Substances now and in the future existing on the Property except to the extent generated by Tenant. Landlord will defend, indemnify and hold Tenant harmless from and against any and all direct liabilities, damages, losses, costs, assessments, penalties, fines, expenses and fees, including reasonable legal fees, related to Landlord's breach of any of the above representations and warranties.

Tenant represents, warrants and agrees to conduct its activities on the Premises in compliance with all applicable Environmental Laws. Tenant agrees to defend, indemnify and hold harmless Landlord from and against any and all direct liabilities, damages, losses, costs, assessments, penalties, fines, expenses and fees, including reasonable legal fees, that Landlord may suffer due to the existence or discovery of Hazardous Substance on the Property, or released into the environment that are directly caused by Tenant's use of the Premises.

The indemnifications of this Paragraph specifically include reasonable costs, expenses and fees incurred in connection with any investigation of Property conditions or any clean-up, remedial, removal or restoration work required by any governmental authority. The provisions of this Paragraph will survive the expiration or termination of this Agreement.

13. **ACCESS.** Landlord will be permitted access to the Premises: (i) for emergencies with notification to the Police Department during non-business hours, so long as Tenant is notified as soon thereafter as reasonably practicable; and (ii) with reasonable prior notice to Tenant to make necessary repairs; in all cases provided that Tenant's equipment, technology and proprietary interests remain secure and the Antenna Facility's operation is not adversely affected.

At all times throughout the term of this Agreement, and at no additional charge to Tenant, Landlord will provide, as further set forth in Exhibit 1, Tenant and its employees, agents, and

subcontractors, with twenty-four hour, seven day access to and over the Property, from an open and improved public road to the Premises, for the installation, maintenance and operation of the Antenna Facilities and any utilities serving the Premises. Upon Tenant's request, Landlord will execute an easement evidencing this right. In the event any public utility is unable to use the access or easement provided to Tenant then the Landlord hereby agrees to grant an additional access or easement either to Tenant or to the public utility, for the benefit of Tenant, at no cost to Tenant.

14. REMOVAL/RESTORATION.

(a) All portions of the Antenna Facility brought onto the Property by Tenant will be and remain Tenant's personal property until such time as this lease is terminated or expires. Within one hundred twenty (120) days of the termination of this Agreement, Tenant will remove any equipment located within the town building

(b) Upon termination or expiration of the Lease, the flagpole will become the property of the town, not including Tenant's antennae, radio equipment, and proprietary technology.

15. MAINTENANCE ; UTILITIES.

(a) Tenant will keep and maintain, at Tenant's expense, its Premises in good condition, reasonable wear and tear and damage from the elements excepted. Landlord will maintain and repair the Property and access thereto, in good and tenantable condition, subject to reasonable wear and tear and damage from the elements.

(b) Tenant will be solely responsible for and promptly pay all utilities charges for electricity, telephone service or any other utility used or consumed by Tenant on the Premises. Landlord will fully cooperate with any utility company requesting an easement over, under and across the Property in order for the utility company to provide service to the Tenant. During any application period the Tenant will have the right to temporarily use Landlord's electricity and will pay the Landlord the current local utility rate for electric consumed by Tenant. In the event Tenant cannot secure its own metered electrical supply, Tenant will have the right, at its own cost and expense, to submeter from the Landlord. Tenant will pay on a monthly basis the current local utility company rate for submetered electric, after the meter is read by the Landlord and billed to Tenant. Landlord will not be responsible for interference with, interruption of or failure, beyond the reasonable control of Landlord, of such services to be furnished or supplied by Landlord.

16. DEFAULT AND RIGHT TO CURE.

(a.) The following will be deemed a default by Tenant and a breach of this Agreement: (i) non-payment of Rent if such rent remains unpaid for more than thirty (30) days after receipt of written notice of such failure to pay from Landlord; or (ii) Tenant's failure to perform any other term or condition under this Agreement within forty-five (45) days after receipt of written notice from Landlord specifying the failure. No such failure, however, will be deemed to exist if Tenant has commenced to

cure such default within such period and provided that such efforts are prosecuted to completion with reasonable diligence. Delay in curing a default will be excused if due to causes beyond the reasonable control of Tenant.

(b) The following will be deemed a default by Landlord and a breach of this Agreement. Landlord's failure to perform any term or condition under this Agreement within forty-five (45) days after receipt of written notice from Tenant specifying the failure. No such failure, however, will be deemed to exist if Landlord has commenced to cure the default within such period and provided such efforts are prosecuted to completion with reasonable diligence. Delay in curing a default will be excused if due to causes beyond the reasonable control of Landlord.

17. ASSIGNMENT/SUBLEASE. Landlord may assign this Agreement provided said assignee will assume, recognize and also become responsible to Tenant for, the performance of all of the terms and conditions to be performed by Landlord under this Agreement.

Tenant may assign or sublet all or any part of this Agreement, and all or any rights, benefits, liabilities and obligations hereunder, to (i) any person or business entity which is a parent, subsidiary or affiliate of Tenant; (ii) any person or business entity that controls or is controlled by or under common control with Tenant; (iii) any person or business entity that is merged or consolidated with Tenant or purchases a majority or controlling interest in the ownership or assets of Tenant; or (iv) any person or business entity which is licensed by the FCC to operate a wireless communications business. Upon notification to Landlord by Tenant of any such action, Tenant will be relieved of all future performance, liabilities and obligations under this Agreement to the extent of such assignment or sublease. Tenant may not otherwise assign or sublet this Agreement without Landlord's consent.

18. NOTICES. All notices, requests, demands and communications hereunder will be given by first class certified or registered mail, return receipt requested, or by a recognized overnight courier, postage prepaid, to be effective when properly sent and received, refused or returned undelivered. Notice will be addressed to the parties at the addresses set forth above (as to Tenant, Attn.: Director of System Development; with a copy to AT&T Wireless Services, 15 East Midland Avenue, Paramus, New Jersey 07652, Attn.: Legal Department). Either party hereto may change the place for the giving of notice to it by written notice to the other as provided herein.

19. SEVERABILITY. If any term or condition of this Agreement is found unenforceable, the remaining terms and conditions will remain binding upon the parties as though said unenforceable provision were not contained herein. However, if the invalid, illegal or unenforceable provision materially affects this Agreement then the Agreement may be terminated by either party on ten (10) days prior written notice to the other party hereto.

20. TAXES. Tenant will pay all personal property taxes assessed on, or any portion of such taxes attributable to, the Antenna Facility. Tenant, upon presentation of sufficient and proper

documentation, will pay, within thirty (30) days, any increase in real property taxes levied against the Property (excluding any additional taxes that relate to the period prior to the Commencement Date, i.e., rollback taxes) which is directly attributable to Tenant's use of the Property, provided Tenant will be entitled to appeal any such increase payable by it. Landlord agrees that it will cooperate with an appeal of such taxes and will promptly pay when due all real estate taxes levied against the Property.

21. CONDEMNATION. If a condemning authority takes all of the Property, or a portion sufficient, in Tenant's determination, to render the Premises unsuitable for Tenant, this Agreement will terminate as of the date the title vests in the condemning authority. The parties will be entitled to share in the condemnation proceeds in proportion to the values of their respective interests in the Property, which for Tenant will include, where applicable, the value of its Antenna Facility, moving expenses, prepaid rent, and business dislocation expenses. Tenant will be entitled to reimbursement for any prepaid Rent.

22. CASUALTY. If any part of the Antenna Facility or Property is damaged by fire or other casualty so as to render the Premises unsuitable, in Tenant's sole determination, then Tenant may terminate this Agreement by providing written notice to the Landlord, which termination will be effective as of the date of such damage or destruction. Upon such termination, Tenant will be entitled to collect all insurance proceeds payable on account thereof and to be reimbursed for any prepaid Rent.

23. BROKER FEES. Tenant and Landlord each acknowledges and represents to the other that no broker or other person was used by it in connection with this transaction. If any claims, actions or proceedings are brought against either party ("Indemnitee") by reason of any broker, finder or other person claiming to have dealt with the other party ("Indemnitor") in connection with this transaction and/or the Premises, then the Indemnitor hereby agrees to indemnify, hold harmless and defend the Indemnitee from and against all liabilities arising from such claims, and all reasonable costs and expenses incurred in connection therewith (including, without limitation, reasonable legal fees and disbursements). The provisions of this Article will survive the termination of this Agreement.

24. MISCELLANEOUS.

A) AMENDMENT; WAIVER. This Agreement cannot be amended, modified or revised unless done in writing and signed by an authorized agent of Landlord and Tenant. No provision may be waived except in writing signed by the party waiving said right.

B) SHORT FORM LEASE. Either party will, at any time upon fifteen (15) days prior written notice from the other, execute, acknowledge and deliver to the other a recordable Memorandum of Lease. Either party may record this memorandum at any time, in its absolute discretion.

C) BIND AND BENEFIT. The terms and conditions contained in this Agreement will run with the Property and inure to the benefit of the parties, their respective heirs, executors, administrators, successors and assigns.

D) ENTIRE AGREEMENT. This Agreement and the exhibits attached hereto, all being a part hereof, constitute the entire agreement of the parties hereto and will supersede all prior offers, negotiations and agreements.

E) GOVERNING LAW. This Agreement will be governed by the laws of the state in which the Premises are located, without regard to conflicts of law.

F) INTERPRETATION. Unless otherwise specified, the following rules of construction and interpretation apply: (a) captions are for convenience and reference only and in no way define or limit the construction of the terms and conditions hereof; (b) use of the term "including" will be interpreted to mean "including but not limited to"; (c) whenever a party's consent is required under this Agreement, except as otherwise stated in the Agreement or as same may be duplicative, such consent will not be unreasonably withheld, conditioned or delayed; (d) exhibits are an integral part of the Agreement and are incorporated by reference into this Agreement; (e) use of the terms "termination" or "expiration" are interchangeable, and (f) reference to a default will take into consideration any applicable notice, grace and cure periods.

G) ESTOPPEL. Either party will, at any time upon fifteen (15) days prior written notice from the other, execute, acknowledge and deliver to the other a statement in writing (i) certifying that this Agreement is unmodified and in full force and effect (or, if modified, stating the nature of such modification and certifying this Agreement, as so modified, is in full force and effect) and the date to which the rent and other charges are paid in advance, if any, and (ii) acknowledging that there are not, to such party's knowledge, any uncured defaults on the part of the other party hereunder, or specifying such defaults if any are claimed. Any such statement may be conclusively relied upon by any prospective purchaser or encumbrancer of the Premises. Failure to deliver such a statement within such time will be conclusive upon the requesting party that (i) this Agreement is in full force and effect, without modification except as may be properly represented by the requesting party, (ii) there are no uncured defaults in either party's performance, and (iii) no more than one month's rent has been paid in advance.

H) NO OPTION. The submission of this Agreement for examination or consideration does not constitute a reservation of or option for the Premises. This Agreement will become effective as an Agreement only upon the legal execution, acknowledgment and delivery hereof by Landlord and Tenant.

I) EXECUTION DATE. The execution Date shall be the date this Agreement is last signed by all parties.

J) Prior to the start of construction of the flag pole at 17 Common Street, the Lessee will post a construction performance bond in the amount of Fifty thousand dollars ($50,000) with the Town to be used by the Town to complete any work associated with the installation of the flag pole, as described in

Exhibit 4, not completed within three months of the start of construction. This construction work would not include the installation of wireless telephone communication equipment designed to be installed in the flag pole. The bond will be returned, in full, on satisfactory completion of construction. If the Applicant fails to construct or install wireless communication facility within six months after the Commencement Date, after exhausting opportunities to cure, the Lease shall terminate and the Town shall be free to keep all deposit funds, if any, and to lease or otherwise dispose of the site as it may determine.

K) The terms and condition of the Request for Proposal dated February 17, 1999, are part and parcel of this Lease with the modifications outlined in the award letter to Attorney Anderson date June 28, 1999.

Wherefore, the parties hereby enter this Agreement as of the date set forth below:

WITNESSES:

Print Name: Nikol K. Tran

Print Name:

"LANDLORD"

Town of Southborough

By: Janice C Conlin
Print Name: Janice C. Conlin
Its:
Date: 7/29/99

"TENANT"
AT&T Wireless PCS, Inc., by and
Through its agent, AT&T Wireless Services, Inc.,
D/b/a AT&T Wireless Services

Print Name: Deborah Morissette

Print Name: Jean Welland

By:
Print Name: Sam J. Simons
Its: System Development Manager
Date: 8-4-99

STATE OF MASSACHUSETTS)
) ss:
COUNTY OF Norfolk)

On the 4th day of Aug, 1999, before me personally appeared Don Simmons, and acknowledged under oath that he is the Dir, Network Realignment of AT+T Wireless of _____, the _____ named in the attached instrument, and as such was authorized to execute this instrument on behalf of the Tenant.

Linda J Grossman
Notary Public
My Commission Expires: 2/19/2004

INDIVIDUAL ACKNOWLEDGMENT

STATE OF MASSACHUSETTS)
) ss:
COUNTY OF)

BE IT REMEMBERED, that on this ____ day of _____, 199__ before me, the subscriber, a person authorized to take oaths in the State of _____, personally appeared _____ who, being duly sworn on his/her/their oath, deposed and made proof to my satisfaction that he/she/they is/are the person(s) named in the within instrument; and I, having first made known to him/her/them the contents thereof, he/she/they did acknowledge that he/she/they signed, sealed and delivered the same as his/her/their voluntary act and deed for the purposes therein contained.

_____
Notary Public
My Commission Expires:

_____

PARTNERSHIP ACKNOWLEDGMENT

STATE OF MASSACHUSETTS)
) ss:
COUNTY OF)

I CERTIFY that on _____ ____, 199__, _____ personally came before me and this/these person(s) acknowledged under oath to my satisfaction, that:

(a) this/these person(s) signed, sealed and delivered the attached document as _____ [title] of _____ [name of corporation] a corporation of the State of _____, which is a general partner of the partnership named in this document;

(b) the proper corporate seal of said corporate general partner was affixed; and

(c) this document was signed and delivered by the corporation as its voluntary act and deed as [a] general partner(s) on behalf of said partnership [by virtue of authority from its Board of Directors].

_____
Notary Public
My Commission Expires _____

CORPORATE ACKNOWLEDGMENT

STATE OF MASSACHUSETTS,
COUNTY OF Norfolk, ss:

I CERTIFY that on Aug 4, 1999 Sam Simons
[name of representative] personally came before me and acknowledged under oath that he or she:

(a) is the Dir. Network Realization [title] of AT+T Wireless [name of corporation], the corporation named in the attached instrument.

(b) was authorized to execute this instrument on behalf of the corporation and

(c) executed the instrument as the act of the corporation.

Linda J Grossman
Notary Public
My Commission Expires: 2/19/2004

STATE OF Massachusetts
) ss:
COUNTY OF Norfolk)

On the 4th day of Aug, 1999, before me personally appeared Sam J. Simons, to me known to be the individual who executed the foregoing instrument and who, being duly sworn, did depose and say that he is the System Development Manager, authorized to act as agent for AT&T Wireless Services, the corporation described in the foregoing instrument; and that he has signed and sealed the instrument with the full authority of the partnership and by order of the board of directors/trustees of the partners of the company.

Linda J. Grossman
Notary Public
My Commission Expires:
2/19/2004

INDIVIDUAL ACKNOWLEDGMENT

STATE OF _____)
) ss:
COUNTY OF)

BE IT REMEMBERED, that on this _____ day of _____, 199__ before me, the subscriber, a person authorized to take oaths in the State of _____, personally appeared _____ who, being duly sworn on his/her/their oath, deposed and made proof to my satisfaction that he/she/they is/are the person(s) named in the within instrument; and I, having first made known to him/her/them the contents thereof, he/she/they did acknowledge that he/she/they signed, sealed and delivered the same as his/her/their voluntary act and deed for the purposes therein contained.

_____
Notary Public
My Commission Expires:
_____

PARTNERSHIP ACKNOWLEDGMENT

STATE OF Massachusetts

) ss:

COUNTY OF Norfolk)

I CERTIFY that on Aug 4, 1999, Sam Simons personally came before me and this/these person(s) acknowledged under oath to my satisfaction, that:

(a) this/these person(s) signed, sealed and delivered the attached document as Dir, Network Realization [title] of AT+T Wireless [name of corporation] a corporation of the State of Massachusetts, which is a general partner of the partnership named in this document;

(b) the proper corporate seal of said corporate general partner was affixed; and

(c) this document was signed and delivered by the corporation as its voluntary act and deed as [a] general partner(s) on behalf of said partnership [by virtue of authority from its Board of Directors].

Linda J. Grossman

Notary Public

My Commission Expires

2/19/2004

CORPORATE ACKNOWLEDGMENT

STATE OF _____,

COUNTY OF _____, ss:

I CERTIFY that on _____ ____, 199_, _____

[name of representative] personally came before me and acknowledged under oath that he or she:

(a) is the _____ [title] of _____ [name of corporation], the corporation named in the attached instrument,

(b) was authorized to execute this instrument on behalf of the corporation and

(c) executed the instrument as the act of the corporation.

_____

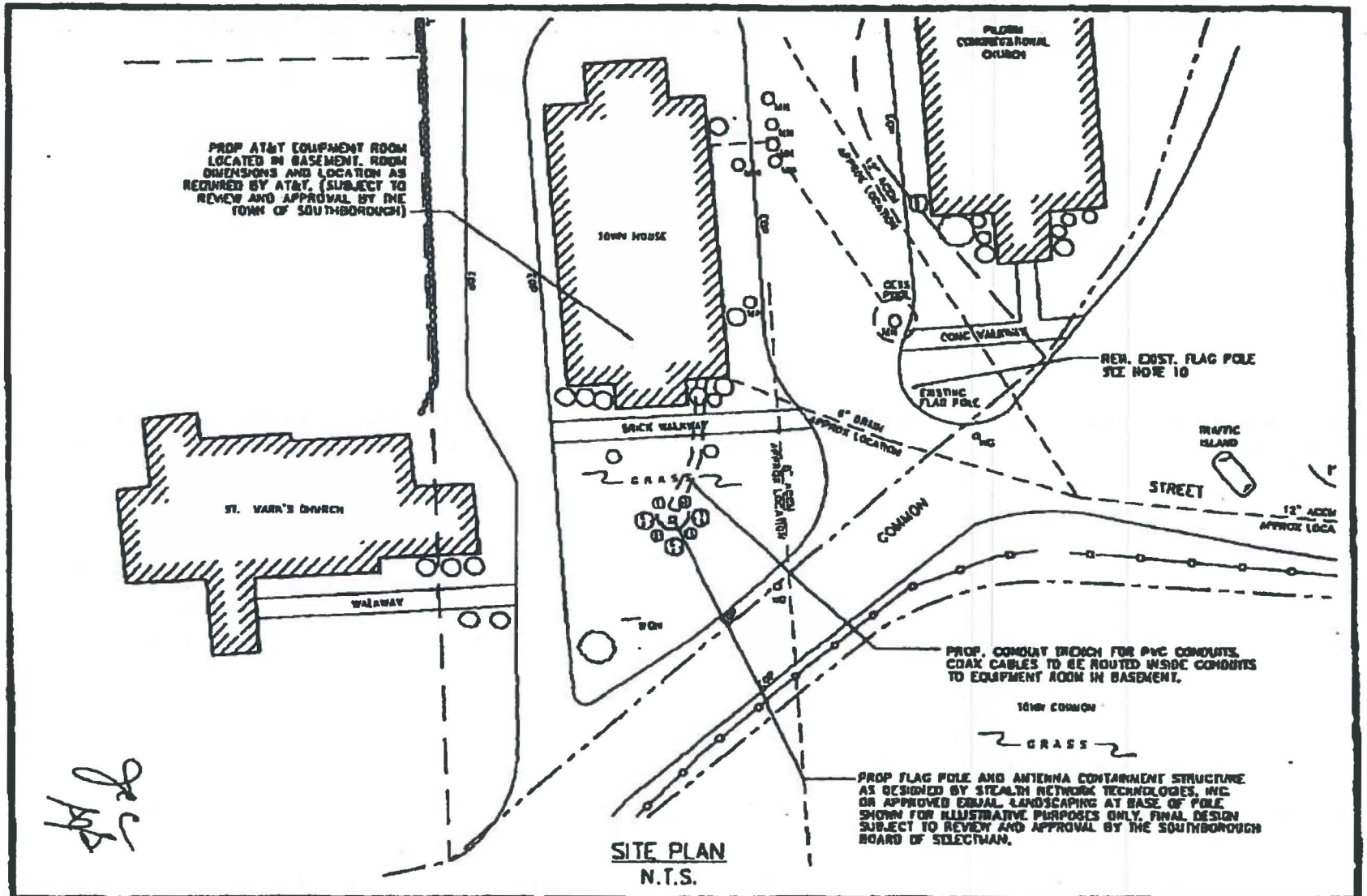
Notary Public

My Commission Expires:_____

Exhibit 1

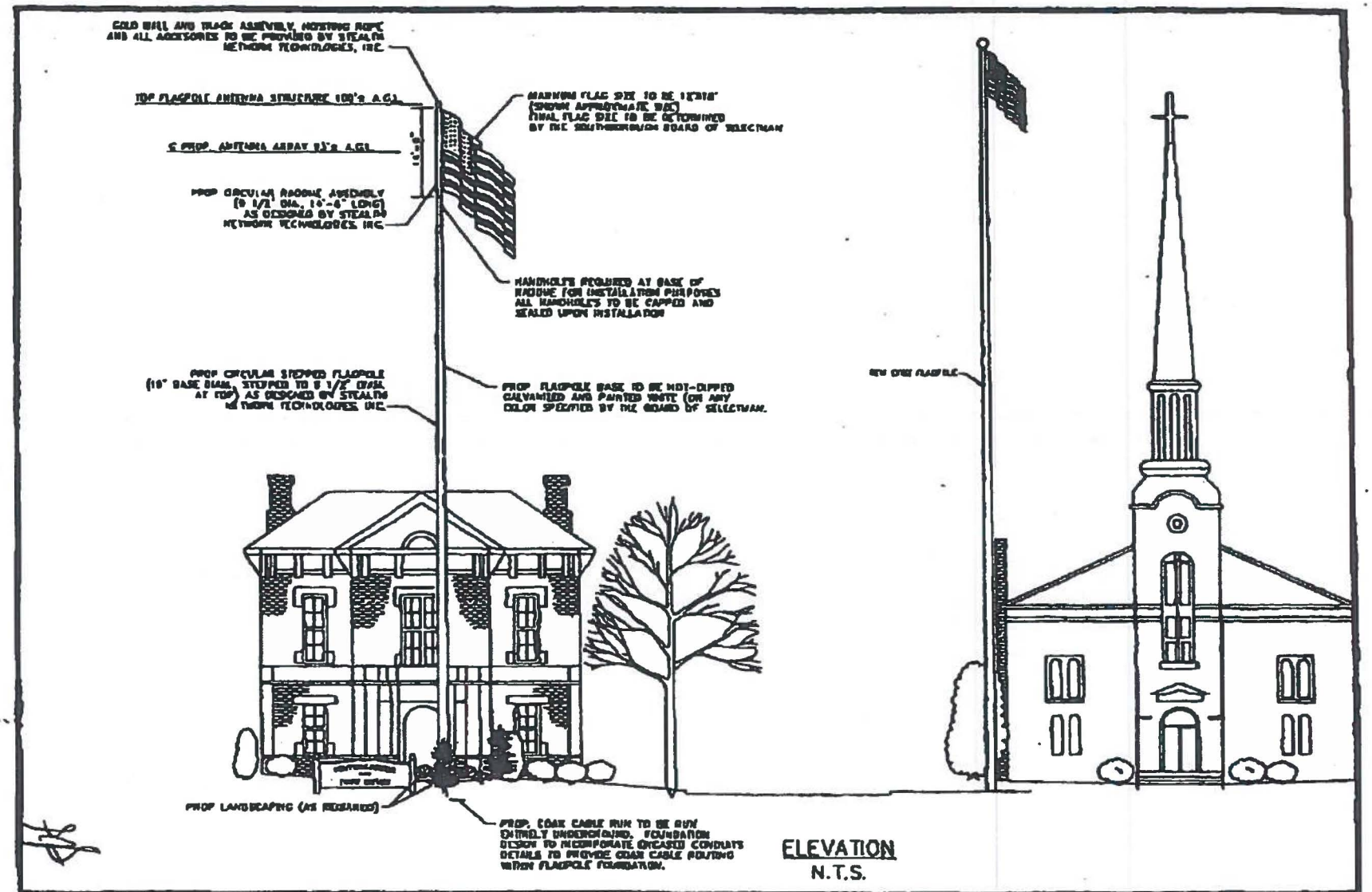
PREMISES

Please See Attached.



SITE PLAN
N.T.S.

INITIALS:	PREPARED FOR: AT&T WIRELESS SERVICES 400 BLUE HILL DRIVE WESTWOOD, MA 02090-2161	RF ENGINEER: A. WILLIAMSON SITE ACQUISITION: S. EL-KHAIRI DATE: 7/29/99 PREPARED BY: C. SALEK GPI CHEDDAR-FOXBORO, INC.	E 348 SOUTHBOROUGH TOWN HOUSE 17 COMMON STREET SOUTHBOROUGH, MA	LEASE EXHIBIT SHEET 1 OF 2
INITIALS:				



ELEVATION
N.T.S.

INITIALS:	PREPARED FOR: AT&T WIRELESS SERVICES 400 BLUE HILL DRIVE WESTWOOD, MA 02090-2161	RF ENGINEER: A. WILLIAMSON SITE ACQUISITION: S. EL-KHAIRI DATE: 7/29/99 PREPARED BY: C. SALEK GPI GREENMAN-PEDERSEN, INC.	E 348 SOUTHBOROUGH TOWN HOUSE 17 COMMON STREET SOUTHBOROUGH, MA	LEASE EXHIBIT SHEET 2 OF 2
INITIALS:				

Exhibit 2

PLANS

Shall be Provided at a Later Date by AT&T Wireless Services.

Exhibit 3

RENT PAYMENT SCHEDULE

Annual Lease Payment for One Year of Contract is Eighteen thousand one Dollars ($18,001.00). Rental payments during the term of the Lease shall increase by 3% and in no event shall the increase be less than the Consumer Price Index increase for the preceding 12-month period.

Exhibit 4

FLAGPOLE CONSTRUCTION DESPCRIPTION, AS REQUIRED BY THE LANDLORD.

Please See Attached.

NON-PRICE REQUIREMENTS AS THEY RELATE TO CONSTRUCTION OF FLAG POLE.

(Where applicable, include responses to these items in the draft lease)

1. The height of the flag pole will be a minimum of 110 feet.
2. The pole will be constructed of metal or other materials with a serviceable life of at least 30 years. The installation and design of the pole shall be by a Registered Professional Engineer registered in the Commonwealth of Massachusetts. Describe specifications and materials to be used and include detailed foundation specifications. Include manufacture's design specifications. Plans and design calculations shall be submitted to the Town for its review and approval. Plans and calculations shall be stamped and signed by the designer. The installation shall be monitored by and certified by the design engineer upon completion.
3. The pole will be constructed to withstand all weather conditions conducive to this region. Provide all weather related specifications including ice loading, and wind speed tolerance specifications with and without a flag flying.
4. The pole will be coated with, or constructed with, a smooth, white, gloss or semi-gloss finish that will not require refinishing for the life of the pole. Describe specifications and materials to be used.
5. The design of the pole will provide for an external, or internal if possible, pulley and rope system for the purpose of raising and lowering a flag. This system will be constructed of materials requiring minimum maintenance for the life of the pole. Describe specifications and materials to be used.
6. The design of the flag pole will be of traditional New England design. There will be no external climbing rungs or any attachments to the exterior of the pole other than those needed for the flag flying system. The flag pole will have a base diameter the same or as similar to that of the existing pole as possible with a maximum base diameter of 16 inches. The pole will be terminated at the top with a gold plated copper ball of a proportion appropriate with the pole design. Lightening protection, if applicable, will be internal to the pole.
7. The Lessee will landscape the area at the base of the pole as determined by the Selectmen prior to signing of lease agreement.
8. The flag pole will be manufactured by the Stealth Company or equal.

(Flag pole cont.)

9. It will be the responsibility of the Lessee /owner of the flag pole to maintain the pole and its equipment (including the American flag) during the period of the lease. This will include the repair and replacement of the flag, and flying equipment as necessary.
10. There will be no equipment associated with the wireless tower, constructed external of the Town House with the exception of the flag pole and lighting necessary to illuminate the flag if flown at night. All cables will be housed inside the pole and will be installed underground into the basement of the Town House. Describe the type and location of lighting to be installed.
11. Proposals will be evaluated with the design of the pole and the materials used being given the highest priority. The existing Town flag pole design will be the basis for this aesthetic evaluation.
12. The cost of electricity needed to illuminate the flag and the maintenance of the lighting equipment will be assumed by the Lessee.
13. The Town will maintain the right to review the performance history of the contractor(s) hired by the Lessee to install the above-described wireless equipment prior to the start of construction. The Town maintains the right to reject contractor(s) not meeting with its standards.
14. The Town will provide an area in the southerly basement area of the Town House for the purpose of housing necessary wireless communication equipment. Exact square footage requirements will be spelled out in the lease. Modifications to the Town House for purposes of the installation of equipment will be approved by the Board of Selectmen prior to any construction.
15. The existing flag pole located on the Town's property, just east of the Town House, will be cut off at ground level and lowered to the ground by crane at the time of the installation of the new pole. It will be placed at a location on site[to be determined by the Selectmen].
16. The Lessee will maintain ownership of the flag pole during the period of the lease.
17. All grounds, sidewalks, steps, etc. moved or disrupted will be restored to its condition prior to construction. The bond provided for the construction of the pole will cover restoration of the site if needed.

End.

TOWN OF SOUTHBOROUGH
FIRE DEPARTMENT
32 CORDAVILLE ROAD
SOUTHBOROUGH, MA 01772
(508) 485-3235 (508) 485-3887 (FAX)

Tuesday, July 7, 2020

Board of Selectmen
Town of Southborough
17 Common Street
Southborough, MA 01772

Dear Town of Southborough Board of Selectmen,

Enclosed, please find the following donation made to the Town of Southborough for your acceptance.

RECEIVED FROM:	AMOUNT:	ACCOUNT SPECIFIED:
Raymond & Elizabeth Minnucci	$30	Ambulance Fund (2659-4-220-483-48310)

Thank you for your consideration in this request.

Sincerely,

Steven E. Achilles
Southborough Fire Chief

TOWN OF SOUTHBOROUGH
FIRE DEPARTMENT
32 CORDAVILLE ROAD
SOUTHBOROUGH, MA 01772
(508) 485-3235 (508) 485-3887 (FAX)

Tuesday, June 23, 2020

Board of Selectmen
Town of Southborough
17 Common Street
Southborough, MA 01772

Dear Town of Southborough Board of Selectmen,

Enclosed, please find the following donation made to the Town of Southborough for your acceptance.

RECEIVED FROM:	**AMOUNT:**	**ACCOUNT SPECIFIED:**
Bertha T. Ginga	$50	Ambulance Fund (2659-4-220-483-48310)

Thank you for your consideration in this request.

Sincerely,

Steven E. Achilles
Southborough Fire Chief

June 22 2020

Dear Chief Paulhus and Lieutenant Newell,

After several weeks of training, I have determined my position in Southborough is not the right fit for me and I have decided to pursue other options. As such, please accept this letter as a notification of resignation from my position as part time dispatcher. Thank you for the opportunities you have afforded me.

Sincerely,

Emily Brogie

Emily Brogie

-----Original Message-----
From: cmsmailer@civicplus.com <cmsmailer@civicplus.com>
Sent: Monday, June 29, 2020 3:15 PM
To: Mark Purple <mpurple@southboroughma.com>
Subject: [Town of Southborough MA] 17 Common Street (Sent by Jeffrey Barbadora, Jeff.Barbadora@crowncastle.com)

[EXTERNAL]

Message:

Good Afternoon Mark,

It was great to speak with you last week in regard to the ATT modification to the flagpole issue at 17 Common Street.

We discussed a couple of options for ATT so that they can upgrade their antenna system. Again, ATT has been functioning on this pole for 21 years with limited antenna equipment. ATT like other wireless providers are essential to all types of wireless services including but not limited to 911.

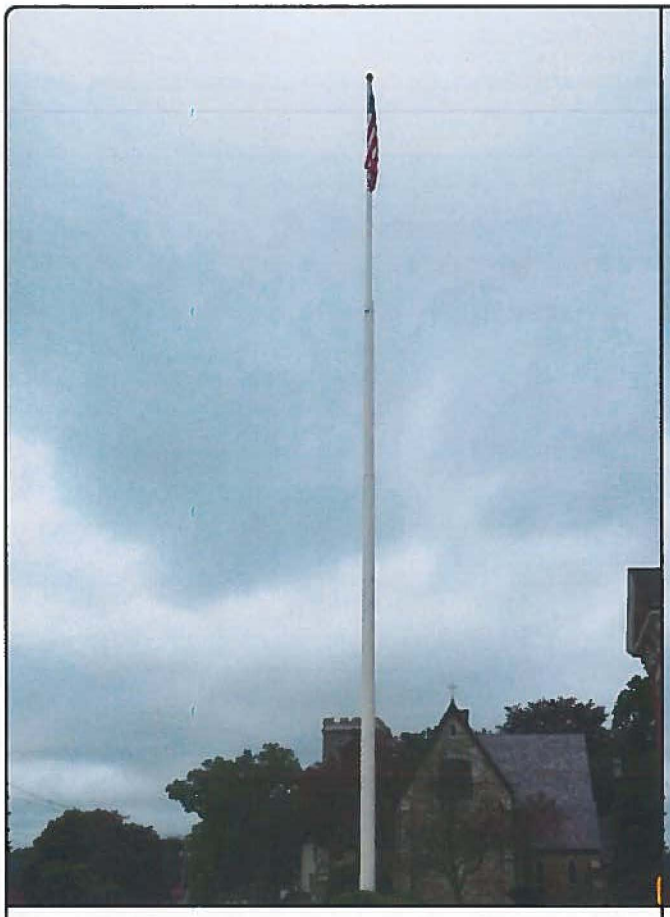
Over 80% of emergency calls are now made from cell phones. I was informed when the site was shut down to change the ATT antennas from the old system to the new system, this was coordinate in some capacity with the Southborough Fire Department.

The couple of options we did discuss of for ATT, if modifying this pole cannot be done was first, construct a new larger diameter flagpole in the rear of the property. Second, increasing the canister size for the entire pole. I wanted to suggest a third option and that is to add a tapper to the top of the tower.

Attached is a photosim drawing showing the flagpole as before then with modification tapper and then showing the flag. Please review the four captions as this is the best alternative for ATT to use this flag pole. We would be open to beautifying the land surrounding the pole if that is an option to help mitigate an concerns.

Thanks,

Jeffrey Barbadora
781-970-0053
12 Gill Street, Suite 5800, Woburn, MA 01801 CrownCastle.com



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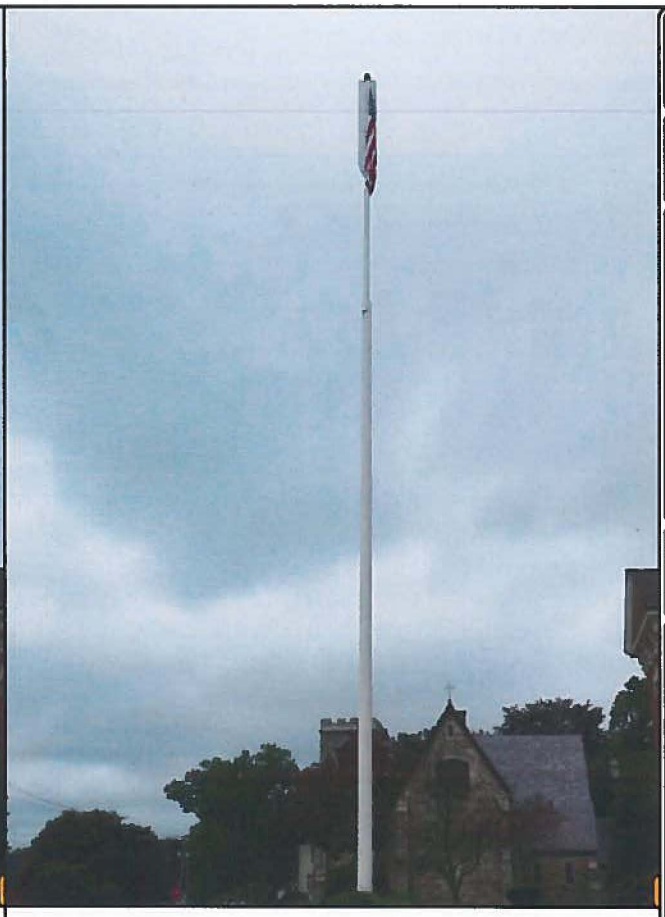


2 PROPOSED

AT&T

CROWN CASTLE

AT&T MOBILITY SITE
NUMBER: **MAL03309**

ORDER #: 459082

BU #: **842944**

SOUTHBOROUGH COMMON ST (MA0348

17 COMMON STREET
SOUTHBOROUGH, MA 01772
WORCESTER

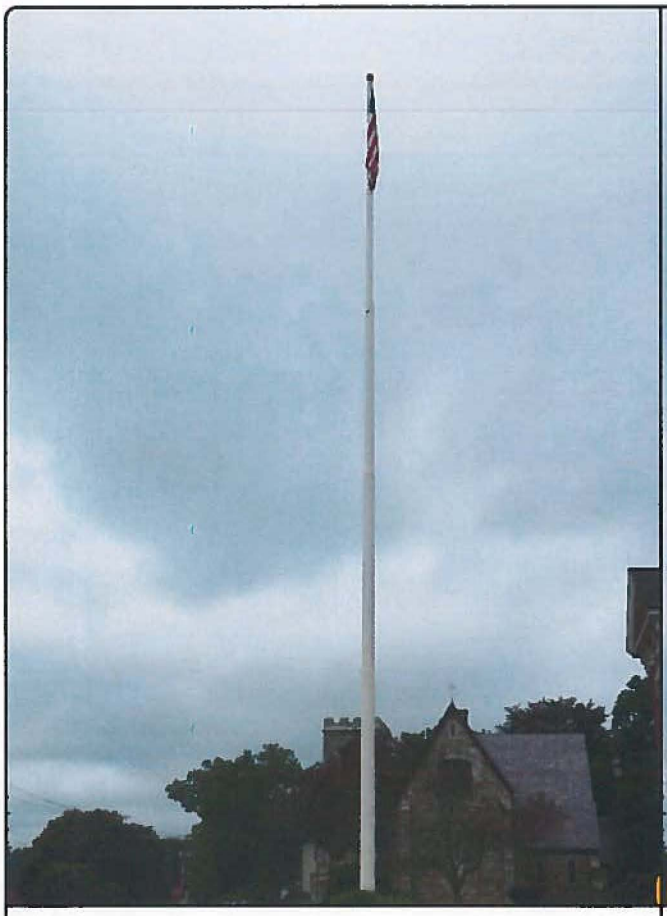
LAT: 42° 18' 21.24"
LONG: -71° 31' 54.84"

REVISIONS

ISSUE	DATE
0	

VICINITY MAP

SHEET NUMBER:	REVISION:
P-1	0



1 EXISTING

2 PROPOSED

AT&T

CROWN CASTLE

AT&T MOBILITY SITE
NUMBER: MAL03309

ORDER #: 459082

BU #: 842944

SOUTHBOROUGH COMMON ST (MA0348

17 COMMON STREET
SOUTHBOROUGH, MA 01772
WORCESTER

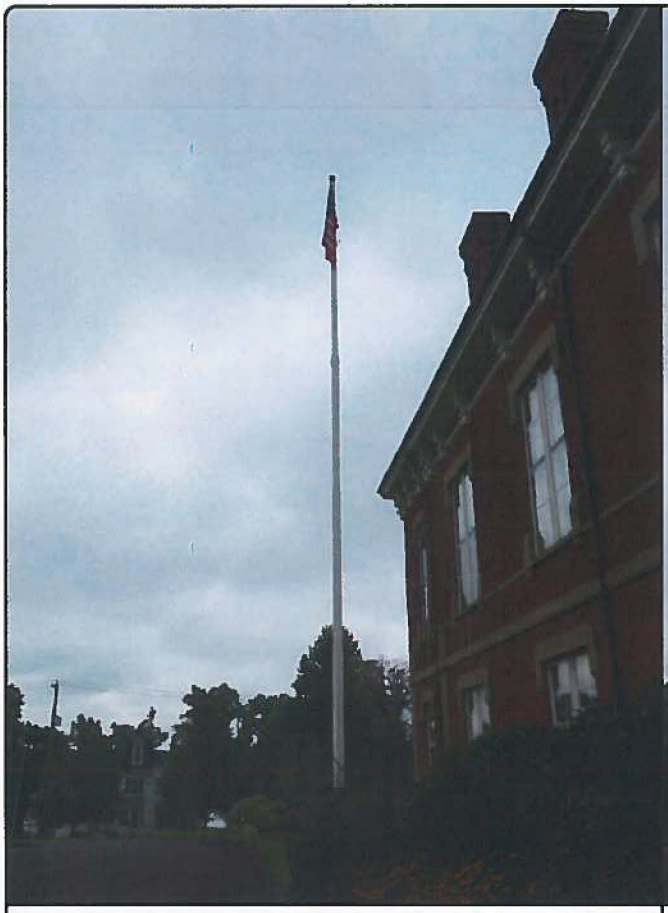
LAT: 42° 18' 21.24"
LONG: -71° 31' 54.84"

REVISIONS

NUMBER	DATE

VICINITY MAP

SHEET NUMBER:	REVISION:
P-2	0



1 EXISTING

2 PROPOSED

AT&T

CROWN CASTLE

AT&T MOBILITY SITE NUMBER: **MA03309**

ORDER #: 459082

BU #: **842944**

SOUTHBOROUGH COMMON ST (MA0348

17 COMMON STREET
SOUTHBOROUGH, MA 01772
WORCESTER

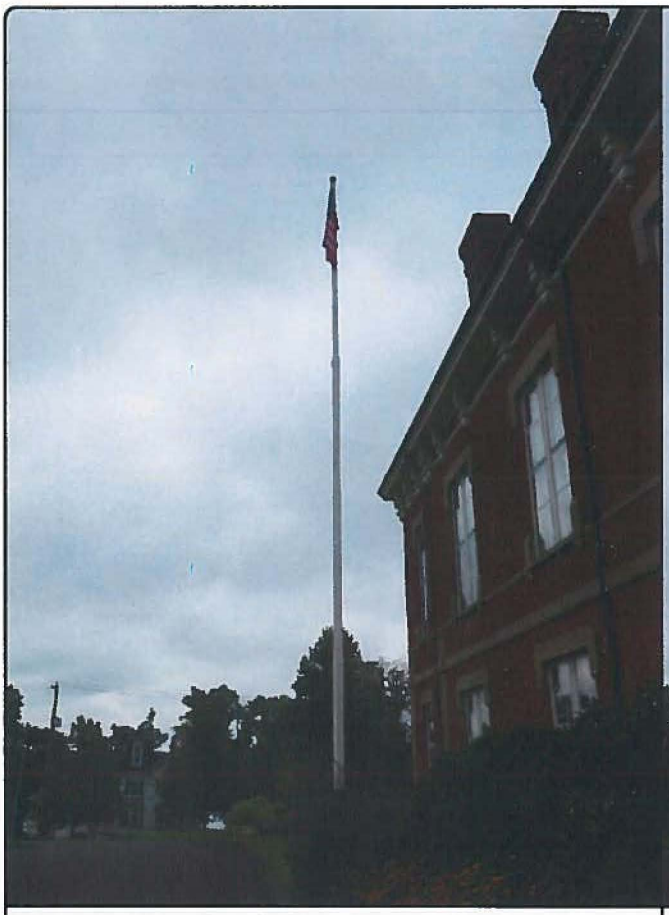
LAT: 42° 18' 21.24"
LONG: -71° 31' 54.84"

REVISIONS

NUMBER	DATE

VICINITY MAP

SHEET NUMBER:	REVISION:
P-3	0



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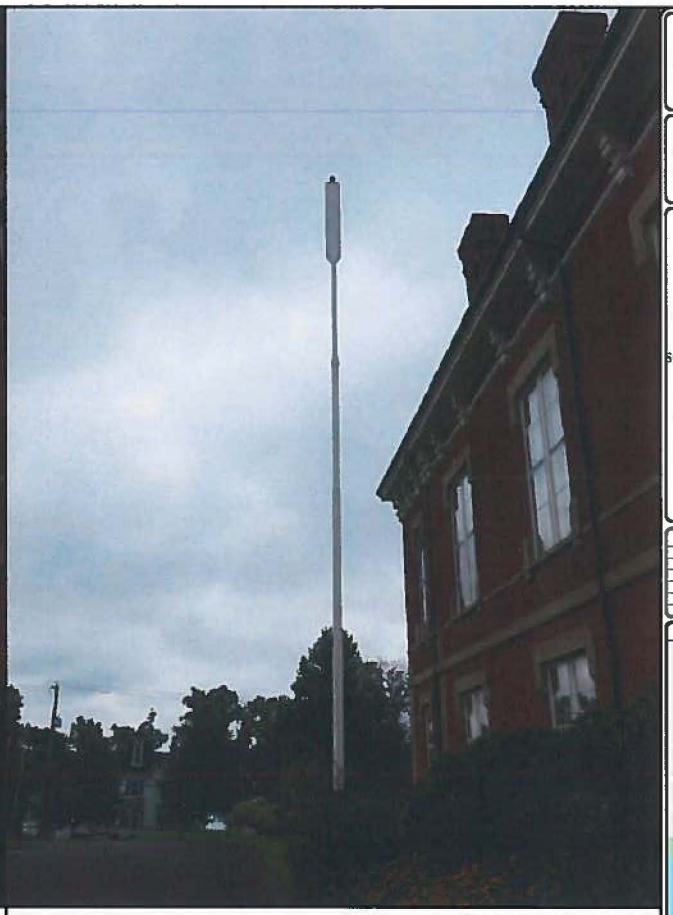


2 PROPOSED

AT&T

CROWN CASTLE

AT&T MOBILITY SITE
NUMBER: MAL03309

ORDER #: 459082

BU #: 842944

SOUTHBOROUGH COMMON ST (MA0348

17 COMMON STREET
SOUTHBOROUGH, MA 01772
WORCESTER

LAT: 42° 18' 21.24"
LONG: -71° 31' 54.84"

REVISIONS

NUMBER	DATE
0	

VICINITY MAP

SHEET NUMBER:	REVISION:
P-4	0

TOWN OF SOUTHBOROUGH
DEPARTMENT OF PUBLIC WORKS

147 Cordaville Road
Southborough, MA 01772

Tel: 508-485-1210
Fax: 508-229-4444

DATE: September 10, 2019

MEMORANDUM

TO: Southborough Board of Selectmen
CC: Mark Purple, Town Administrator
Brian Ballantine, Treasurer/Collector
Laurie Livoli, Building Commissioner
FROM: Karen Galligan, DPW Superintendent
SUBJECT: Building Commissioner Vehicle Issues/Replacement

In September 2015 the Town purchased a 2005, Dodge Dakota for the Building Inspector's use around Southborough. The truck was bought used from a dealer that sells Fleet vehicles.

The Dakota was purchased for $7,800 and had 115,794 miles on it.

After discussions with the Board of Selectmen, the Building Commissioner began commuting in the vehicle, adding an additional 60 miles a day to the odometer. The current odometer reading is 166,084.

The DPW, and the Building Commissioner, between time and parts, spent over $5,000 in FY19 on vehicle repairs. The truck was sent out for some repairs which included replacing the radiator support and repairing the truck bed because of rust.

The DPW Mechanic has replaced the oil pan, transmission cooler lines and the exhaust system due to rust. Routine maintenance as well as brake and CV axle replacement have also been performed on the truck.

In August 2019 an uncoated brake line failed when the Building Commissioner was driving on Route 9 near Oak Hill Road. The truck was towed back to the DPW yard. At this point the Building Commissioner is not comfortable driving the vehicle, the DPW can intermittently loan the Commissioner a vehicle, however, we can't furnish a permanent replacement. Also, because of Green Communities, the Building Commissioner can't have a Green Communities exempt vehicle to drive. So, because of Green Communities, and fiscal prudence, the Town can't/shouldn't make a purchase similar to our 2015 purchase.

Through one of the consortium bids, the Town can purchase, for $29,000, a 2019 4WD Ford Escape that meets the Green Communities standards and provides the Building Commissioner with a reliable, comfortable, commuting and work vehicle that, when maintained by the Town, will be a dependable vehicle for at least 10 years.

The DPW requests that the Town purchase this vehicle as soon as possible.

TOWN OF SOUTHBOROUGH

FACILITIES DEPARTMENT
CORDAVILLE HALL · 9 CORDAVILLE ROAD · SOUTHBOROUGH, MASSACHUSETTS 01772
(508) 485-8175 · FAX (508) 485-7189 · jparent@southboroughma.com

July 14, 2020

Town of Southborough
Board of Selectmen
17 Common Street
Southborough, MA 01772

Dear Chairman Healey:

Please be advised that pursuant to M.G.L. c. 30B, the Southborough Facilities Department recently solicited quotes for the purchase of #2 Fuel Oil for FY21. Attached is a copy of the specification - conditions for quoting, a quote summary sheet, and the subject bid.

I recommend that the contract be awarded to the lowest quoting firm, Falconi Energy.

Funding for this contract will be paid out of the Other Operations Budget, Line Item: 0100-5-159-***-52110.

Sincerely,
TOWN OF SOUTHBOROUGH
FACILITIES DEPARTMENT

John A. Parent
Director of Facilities

JP/sw
Enclosures

Other Opps.

TOWN OF SOUTHBOROUGH

FACILITIES DEPARTMENT
TOWN HOUSE · 17 COMMON STREET · SOUTHBOROUGH, MASSACHUSETTS 01772-1662
(508) 485-8175 · FAX (508) 485-7189 · jparent@southboroughma.com

June 29, 2020

Brian Ballantine
Finance Director
Town of Southborough
17, Common Street
Southborough, MA 01772

Dear Director Ballantine,

I am writing to inform you that, upon final balancing with the Accounting Department, it is anticipated that the Other Operations Budget for the Town's utilities is expected to close out FY20 in the negative by $21,069.78. To this point, I would like to formally request a transfer of budgetary funds in the before mentioned amount in order to cover said shortfall.

Due to an uncertainty as to when the new Public Safety Complex would be opening at the time of budgeting for FY20, utilities projection figures for the Police and Fire Departments were calculated on the former stations' energy consumption figures. As the new Public Safety Complex opened relatively early in FY20, its increased square footage in comparison to the old stations, coupled with increased systems run times resulted in greater than anticipated utility costs for the year. As I will soon have a 12-month utility history for the Public Safety Complex, I will be able to use this historic data in the calculation of the FY22 budget; this is generally how I estimate for the Town's other buildings as well.

Upon review of the utility data we have for the Public Safety Complex thus far, coupled with the fact that we have obtained a notably lower than estimated price for heating oil for FY21, there is a possibility that the current FY21 Other Operations Budget, as approved at Town Meeting, may not fall short if we experience mild summer and winter weather conditions. I will be keeping a close eye on this particular budget throughout the upcoming year, in case adjustments need to be made moving forward.

Thank you,

TOWN OF SOUTHBOROUGH
John A. Parent
Director of Facilities

Town of Southborough
PLANNING BOARD
17 COMMON STREET
SOUTHBOROUGH, MASSACHUSETTS 01772-1662
508-485-0710

June 23, 2020

Board of Selectmen
Town of Southborough
17 Common Street
Southborough, MA 01772

RE: Planning Board Representative for MetroWest Regional Collaborative (MWRC)

Dear Board of Selectmen;

Please be advised that at its meeting on June 22, 2020, the Planning Board voted unanimously 5/0 (Morris, Mills, Stein, Hoolahan, and Luttrell in favor) to recommend reappointment of Ms. Meme Luttrell as the Planning Board's representative for the MetroWest Regional Collaborative. Ms. Luttrell's one-year term will expire on June 30, 2021.

Thank you,

Donald C. Morris
Chairman, Planning Board

Building Dept Truck

Brian Ballantine

From: Kathy Cook <kcook@fusiongroupinc.com>
Sent: Wednesday, September 11, 2019 8:17 AM
To: Brian Ballantine
Cc: Mark Purple
Subject: RE: Building Department Vehicle

Brian,

I think it is too early in the year to consider a reserve fund transfer. I happened to re-listen to an Advisory meeting yesterday where you and Mark wee there We were discussing the amount to request for the FY 2020 reserve fund transfer. Mark made the point that we should not consider reserve fund transfers early and the AC ending up agreeing. I will add this to the AC agenda for next week to get a consensus on where we stand on early in the year requests.

Kathy

From: Brian Ballantine <bballantine@southboroughma.com>
Sent: Tuesday, September 10, 2019 5:46 PM
To: Kathy Cook <kcook@southboroughma.com>; Kathy Cook <kcook@fusiongroupinc.com>
Cc: Laurie Livoli <llivoli@southboroughma.com>; Karen Galligan <kgalligan@southboroughma.com>
Subject: Building Department Vehicle

Hi Kathy –

I spoke with Mark and Karen and at your next meeting (next week?) they would like this considered for a reserve fund request. Seems like the only option for Laurie since it is too far from end of year to have some type of TM transfer. We had hoped to include this in the capital plan for FY21 but obviously not going to happen.

See attached – any questions you can shout out to one of us, or all of us.

Thanks~

Brian Ballantine
Finance Director/Treasurer-Collector
17 Common Street
Southborough, MA 01772
Phone: (508)485.0710 ext. 3009
Fax:(508)480.0161

Please be advised that the Secretary of State considers all emails to be a public record.

DEPT	DEFICIT AMOUNT	Reason	Reserve Fund or Inter-Departmental	Funding Source	BOS Signoff	ADV Signoff
122 BOS	5,600	Postage Usage	INTER DEPT	910 Benefits Budget	Y	Y
151 Legal	13,450	Additional Legal Work Unexpected	RESERVE	**132 Reserve Fund**	**NONE**	Y
153 Special Legal	2,000	Assigned legal for Park Central, Cable, OML	RESERVE	**132 Reserve Fund**	**NONE**	Y
159 Other Operations	21,169	PS Building Energy Usage	RESERVE	**132 Reserve Fund**	**NONE**	Y
241 Building	18,286	Admin Part Time Budgeted	INTER DEPT	910 Benefits Budget	Y	Y
542 Youth-Family	2,895	Program Coordinator Regraded per Personnel Board	RESERVE	**132 Reserve Fund**	**NONE**	Y
930 Capital Budget	25,371	Building Department Truck Replaced Unexpectedly	RESERVE	**132 Reserve Fund**	**NONE**	Y
945 Liability Insurance	1,290	PS Building Coverage during Year	INTER DEPT	910 Benefits Budget	Y	Y

Postage

FY20 budget was reduced to account for downward trend in postage. Amount was too low to accommodate the annual usage. As a note, postage for mailing of tax bills comes out of this account. FY21 postage was adjusted accordingly.

Building Department

Building Inspector was hired January of 2019 during middle of budget preparation. Department has turned over in staff over the last two years. During the budget a FT position was reduced to Part Time. Unfortunately the PT hours were a budget item in both ZBA and Building, it should have been ZBA only.

Liability Insurance

MIIA insurance issued the Town an adjusted property and casualty invoice in November of 2019. This invoice accounted for the opening and build-out of the Public Safety building and exceeeded the insurance budget for this year.

Y-F Staff Re-class

The Chair stated that there is currently a Program Coordinator position classified at SAP Schedule A, Grade 5. Ms. Hale confirmed that there is only one Program Coordinator currently employed, at the Recreation Department. There was a Program Coordinator at the Senior Center, but the position was upgraded months ago to Program Manager at the request of the COA.

The Chair explained that the Consultant who gave us the current Classification & Compensation system encouraged us to cut down the number of job positions and to have more generic job descriptions that cut across departments. The Chair stated that this has not worked out in theory, with different departments seeking job titles and descriptions specific to their departments.

Mr. Dietz opined that the job description was longer than necessary. The YFS representatives welcomed the Board's suggestions on how to revise the job description. Ms. Cassell noted that the Recreation Program Coordinator job description was specific to that department. Ms. Hale introduced Tim Davis, the new Recreation Director. The Chair suggested that Ms. Cassell and Mr. Davis sit down and draft a more generic Program Coordinator job description and each department could then customize with an addendum of tasks. Mr. Dietz said he could assist. Ms. Cassell and Mr. Davis agreed to meet. Ms. Cassell would like to see the Program Manager job description from the COA; Ms. Hale will send.

Promotion or Reclassification of Ms. Kinayman, YFS Administrative Assistant. The Chair included in the Board packet only a JAQ submitted by YFS stamped "Confidential." The Chair does not publicly disclose it because the Consultant considers it a confidential and proprietary tool. The Chair stated that she, Ms. Hale and Mr. Dietz scored the Program Coordinator JAQ independently and each scored it at Grade 5. The Chair stated that this is appropriate and where it should be, since the position is classified at Grade 5. The Chair discussed the JAQ and Scoring Tool generally. Mr. Dietz said they are lengthy and redundant, and could be easily replaced with a simpler, more efficient tool. The Chair sees two options: continue to use the Consultant's tools and keep the process confidential or develop our own tools, which we can discuss in open meeting. The Chair favors openness of process.

There was also a memo in the file to the Board from the Chair explaining the history of Ms. Kinayman's position and how the Board has handled requests to upgrade positions and requests for promotions, during her two year tenure. The Chair summarized these discussions in the memo as guidance for the Board in this case. The Chair stated that she interpreted a similar recent promotion of a Library employee as not requiring Board approval of the promotion. Promotions are discussed in Section 8 of the SAP which states that the Personnel Board must be consulted and approve the new pay rate recommended by the department head. It does not say that the Personnel Board must approve the promotion itself, only the pay rate. As set forth in her memo, Ms. Cassell is recommending a pay rate of $25.06 hourly/$52,124 annually, which is the minimum for Schedule A, Grade 5.

Ms. Jasinski views this as a promotion and believes it should be reviewed as such. Mr. Dietz concurred. The Chair agreed that this is a promotion that is an internal decision for the department and its governing board. ***Motion to approve promotional pay raise for Shannon Kinayman as recommended by Youth & Family Service to $25.06 hourly, $52,124 annually. Unanimously approved.***

Ms. Cassell asked about funding. The Chair confirmed that this action is subject to the department's ability to pay. Ms. Jasinski would like to see the new job description finalized. ***The job description was tabled to a future meeting.***

Southborough Golf Club Management Plan

Prepared by: Kristin O'Brien, SVT Land Steward
Date: 5/8/2020

I. BASIC SITE INFORMATION

Property Location: 36 Cordaville Rd, Southborough
Size: 55.7 acres
Assessors Map Block & Parcel: 45-0000-002-0
Date of Acquisition by the Town of Southborough: 12/21/2017
Nature of Transfer: Purchase of fee through land exchange agreement and borrowing or transfer of available funds by Town Meeting and with a portion of endowment costs from CPA funds.

Deed/Title Special Conditions:
A Conservation Restriction was recorded on 9/12/2019. The CR is co-held by Sudbury Valley Trustees (primary) and the Southborough Conservation Commission (secondary). There is a driveway and utility easement for 25 Latisquama Rd where the driveway encroaches onto the CR (both properties were previously owned by St. Marks School). The maintenance shed may be connected to the utility line through the adjacent parcel.

Public Access:
The property is primarily an active golf course from March to December each year. The only public parking is behind the public safety building near the club house. The Sudbury Reservoir trail that runs along the southwest boundary and the property may also be accessed near the maintenance shed on Latisquama Road during the off season from December through March.

Basic Site Description:
The CR is maintained for golfing, this includes open grass fairways mowed frequently. Portions of the property are wooded with a few wetland areas connected by two intermittent streams which eventually flow into the adjacent Sudbury Reservoir. This is part of an extensive corridor of thousands of acres of protected land, primarily DCR lands, that extends from Framingham to Westborough following the Sudbury and Foss Reservoirs. There is also an area near the 4th fairway that is transitioning from field to early successional forest; however, the northern edges are still mostly grass with a small patch of American cranberry, however, majority of the area has transitioned to white pine and birch trees.

Management Goal
The primary goal for this property is to promote low-impact golf course maintenance practices that preserve ecological health. The measure of success will be based on attaining certification as an Audubon International (AI) golf course by meeting specified ecological management requirements. This management plan will address standard course management and aspects of the AI requirements that can be achieved within the next 5 years (2025), it is not meant to replace the AI plan and will be updated as the AI plan progresses. A long-term plan to upgrade the maintenance shed, address water conservation/quality, and institute the other larger, costly upgrades will be generated at later time by the Town.

II. SIGNIFICANCE

Ecological Significance:

The property hosts multiple habitat types including fields, vegetated wetlands and woodlands that are used by a variety of wildlife. According to the Massachusetts State Wildlife Action Plan (SWAP), over 70 Species of Greatest Conservation Concern are known to occur in transition hardwoods-white pine forests like the ones on this property. Richard Forman, Landscape Ecologist states, "many ecological studies indicate that an abundance of evergreen trees, and having one or more waterbodies, noticeably increases wildlife diversity". The premise also has an intermittent stream that feeds into the adjacent Sudbury Reservoir, a Class A Public Water Supply and an Outstanding Water Resource as assigned by the Mass DEP under 314 CMR 4.06(1)(d)1. The property is not known to contain any rare species; however, it is part of a Massachusetts Audubon Society Important Bird Area due to the Sudbury and Foss Reservoirs' ability to support waterfowl. Since 2018, there have been reports of the state listed species, pied-billed grebe in the area. According to ebird, additional important bird species seen within the Sudbury Reservoir include; bald eagle, peregrine falcon, American kestrel, bufflehead, common goldeneye, common merganser, osprey, chimney swift, spotted sand piper, and ring-necked duck. This property is part of a corridor of protected habitat that extends from Framingham to Westborough, enhancing the collective conservation values that exist within the greater vicinity.

Recreational and Scenic Significance:

The primary use of the property is to be maintained and used as a 9-hole golf course. The course covers the majority of the property. There are a couple trails outside of the golf course playing area that are not maintained and the Sudbury Reservoir Trail to the southwest. The majority of non-golfing public use is on the Sudbury Reservoir Trail or walking (usually with dogs) when the course is not open (winter).

The property is also considered scenically important as it is on a main road through town and abuts the Sudbury Reservoir. Historically, this course is one of the oldest continually operated public golf courses in the country, having opened in 1897. The course was previously owned by St. Marks School and was once owned by a familial relation to Isabella Stewart Gardner and the Burnett Family.

III. NATURAL RESOURCES AND SOCIO-CULTURAL CONTEXT

Land Use History:

The land was opened as a golf course in 1897 and has since been run as such with only minor alterations to the course. There has been no significant forest or stream management.

Surrounding Land Use:

Abutting lands are owned by the Commonwealth of Massachusetts Division of Conservation and Recreation to the Southeast, and private residential land owners, the Town's new Public Safety building and the former owner of this property, St. Mark's School of Southborough, Inc., to the north.

Watershed and Hydrology:

There is a small wetland in the northwest corner adjacent to the road and the new access for the public safety building. This feeds one of two intermittent streams. The other stream begins near

the 9th tee. The streams meet and eventually drain into the Sudbury Reservoir, which is one of two emergency water supply sources for the Quabbin, Wachusett, and Ware Reservoirs.

Natural Communities:
This property contains maintained greens/fields and patches of woodlands dominated by a mixture of oak and pine, including white oak (*Quercus alba*), red oak (*Quercus rubra*), black oak (*Quercus nigra*), and white pine (*Pinus strobus*). There a few patches of hickory (*Carya spp.*) in the largest wooded section to the southeast of the third tee. Generally, the understory is sparse, with some princess pine, ferns, lowbush blueberry, and winterberry. A small marsh and an intermittent stream feed into the wooded marsh that runs along holes 1, 2, and 3. This wetland drains to a small intermittent stream, which then feeds into the Sudbury Reservoir.

There are several invasive species scattered throughout the property. In particular, near the 3rd tee and 8th hole is thick growth of Japanese Knotweed along with significant stands of glossy buckthorn. Isolated patches of Tree of Heaven were found by the 6th tee and 1st hole. There are areas of unmanaged field areas on the course, the largest being between the third hole and the fairway for seven. Additionally, there is a triangle patch of early successional habitat including small white pines and black birch (*Betula lenta*), along with some milkweed and goldenrod and small cranberry "bog" near the edge of the 4th fairway.

IV. Ecological Concerns

1. Majority of the property is an active golf course so there is extensive and constant management of the property, including mowing, leaf blowing, carts, general course/equipment maintenance, and chemical control. The current course manager states that chemicals (herbicides, pesticides, fertilizer, and fungicides) are only applied as needed. There are four stream crossings, three of which are for carts, which do not have much, if any, vegetation buffers. Chemical use on the golf course could potentially, but not likely, contaminate the two intermittent streams and the abutting Sudbury Reservoir, which is an emergency water supply.

2. Currently, the course manager is on a year to year contract. The contract is for general, regular maintenance of the course, not improvement unless necessary to the health and safety of the course. While any future managers will have to follow the Towns requirements funding availability may limit contractual actions the manager must take, including potential environmental protection enhancements.

VI. MANAGEMENT

Management Action Plan

* *Indicates actions that meet, or work towards meeting, AI requirements.*

1. Maintenance
    a. Continue general maintenance of the course, including mowing, clearing debris, cleaning sand traps, clearing hazardous trees etc.
    b. No new cart paths will be established through existing habitats*

c. Periodically prune and clear the wooded understory within 20 feet of the fairway "rough". Only vegetation ≤ 6 in dbh will be cut in this area. There will be no removal of shrubs or trees during bird nesting season (mid-April to mid-August) unless it poses an immediate safety concern.*
d. Leave Dead trees (standing or otherwise) within the wooded areas unless they pose a safety hazard*
e. Purchase regionally native landscape plants from locally-grown sources, whenever possible, to support the genetic integrity of local native plant communities*
f. Upgrade/repair cart paths, in particular the unpaved path between the green on hole 2 and the forward tee on hole 3 where there is extensive erosion due in part to the steepness of the path*

2. Chemical Use/Storage
    a. The course manager will submit an annual chemical usage report at the end of the golf season to Sudbury Valley Trustees and the Southborough Conservation Commission stating who applied the chemicals and their applicator license number/status, what chemicals were used, when/where they were applied, and at what rate
    b. Chemicals will only be applied as needed and by a certified applicator per requirement of the State*
    c. The golf course manager will maintain a current MSDS (Material Safety Data Sheet) for each chemical, including cleaning supplies, at the maintenance shed in a location easily found by employees handling the chemicals
    d. Chemicals that are not used in their entirety at the end of the season may be stored in the heated clubhouse, so long as they are following the storage protocol stated on the MSDS*
    e. Fertilizer application rates will be based upon the presence of fine sandy loam*
    f. Establish a ten foot no-spray zone around both intermittent streams
3. Habitat Management
    a. Establish a ten foot buffer around intermittent streams with low maintenance grass as it exists and has been maintained
    b. Treat patch of Japanese knotweed and tree of heaven near tee 3 and Cordaville Rd*
        i. CPA funds were approved to treat the knotweed, tree of heaven, and other invasive species at the golf course and another Southborough property (Halloran). The Conservation Commission issued a negative determination for an RDA submitted in 2019 but the Open Space Committee plans to hire Polatin Ecological Services. Any plan will be submitted to the Southborough Conservation Commission for final review.

See CR baseline for maps and other information.

TOWN OF SOUTHBOROUGH

FACILITIES DEPARTMENT
CORDAVILLE HALL · 9 CORDAVILLE ROAD · SOUTHBOROUGH, MASSACHUSETTS 01772
(508) 485 8175 · FAX (508) 485-7189 · jparent@southboroughma.com

Specification

Supplying and Delivery of #2 Fuel Oil

CONDITIONS FOR QUOTING

GENERAL
Town of Southborough shall herein be referred to as the "Town".

ACCEPTANCE OF QUOTATIONS
Completed Quotation Forms shall be returned by mail to John Parent, Director of Facilities, 9 Cordaville Road, Southborough, MA 01772 or emailed to swood@southboroughma.com on or before 9:00 a.m. on June 24, 2020. The Town reserves the right to accept or reject any or all quotes or any part thereof.

INSURANCE
Contractor to provide certificates of insurance indicating statutory worker's compensation coverage in addition to $1,000,000 CSL minimum general liability/property damage/bodily injury coverage and $1,000,000 CSL automobile coverage. Certificates of insurance confirming that the Town of Southborough is named as additional insured and acceptable to the Town of Southborough shall be addressed to and filed with the Town of Southborough prior to commencement of the work. Renewal certificates shall be addressed to and filed with the Town of Southborough at least thirty (30) days prior to the expiration date of the required policies. The failure of the insurance policies to name the Town of Southborough as an additional insured will constitute a breach of this contract and will be a defense to any claim against the Town for payments under this contract.

QUOTATION FORM
All quotes must be submitted on the attached Quotation Form.

LENGTH OF CONTRACT
This specification shall cover the period from July 01, 2020 through June 30, 2021.

MINIMUM QUALIFICATIONS
Contractors submitting quotations must:

- Have a minimum of three (3) years of experience supplying and delivering #2 fuel oil to government entities.
- Be able to keep to an automatic delivery schedule in order to ensure that no delivery location will run out of fuel oil.
- Be able to routinely deliver fuel oil to any delivery location listed during normal business hours (M-F 6:30 AM to 4:00 PM).
- Be able to make emergency deliveries of fuel oil to any delivery location listed during all times outside of normal business hours.
- Be able to make deliveries of fuel oil within 24 hours of receiving notice.

NONDISCRIMINATION
The Contractor agrees that it will not discriminate against any employee or applicant for employment because of race, color, religious creed, national origin, sex, age or ancestry in connection with the performance of the services under Agreement. The Contractor further agrees that it will comply with all laws, local by-laws, rules and regulations of the Massachusetts Department of Labor and all other regulatory bodies having jurisdiction.

INDEMNIFICATION
The Contractor agrees to guarantee and indemnify the Owner against all damages or loss the Owner may incur or sustain by or through the misconduct or negligence of any agent, servant or employee of the Contractor during the performance of services required by this contract. The Contractor further agrees to maintain adequate insurance to ensure compliance with the above provision.

The Contractor shall, to the maximum extent permitted by law, indemnify and save harmless the Political Subdivision, its officers, agents and employees from and against any and all damages, liabilities, actions, suits, proceedings, claims, demands, losses, costs and expenses (including reasonable attorney's fees) that may arise out of or in connection with the work being performed or to be performed by the Contractor, his/her employees, agents, subcontractors or material persons. The existence of insurance shall in no way limit the scope of this indemnification. The Contractor further agrees to reimburse the Political Subdivision for damage to its property caused by the Contractor, his/her employees, agents, subcontractors or material persons, including damages caused by his/her, its or their use of faulty, defective or unsuitable material or equipment, unless the damage is caused by the Political Subdivision's gross negligence or willful misconduct.

INQUIRIES CONTACT
Contact John Parent with any questions regarding this specification at (508) 485-8175 or jparent@southboroughma.com

CONTRACT AWARD
In accordance with M.G.L. c. 30B, the contract will be awarded to the responsive and responsible quoting entity with the lowest overall price to supply and deliver #2 fuel oil as specified.

CONTRACTS
The contractor will be required to execute a proper contract. A Sample contract form is available upon request.

TOWN OF SOUTHBOROUGH

FACILITIES DEPARTMENT
CORDAVILLE HALL · 9 CORDAVILLE ROAD · SOUTHBOROUGH, MASSACHUSETTS 01772
(508) 485-8175 · FAX (508) 485-7189 · jparent@southboroughma.com

QUOTATION FORM

To: John Parent
Director of Facilities
Town of Southborough
9 Cordaville Road
Southborough, Massachusetts 01772
swood@southboroughma.com

The undersigned proposes to supply and deliver #2 Fuel Oil in accordance with the accompanying specifications entitled "Supplying and Delivery of # 2 Fuel Oil".

#2 Fuel Oil Metered per gallon: $_____.

Certification of Non-collusion: The undersigned certifies under penalties of perjury that this quotation has been made and submitted in good faith and without collusion or fraud with any other person. As used in this certification, the word "person" shall mean any natural person, business, partnership, corporation, union, committee, club, or other organization, entity, or group of individuals.

Company Name: _____

Address: _____

_____

Telephone: _____ Fax: _____

E-mail: _____

Name (print): _____

Signature: _____

Title: _____ Date: _____

FY20 #2 Fuel Oil Quote Summary Sheet
Contractor Results

	Company Name/ Address	Contact	Phone/ Fax	E-Mail	Bid Amount
1.	**Coan Oil Company** 196 West Central Street Natick, Ma 01760		508-368-1009 508-368-1159	service@coanoil.com	No Response
2.	**Jamie Oil Company Inc.** 171 Main Street Ashland, Ma 01721	Nicholas Guerra	508-231-1400 508-231-4716	nicguerra@jamieoil.com tomcarey@jamieoil.com	$1.5775
3.	**Falconi Energy** 29 Boston Road Southborough, Ma 01772	James Falconi	508-485-0377 508-624-4580	james@falconienergy.com	$1.45
4.					
5.					
6.					

TOWN OF SOUTHBOROUGH

FACILITIES DEPARTMENT
CORDAVILLE HALL · 9 CORDAVILLE ROAD · SOUTHBOROUGH, MASSACHUSETTS 01772
(508) 485-8175 · FAX (508) 485-7159 · jparent@southboroughma.com

QUOTATION FORM

To: John Parent
Director of Facilities
Town of Southborough
9 Cordaville Road
Southborough, Massachusetts 01772
swood@southboroughma.com

The undersigned proposes to supply and deliver #2 Fuel Oil in accordance with the accompanying specifications entitled "Supplying and Delivery of # 2 Fuel Oil".

#2 Fuel Oil Metered per gallon: $ 1.45 .

Certification of Non-collusion: The undersigned certifies under penalties of perjury that this quotation has been made and submitted in good faith and without collusion or fraud with any other person. As used in this certification, the word "person" shall mean any natural person, business, partnership, corporation, union, committee, club, or other organization, entity, or group of individuals.

Company Name: Falconi Energy

Address: 29 Boston Rd
Southborough, MA 01772

Telephone: 508-485-0377 Fax: 508-624-4580

E-mail: James@falconienergy.com

Name (print): James W Falconi

Signature: James W Falconi

Title: President Date: 6/12/20

RECEIVED
By Town Clerk/amb at 7:38 pm, Aug 16, 2020

TOWN OF SOUTHBOROUGH

BOARD OF SELECTMEN Meeting Minutes

Meeting Date: Tuesday, July 21, 2020, 6:30 P.M.
Location: Public Safety Facility, Training Room, 32 Cordaville Road, Southborough, MA
Present: Marty Healey, Brian Shea, Lisa Braccio, Chelsea Malinowski, Sam Stivers and Town Administrator Mark Purple

I. Chairman Healey called the meeting to order at 6:38 P.M. He thanked Ms. Hale, Mr. Purple, Mr. LaFLamme and the Police and Fire Departments for their coordination and effort to ensure an in-person meeting for the Board this evening.

II. Consent Agenda

a. Mr. Shea made a motion to appoint Brandon Donahue as Special Police Officer. Ms. Braccio seconded. The motion passed all in favor (5-0-0).
b. Mr. Stivers held item "b." Mr. Stivers suggested changing the section describing the responsibility of the Committee to manage the day to day relationship to "monitor current relationship with management." Ms. Malinowski suggested to revise the original language to "oversee day to day relationship…" and Mr. Stivers felt it suggested micromanagement. Chairman Healey stated he approved of the current language as written in the packet. He said management could be done by delegation and there should be no micromanaging. Mr. Stivers agreed to leave the charge as written. Mr. Shea made a motion to approve of the new Golf Committee charge. Ms. Braccio seconded. The motion passed all in favor (5-0-0).

III. FY2020 Goal-Setting Discussion

Chairman Healey set guidelines for the conversation and invited Ms. Braccio to start explaining her list of goals for the Board. Ms. Braccio stated she would like training for all boards and committees regarding running a proper meeting and review of open meeting laws. She explained that with member turnover and turnover at the chair and vice-chair positions, not every volunteer may understand how to post agendas, vote, or have the tools to run a successful meeting. Chairman Healey agreed and stated that he would like to encourage all boards and committees to televise their meetings. He added that Southborough Access Media is a useful resource and the addition of Zoom makes it easier to publicize meetings on YouTube for the public to watch and participate. Mr. Purple added that Zoom solves for the issue of limited meeting space. Mr. Stivers stated that Zoom also enables experts from afar to participate in meetings remotely. He suggested a checklist and one page summery for all chairs of boards and committees. Mr. Purple stated that he will reach out to the larger boards and committees for feedback on how they manage their meetings. He stated he will work with Ms. Esposito to search for effective training for boards and committees. Ms. Malinowski suggested using other successful board and committee practices to build a model to share with others. Mr. Purple suggested the Board think about enforcing the recently updated Email Policy which mandates all employees and volunteers use their town email to conduct town business. He explained the confusion and reluctancy to use town email and asked for the Board's consideration in assisting Mr. LaFlamme in reinforcing this policy.

Ms. Braccio stated her next item was updating and consolidating policies to ensure volunteers understand and adhere to them. She explained there are numerous policies that may be contradictory or redundant and are different depending on the department. She suggested

creating a handbook for employees and volunteers for consistency. Mr. Stivers explained an organizational gap and how the policies are not consistent on the website. Mr. Purple stated there are policies that are old and have been replaced but the older policies may not have been removed which is a cause for confusion. Chairman Healey suggested the Town Clerk's Office work with Ms. Hale to catalogue the existing policies. Ms. Braccio and Ms. Malinowski agreed to catalogue existing policies and identify what should be updated, what should be removed, and what might be missing. Ms. Braccio stated she will work on this and bring a redlined version of volunteer policies to the Board.

Ms. Braccio stated her next item was to add a level of approval or oversight to the appropriation of line items at the end of the fiscal year. She added that this addition would be to ensure the tax payer expectation to return money at the end of the year is monitored or met. Mr. Purple explained that interdepartmental transfers need to have approval. Chairman Healey stated he would like a quarterly budget update from Mr. Ballantine. He requested a report that shows exactly where the Town's expenditures are for each line item. Mr. Purple explained the new ClearGov software that the Town is beginning to implement. Chairman Healey requested Mr. Ballantine attend the second meeting in September to report on the budget. Mr. Purple asked for a list of items the Board was looking for in the quarterly report. Mr. Stivers suggested that the numbers be presented with a storyline behind it so the Board can understand the budget to make better long-term decisions.

Chairman Healey stated that he appreciated inviting other boards and committees to report on their work at various Board meetings and felt Ms. Braccio's idea of a selectman liaison was a good idea. Ms. Braccio explained that through the YouTube channel she has been able to watch many more meetings than she would be able to attend and felt that the Selectmen could help these boards and committees with best practices and by giving them a platform to inform the Town on their proceedings. Mr. Shea stated he would not want to give the impression that the Board is trying to restrict their creativity or ability to act on their own. Ms. Braccio replied that was not her intent. Mr. Stivers said at most meetings he attends, the board or committee is appreciative that someone is attending and participating.

Chairman Healey suggested sending a quarterly newsletter from the Board through WordPress to inform the public of upcoming deadlines, events, or general information from departments, boards and committees. Mr. Purple suggested sending it with the quarterly tax bill and a discussion was had to post it on the website. Chairman Healey asked Mr. Purple to inquire who may have WordPress skills within his staff and Mr. Purple agreed to do so. Chairman Healey stated he would like to discuss recruiting volunteers for boards and committees. Ms. Braccio suggested hosting a volunteer fair or forum where interested parties could gather information and talk to a representative. Mr. Purple stated other towns have volunteer committees and it is their job to fill vacancies. He said the committee would reach out to targeted residents and meet with them before recommending them to the Board. Mr. Shea stated that Mr. Hegarty is very good at reaching out to those who could be a good prospect for specific boards and committees as was Mr. Wilson. Mr. Purple made the point that most board and committee members continually volunteer. Ms. Malinowski stated that the current environment where travel is down and there is more work-life balance is more conducive for someone with children to participate.

Ms. Braccio suggested that the list of goals agreed upon by the Board be included on the agenda for the public to discuss, keep accountability and for the Board to update their progress. Ms.

Malinowski suggested a quarterly formal review to ensure the Board is focused and on track with attaining their goals.

Ms. Braccio's next item was to create an employee handbook to provide guidance and resources to employees to make their jobs easier. Mr. Stivers stated that Town Counsel had opined in the past that this could be a legal liability. Mr. Stivers said he disagreed and referenced Westborough's employee handbook as an example. Mr. Purple asked Ms. Braccio and Mr. Stivers to work on a draft handbook to present to the Board. He suggested that the Personnel Board and Labor Counsel be included in the process.

Lastly, Ms. Braccio would like to see updated job descriptions for Board of Selectmen staff. Chairman Healey asked how many employees this would include and Mr. Purple stated there are three in the Board of Selectmen's Office and the department heads that he oversees on a day to day basis. He explained the process for updating a job description which could take three to four months and includes working with the Personnel Board. Ms. Braccio added that job duties have changed over the years and updating the descriptions would be beneficial. Mr. Stivers agreed and said he would like to review each that report directly to Mr. Purple.

Ms. Malinowski stated one of her goals would be to look into regional dispatch hosted by the Town. She added that this would not increase revenue but could decrease expenses. She added she would like to have the police budget split to show police and dispatch separately. She felt given the current climate it could make sense to regionalize in Southborough and share dispatch expenses with other towns. Chairman Healey stated he met with Chief Paulhus in the fall and he had wanted to look into regionalization of dispatch as well. Chairman Healey stated the new public safety building is more than appropriate to host. Ms. Malinowski added that she did have a discussion with the Chief when she was a member of the Advisory Committee and would be happy to do so again. Mr. Purple outlined some points from a non-host point of view which included some drawbacks such as customer service issues, jail cell monitoring, and staffing issues. Ms. Malinowski noted that Nashoba has a successful regional dispatch center.

Ms. Malinowski stated that she would like the Board to look at the annual reviews of those who report to the Board. She would like the Board to review their performance and their job description in terms of goal attainment. Chairman Healey asked how the review process was currently handled. Mr. Purple described the annual reviews of non-union SAP employees and contract employees. He explained that the Planning Board must approve pay increases and evaluations are confidential. Ms. Malinowski stated that she felt the Board should have input into reviews of those the Board appoints or those that report to the Board. She added that the Board negotiates contracts and felt the Board should have input with those reviews as well. Mr. Purple stated that in order for the Board to review the evaluations of contract employees, the Board would have to enter into Executive Session for each. He told the Board they would need to decide how many employees they would like to review. Mr. Stivers added he would like to interview employees that work with each other to include their reviews of interactions as well. Ms. Braccio cautioned that there could be bias and complications to that and felt the department head could give those details. Mr. Purple explained how the evaluations of contract employees take place and the differences between SAP employees.

Ms. Malinowski stated she found value in the liaison role she played with other boards and committees while on the Advisory Committee. She felt the Board could do the same to open communication and understand their goals and potential future hurdles. Mr. Purple cautioned

against micromanagement. Ms. Malinowski stated it would not be to micromanage but to potentially advocate for departments, boards or committees to paint a better picture for the Board. Chairman Healey cautioned against advocating for specific boards or committees as they currently present to the Board quarterly. Ms. Malinowski replied the liaison would keep a pulse on departments but not from a micromanagement perspective. She added it would be to keep the Board informed between formal reports. Chairman Healey suggested this discussion be revisited at the next goal setting meeting and to find out how many entities this would apply to. Mr. Stivers suggested adding the schools to the list of entities and Ms. Braccio agreed. Mr. Purple stated that the schools have been collaborative with the Town and Chairman Healey agreed. Chairman Healey said he would reach out to the Chair of the School Committee to include the schools in these discussions.

Ms. Malinowski said she would like the Board to evaluate current operational processes, postage and mailings and data exchanges between departments to see where improvements could be made. Chairman Healey asked the best way to know exactly how many mailings the Town sends to residents. Mr. Purple replied the easiest to quantify is the tax bill. Mr. Purple explained that the Recreation Department is funded out of the Revolving Fund and Ms. Malinowski added that they are not doing mailings for the fall but they typically send twice a year. Ms. Braccio said the Recreation Department is effective in publicizing in town buildings. Ms. Malinowski suggested looking at these items and discussing ways in which costs could be cut. Ms. Malinowski said she would also like to discuss staffing needs. She would like individual articles at Town Meeting for any added positions, changes in status, or change from part-time to full-time. She felt this would help with transparency and enable residents to vote on these changes.

Ms. Malinowski requested Mr. Purple meet with departments to reiterate the position the Board took prior to her joining that there will be no new additional positions for fiscal year 2022 and confirm there are no plans add any. Mr. Shea added that the vote of the Board was that no new positions were to be added without an additional revenue source to support it. Mr. Purple stated that he felt departments may ask for additional positions due to the fact that the Board voted to add 3.5 positions after revisiting the budget due to the impact of the pandemic. Mr. Purple suggested the Board take another vote to reaffirm their position after the end of fiscal year presentation from Mr. Ballantine, Ms. McAuliffe and him. He added that the Board needs to be more creative when it comes to staffing as there may be other ways to provide services.

Ms. Malinowski asked that the Board work with Mr. Ballantine to see how the Board should be involved with the implementation of the new budget software. Mr. Purple explained that the pandemic slowed down this process and the data transfer has happened. The next step is to input the fiscal year 2021 budget into the system. Chairman Healey requested a presentation of the new software from Mr. Ballantine. Mr. Purple agreed.

Ms. Malinowski suggested the Board discuss the community program for diversity and inclusion at the August 4th meeting. Chairman Healey agreed. Ms. Malinowski stated her last item was to adopt a long-term plan for capital in conjunction with recommendations from the Capital Committee. Mr. Purple stated his goal is to have the Capital Committee create a recommendation for capital to input into the budget early in the process.

Chairman Healey stated that a Special Town Meeting in the fall made sense when it looked like it would be safer to do so. He asked Mr. Purple to check in with those whose articles were moved from the Spring Town Meeting to a Fall Town Meeting to understand the necessity for being

voted on. He stated that with the pandemic, it should be acknowledged that a fall Town Meeting may not be possible. Mr. Purple agreed to reach out to the stakeholders on these articles.

Chairman Healey stated they will lead with Mr. Stivers' goal list for the August 4th meeting. He added that the Main Street project has continued down towards Mauro's and the road looks great. Mr. Shea stated the construction is targeted to be complete by the end of this construction year and by next spring, the Town will see the benefits of the work done.

IV. On a motion made by Mr. Shea, seconded by Mr. Stivers and voted all in favor, the meeting was adjourned at 8:53 P.M.

Upcoming Meetings
August 18, 2020
September 1, 2020

Respectfully submitted,

Kathleen Barry, Recording Secretary

List of Documents referred to at the July 21, 2020 BOS Meeting:

- Letter from Chief Paulhus to BOS dated July 16, 2020
- Resume of Brandon J. Donahue
- Letter from Mark Purple to Brandon Donahue dated July 15, 2020
- Draft Golf Course Committee Charge
- Forward from Vanessa Hale to Carol Ostrech re: Eagle Scout dated July 16, 2020
- Forward from Vanessa Hale to Carol Ostrech re: Colin Kerrigan Eagle Scout Court of Honor - Saturday July 25 dated July 16, 2020.pdf
- Goals - Planning Marty Healey
- Copy of FY21 Goals
- Sam BoS Planning Meeting Topics 7.16.20
- Goals for BOS 7.21.20

Goal
Regular review of goals/status - Formal quarterly review with status, standing agenda item at each meeting for upc
Regional dispatch to be hosted in Southborough
Define BOS involvement with employee goals & performance reviews including completion of any outstanding revi
Act as a liason for town departments related to ops and budget - evaluate services provided to residents
Boards & Committees - Code of conduct, Chair & Vice-Chair yearly training, provide capability to record all meeting
Evaluate current operational processes - all mailings, data exchange between departments
Staffing needs - individual article for each added position at TM, evaluate departmental needs for next 5 years
Budget software - define usage, BOS involvement, data requests
Committee/program for diversity and inclusion
Adopt long-term plan for capital in conjuction with recommendations from Capital Committee

dates

ews for employees reporting to BOS

gs

Golf Course Committee Charge

Membership

- The Committee shall consist of up to 5 members, consisting of at-large representatives of the community, with professional backgrounds, qualifications, and/or interest consistent with those needed for design, maintenance, policies and operation of a municipal golf course facility in Massachusetts;
- Ex officio member (not counted towards a quorum) will be the Recreation Director;
- Members will be appointed by the Board of Selectmen at a duly posted public meeting following the advertisement for interest in serving on the committee;
- Appointed committee members must be sworn in by the Town Clerk's Office according to pertinent town by-laws.

Term and Organization

- The term of office shall be for one (1) year;
- The Committee shall report to the Board of Selectmen as required, with a report at the end of each golf season;
- The Committee shall elect its own Chair, and shall establish a regular meeting schedule. All records of the Committee shall be filed with the Town Clerk and open to public inspection in accordance with applicable Open Meeting Law and Public Record statutes;
- The Committee shall operate in accordance with the State Conflict of Interest Laws;
- Members shall serve without financial compensation.

Duties

- The Committee shall manage the day-to-day relationship with the current management company;
- The Committee shall provide a scorecard to evaluate the current management company's performance;
- The Committee shall identify opportunities for increasing revenue through additional golf programming in conjunction with other town departments and the community at large;
- The Committee shall prepare draft budgets for operations and capital improvements to be considered by the Board of Selectmen for future Town Meetings;
- The Committee shall take input from the public regarding golf matters and communicate policies to residents;
- The Committee shall develop a "master plan" to include but not limited to Audubon International certification and annual goals;
- The Committee shall communicate with town departments, officials, and other resources as needed [i.e. Inspectional Departments, Town Administrator, permitting boards, etc.].

DRAFT

Carol Ostresh

From: Vanessa Hale
Sent: Thursday, July 16, 2020 3:50 PM
To: Carol Ostresh
Subject: FW: Colin Kerrigan Eagle Scout Court of Honor - Saturday July 25

From: Michelle Brownlee <mbrownlee@yahoo.com>
Sent: Tuesday, July 14, 2020 3:05 PM
To: SelectmenOffice <selectmenoffice@southboroughma.com>
Cc: Edward Kerrigan <ekerrigan91@gmail.com>
Subject: Colin Kerrigan Eagle Scout Court of Honor - Saturday July 25

[EXTERNAL]

Dear Southborough Board of Selectmen:

I am writing to let you know that my son, Colin Kerrigan, of Troop 92 in Southborough, has earned his Eagle rank and we are planning a court of honor for him on Saturday July 25, with a rain date of Sunday July 26. I understand that the Board of Selectmen often give a commendation that is presented at the ceremony. I apologize for the short notice. We were originally planning this event for early May, but everything got derailed due to the coronavirus restrictions. Now that restrictions have loosened up, we decided to hold an outdoor event that will observe safety precautions for the guests. The weekend of July 25 was the one that worked best for the key participants and for Colin, who will be leaving for his freshman year at University of Texas at the end of August.

The event on July 25 will be outdoors, as Colin's home at 188 Southville Road in Southborough at 11 am, with refreshments served afterwards. Guests will bring their own camp chairs and sit at an appropriate distance from other guests. We would be delighted if one or more of the Selectmen would be able to attend, or, if not, if you would be able to provide the commendation prior to the event.

Thank you so much for your consideration of our request. I look forward to hearing from you soon.

Best regards,

Michelle Brownlee

Carol Ostresh

From: Vanessa Hale
Sent: Thursday, July 16, 2020 3:50 PM
To: Carol Ostresh
Subject: FW: Eagle scout

-----Original Message-----
From: Kate gostick <kategostick@me.com>
Sent: Tuesday, July 07, 2020 1:41 PM
To: SelectmenOffice <selectmenoffice@southboroughma.com>
Subject: Eagle scout

[EXTERNAL]

Hi
My son Edward became an Eagle Scout with troop 92 in Southborough in February and we are looking to have a socially distanced court of honor in our yard on Saturday August 29th. I am contacting you to see if someone would be available to join us and represent the town. We would love to have you there.
Best wishes
Kate Gostick

Marty - Planning Meeting - List for Discussion

1) Covid 19 Items: a) maximize grants, b) normalize town processes (including board & committee meetings).

2) Diversity & Inclusion: a) do we need a separate entity, or should BoS drive it?; b) "systems" review & evaluation [public safety; hiring; schools – joint effort?; zoning, planning & CPA]; diversifying housing stock

3) BoS Meetings + Other Boards & Committee: emphasis on transparency; public comment opportunities; pre-meeting packets; SAM

4) Downtown & Village Initiatives – BoS drives the process

5) Business Communication & Development: Business Roundtables; small business tax exemption; one stop permitting assistance

6) Community Center: thinking outside the box on various approaches

7) Bikes, Bikes Bikes – Main St is a good start. Bike lanes in conjunction with sidewalk enhancements; explore tie-ins to local bikeways; Southborough Century

8) Town Committees & Departments: review charters; periodic reports; enhanced recruiting

9) Coordinated Budget Discussions: BoS; Advisory; Capital Planning; Schools

10) 1727

1) Open Meeting law for our Boards/Committees/Commissions – how to run a proper meeting (i.e. adhere to Agendas, voting, distribution of documents, ect.)
2) Continuance of Zoom for ALL Boards/Committees/Commissions not taped by SAM even after we can start in person meetings again.
3) Updating/consolidating policies and making sure our volunteers understand and have better guidance and understanding of our expectation of adherence.
4) A statement of monies not spent and expectation of returning monies at end of FY. Monies spent outside of appropriated line item should need approval.
5) I would like to see some form of liaison with our appointees. Zoom has shown me we are should be more aware of what they are working on. To much is being done in a silo.
6) Have our goals available to discuss at each meeting for updates or comments.
7) Handbook for Volunteers and Employees
8) Better training and outreach for volunteers
9) Volunteer fair – host forum to recruit volunteers, publicize mission of Boards and hopefully fill some vacancies
10) Updated job descriptions for all Selectman employees

KENNETH M. PAULHUS
CHIEF OF POLICE

TOWN OF SOUTHBOROUGH
POLICE DEPARTMENT

32 Cordaville Road
Southborough, Massachusetts 01772

Emergency 9-1-1
All Other (508)485-2121
Business (508)485-2147
Fax (508)485-4634
kpaulhus@southboroughma.com

To: Honorable Board of Selectmen

From: Chief Kenneth M. Paulhus

Subject: Appointment of Special Officer

Date: July 16, 2020

Dear Board of Selectmen:

Please consider my request to appoint Mr. Brandon Donahue as a Special Police Officer for the Town of Southborough, effective August 3, 2020. Mr. Donahue is a resident of Leominster. He will be graduating from the MPTC Boylston Academy on July 30th with his Full-Time Certification. He holds a B.A. Degree in Criminal Justice from Westfield State University. As you can see from his enclosed resume, Mr. Donahue holds many academic honors and advanced training that will be of great benefit to the Southborough Police Department.

In addition, Mr. Donahue has accepted a Conditional Offer of Employment to become a full-time officer with the Town of Southborough, effective on September 1, 2020. The opening was approved and budgeted at the June 2020 Town Meeting. Mr. Donahue's appointment will allow him to work traffic details in the Town while waiting for his anticipated Full-Time Probationary Officer Appointment. He will be compensated through the Detail Account in the same manner as other Southborough Special's and out of town officers.

Please contact me with any questions or concerns.

Respectfully,

Kenneth M. Paulhus
Chief of Police

TOWN OF SOUTHBOROUGH

OFFICE OF THE BOARD OF SELECTMEN
TOWN HOUSE · 17 COMMON STREET · SOUTHBOROUGH, MASSACHUSETTS 01772-1662
(508) 485-0710 · FAX (508) 480-0161 · selectmenoffice@southboroughma.com

July 15, 2020

Mr. Brandon Donahue
34 Chapman Place
Leominster, MA 01453

Dear Mr. Donahue:

Congratulations on your Conditional Offer as a Probationary Officer for the Town of Southborough. We are happy that you have accepted our verbal offer of employment, contingent upon the successful results of a comprehensive background check, physical exam, drug screening, psychological evaluation, and confirmation by the Board of Selectmen (the cost of which is borne by the Town). After we receive successful results for these pre-employment conditions, we will determine a mutually agreeable date for you to begin as a Southborough Police Probationary Officer.

The Town's Police Officers are unionized. Compensation, benefits, and conditions of employment available to Police Officers are set forth in the Collective Bargaining Agreement (CBA), which is subject to change. This is a full-time, benefits-eligible position starting at Step One Pay Rate of the Union Contract. You may be eligible for additional forms of compensation in accordance with the CBA. Your schedule is based on 40 hours per week. Your immediate supervisor is Lt. Ryan Newell.

As an employee of the Town of Southborough, you are an at-will employee, which means you or the Town of Southborough may terminate your employment at any time for any lawful reason. This position classifies you as a non-exempt employee. This means you will be eligible for overtime under the regulations of the Fair Labor Standard Act (FLSA).

The Town of Southborough will be providing you with additional paperwork and will be happy to assist you with the onboarding process. To confirm your acceptance of this position, please sign and return the enclosed copy of this offer letter to the Chief of Police as soon as possible, retaining the original for your files.

Once again, congratulations on your Conditional Offer. We hope you will have a wonderful employment experience with the Town of Southborough, and very much look forward to having you on the staff for the Town. Please do not hesitate to contact Chief Kenneth M. Paulhus, Assistant Town Administrator Vanessa Hale or myself if you have any questions. We wish you success on successful completion of all the above conditions. The Town of Southborough and the Police Department look forward to your contributions.

Sincerely,

Mark J. Purple
Town Administrator

CC: Kenneth M. Paulhus, Police Chief
Vanessa Hale, Assistant Town Administrator

Acceptance: _____ Date: 07/15/2020
Brandon Donahue

BRANDON J. DONAHUE

[redacted] Leominster, MA 01453 | [redacted]

EDUCATION

Westfield State University, Westfield, MA — Graduated: May 2019
Bachelor of Science in Criminal Justice (GPA: 3.5/4.0) — Minor in Sociology

The Washington Center for Internships and Academic Seminars, Washington DC January – Completed
Academic Internship Program & Leadership Program

HONORS

National Honor Society Alpha Kappa Delta (Criminal Justice)
National Honor Society Alpha Phi Sigma (Sociology)
Cum Laude (Honors Level)

RELATED PROFESSIONAL EXPERIENCE

Student Officer, **Northampton Police Department**, Northampton MA — February 2020-Present

- Student Officer in the Boylston ROC 26th academy. Updated and taught on Constitutional Law, Criminal Law, and Juvenile law.
- First Responder certified having a clear understanding how to render aid when someone is medical hurt or injured.
- Gradation date on July 31st, 2020 will have completed the full hours needed for a full time police academy.

Psychiatric Rehabilitation Specialist, **Advocates Inc.**, Hudson MA — June 2019-Present

- Evaluate & treat mental health symptoms by therapeutic interventions, educational groups, and implement objective & intervention goals.
- Write daily/monthly notes that include clear, clinical, and correct information for clients reports.
- Access & educate about services in the area to provide housing, food, and clean cloths to clients.

Intern, **Special Liaison Branch Metropolitan Police**, Washington, DC — January 2019 – May 2019

- Engaged with youth by teaching a self defense course to a group of deaf & hard of hearing students at Gallaudet University.
- Used American Sign Language with the deaf and hard of hearing liaison unit by going to Gallaudet University, deaf group homes, and providing outreach to the deaf and hard of hearing community.
- Overview of police functions to understand working with the public and different ethnic backgrounds.
- Worked with DC Domestic Violence liaison unit by helping with functions of outreach and to help provide information on DC domestic violence policy and provide outreach to those affected.
- Worked alongside the LGBTQ liaison unit by engaging and providing resources.

Junior Police Cadet Facilitator, **Windsor Police Department**, Windsor, CT — September 2016 – Dec. 2018

- Worked with youth to build effective communication, problem solving, and team building skills.
- Taught Junior Police Cadets ages from 5-20 years old on updated laws and policies through role-plays.

Mental Health Worker, **Worcester Recovery Center & Hospital**, Worcester, MA — May 2018 – Sept. 2018

- Provided security and safety to patients by conducting room checks, evaluating patient's behavior, and reviewing medical files to provide the best treatment for each patient.

CERTIFICATIONS

First Responder Certified, Boylston Police Academy — March 2020
QPR Suicide Prevention, Worcester State Recovery Hospital — May 2018
License to Carry (LTC), Commonwealth of Massachusetts — February 2018
Mental Health First Aid, LEAD, Inc. — August 2016

RECEIVED
By Town Clerk/amb at 11:39 am, Aug 23, 2020

TOWN OF SOUTHBOROUGH

BOARD OF SELECTMEN Meeting Minutes

Meeting Date: Tuesday, August 4, 2020, 6:00 P.M.
Location: Public Safety Facility, Training Room, 32 Cordaville Road, Southborough, MA
Present: Marty Healey, Lisa Braccio, Chelsea Malinowski, Brian Shea, Sam Stivers and Town Administrator Mark Purple

I. Chairman Healey called the meeting to order at 5:57 P.M. Chairman Healey read the following statement:

Pursuant to Governor Baker's March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, §18, and the Governor's March 15, 2020 Order imposing strict limitation on the number of people that may gather in one place, this meeting of the Southborough Board of Selectmen will be conducted via remote participation to the greatest extent possible. Specific information and the general guidelines for remote participation by members of the public and/or parties with a right and/or requirement to attend this meeting can be found on the Town of Southborough's website, at https://www.southboroughtown.com/. For this meeting, members of the public who wish to watch or participate in the meeting may do so in the following manner by finding the meeting at: https://www.southboroughtown.com/remotemeetings. No in-person attendance of members of the public will be permitted, but every effort will be made to ensure that the public can adequately access the proceedings in real time, via technological means. In the event that we are unable to do so, despite best efforts, we will post on Southborough's website an audio or video recording, transcript, or other comprehensive record of proceedings as soon as possible after the meeting.

Consent Agenda

a. Mr. Stivers held consent agenda item "a." Mr. Stivers requested the correction of the grant amount for New England Center for Children to $1.9 million in the July 14, 2020 minutes. Mr. Purple stated that Mr. Stivers seconded the motion regarding the discussion of Mr. Weishan's appoint in the July 14, 2020 meeting minutes, not Mr. Shea. Chairman Healey made a motion to approve of Regular Meeting minutes: July 14, 2020; July 21, 2020 with these corrections. Mr. Stivers seconded. The motion passed all in favor (5-0-0).
b. Chairman Healey made a motion to approve of meeting dates for remainder of Calendar 2020. Mr. Stivers seconded. The motion passed all in favor (5-0-0).
c. Ms. Braccio held consent agenda item "c." Chairman Healey explained the reason for the letter. Mr. Shea explained his draft and stated that the message is to encourage abutters to follow up with CSX to encourage a discussion and resolve any issues. Mr. Stivers asked if the sidewalk work would require permanent easements into the CSX right of way. Mr. Purple said that there would be temporary easements for construction and permanent easements for the sidewalk. He added that the individual property owners need to obtain the easements. Chairman Healey made a motion to approve letter to abutters, RE: encroachment on CSX Right-of-Way and downtown Main Street improvements. Ms. Braccio seconded. The motion passed all in favor (5-0-0).
e. Ms. Malinowski raised concerns regarding the applicant's current positions and the possible inability to be available to work for Southborough. She suggested to give a ninety-day window for his initial employment to create a permanent solution with someone who is

more available. Ms. Braccio stated she shared some of the same concerns. Mr. Purple explained that this applicant would be a second alternate for redundancy. He explained that he would be used rarely and for inspections only. Chairman Healey suggested the Board members with concerns speak with the Building Commissioner before the meeting on August 18th. The Board agreed. Chairman Healey made a motion to table the appointment of the Alternate Building Inspector to the August 18th meeting. Mr. Stivers seconded. The motion passed all in favor (5-0-0).

f. Chairman Healey made a motion to approve Police Officer Jeffrey Norton status change from Student Officer to Probationary Officer effective retro to August 1, 2020. Mr. Stivers seconded. The motion passed all in favor (5-0-0).

II. FY2020 Goal-Setting Discussion continued

Mr. Stivers opened the conversation stating he has listed long and short-term goals. He stated that he supports the work of the Capital Planning Committee and would like the Board to be involved in and apprised of their work. Chairman Healey stated he has been speaking with Mr. Malinowski about a quarterly update from the Capital Planning Committee at Board meetings. Mr. Stivers agreed to that and stated that the Board members could watch the meetings and put any item on the agenda they would like to discuss. Chairman Healey stated the Committee will be on the August 18th agenda to explain the long- and short-term projects they have been discussing. Ms. Braccio asked if Mr. Stivers shared the results of the master plan survey with Mr. Malinowski. Mr. Stivers stated he had not but will do so.

Mr. Stivers stated he would like to generate more commercial tax revenue and highlighted Route 9 as a target area to bring more business to Southborough. He explained how the Town of Weston connected to the MWRA pipeline and suggested inquiring whether Southborough could link in to the Framingham MWRA wastewater system from Route 9. He also would like to include the Pine Hill Road area into town water systems through the Framingham or Marlboro MWRA for fire prevention needs. Mr. Purple stated that adding water and sewer is a betterment process that people would have to agree to pay for. Mr. Stivers also stated that he would like to look into an electric light plant for the Town to own their own electric systems. Chairman Healey stated all three of these items would be Capital Planning items and could be addressed on the 18th. He added that Mr. Wood from the EDC would be a great asset to include in these conversations. Mr. Shea added that there are many more who should be included such as Planning and the EDC.

Mr. Stivers said he would like the Town to reach the 40B Safe Harbor threshold. Chairman Healey said he felt this was a bigger systematic issue. He explained the demographics in Southborough and a goal should be to diversify the population from an economic, cultural and ethical standpoint. Mr. Stivers agreed and stated reaching the Safe Harbor threshold will give the Town more control over housing. Chairman Healey stated it may be advantageous for the Board to collaborate with Zoning, Planning and the EDC to address the systematic issues. Ms. Braccio stated that affordability is still out of price range for many young families and seniors. She noted the prices of the over 55 communities. Chairman Healey stated that the Town has been very efficient in using CPC funds for recreation, open space and historical items but have not included affordable housing. He suggested the Board make this a priority and the Board agreed.

Mr. Stivers stated he would like to keep parcel 54-50 on the Board's priority list. He said this could open possibilities in downtown development and there could be funding for this. Mr. Purple updated the Board as to the status of their last inquiry. He stated that National Grid requested a letter of intent from the Town regarding this parcel. He added that they sent a

purchase and sale agreement they were looking to have signed by a Town representative. Mr. Purple stated he was not comfortable signing it and felt it was premature. He stated that National Grid had agreed to conduct an environmental study of the land but he has received no indication that has since happened. Mr. Shea stated that the EDC is moving forward with a study to look at the feasibility of this parcel and he would like to see the results of that study before signing any documents.

Mr. Stivers stated that his next goal was operational in nature. He stated that he is interested in the relationship of the Personnel Board, the Town Administrator and the Assistant Town Administrator. He felt there is inconsistencies between the Town Administrator and SAP and he would like the Board to be more involved in performance reviews of those under the Board. He added that he would like to include customer input into reviews. Ms. Braccio voiced her concern of biases and Chairman Healey stated the first step would be to speak with the Chair of the Personnel Board. He added he was open to the discussion but is wary of BOS involvement in personnel evaluations. Mr. Shea stated that the 8-9 years ago the Board voted to expand from 3-5 people with the goal to delegate authorities that could be given to the Town Administrator in order for the Board to work on a larger scale. He also shared Chairman Healey's concern and stated that he is open to providing feedback to Mr. Purple on Town employees. Ms. Braccio stated she believes the Board should have a level of involvement that is not micromanaging. She agreed that sending Mr. Purple feedback was a good idea. Mr. Purple stated there used to be a section in the review form for selectmen feedback and he is open to receiving the feedback from Board members through email. Ms. Malinowski stated that the Board should be intimately involved in the review process for employees that have contracts with the Town that the Board negotiates. Mr. Stivers agreed. Mr. Purple suggested a customer service survey for residents to submit after interacting with Town employees.

Mr. Stivers stated he would like a centralized grant writer. Chairman Healey suggested reaching out to local colleges to inquire about offering the position as an internship to a student. Mr. Stivers said that in his opinion the most effective grant writers are those who worked in Sate or Federal government and understand processes and are acquainted with people who work there. Ms. Braccio asked if there are surrounding towns who are willing to split a grant writer position with Southborough. Mr. Stivers said he was unsure but a member of the EDC fits the role he is describing. Ms. Hale stated that this is part of the Community Development Department and she will inquire what this position looks like. Mr. Purple warned the Board that the Town is running out of room for Town employees. Ms. Malinowski asked if the grant writer would be applying for grants for operational needs or if they would be project-based. She voiced her concern that most projects need to be shovel ready to apply for a grant. Mr. Stivers stated the Board needs to discuss priorities to be more flexible. Mr. Purple stated he spoke with Representative Dykema and due to the pandemic, processes and funding is moving quicker. She suggested the Board make a list of priorities for her office so she is aware if a funding opportunity comes up that may fit. Chairman Healey supported this idea and asked that the Board reach out to department heads for one to two to three items for this list.

Mr. Stivers stated he would like to rebid contract services and guidelines for how the Board will look at these services periodically. Chairman Healey said the services should be looked at globally. Mr. Purple stated the Board needs to discuss why they are going out to bid for any service. He stated it needs to be decided whether to go out to bid to understand if the rates are competitive or if you want improved services. Mr. Purple stated he will compile a list of contract services by department and frequency. Mr. Stivers requested for the date of the last bid on each.

Chairman Healey stated his first goal was to make sure the Town is covered for all potential COVID-19 reimbursements and grants. Mr. Purple explained that the departments continue to submit more COVID-19 expenses which is making it challenging for the Town Accountant to close out fiscal year 2020. He said that they have reached out to everyone and are comfortable that everything from 2020 has been covered. He added that the Town continues to track COVID-19 related expenses in fiscal year 2021. Ms. Malinowski asked if the Town will be submitting for reimbursements even if the fiscal year 2020 budget has savings in another areas/a budget to cover other expenses. Mr. Purple replied in the affirmative.

Chairman Healey stated that diversity and inclusion should be a major focus of the Board. He stated that from a housing, planning and zoning perspective, the Board agrees to work collaboratively to make changes. He said another goal is to ensure the Police Department has a framework to ensure fairness in policing. Chairman Healey stated there is an impressive group of police officers in Southborough and it is the responsibility of the Board to ensure that the systems in place for training, reporting, hiring and outreach are fair and inclusive. He added that he will reach out to Chief Paulhus to make him aware of this review and help him prepare for a deep conversation regarding this issue in September. Ms. Braccio added she would like the Chief to attend the meeting to reassure the public as to how the Police Department is dealing with some of these issues. Mr. Purple stated that the process Chief Paulhus followed to gain the accreditation will likely encourage him to welcome the discussion.

Chairman Healey stated his next goal is regarding diversity in outreach and hiring for all departments. He added that diversity and equity training for department heads and employees should be a priority. He would like to know the processes in place to ensure that issues raised are addressed properly. He asked if conducting interviews and reading resumes are conducted in a fair and equitable way. Chairman Healey also wanted to ensure that outreach is expansive to broaden the search to a more diverse pool. Mr. Purple stated Ms. Hale does an excellent job conducting interviews and managing outreach and stated other departments have their own processes. Chairman Healey stated the Board needs to send a clear message to set the expectation for all departments to ensure their hiring processes are fair, diverse and outreach is broad. He added that other towns have created Diversity and Equity Committees but he felt the Board should have ownership of these items. The Board agreed. Ms. Hale stated this is a critical priority for the community and there is a lot of room for improvement. She added that department heads are hesitant to spend the additional funds to reach out to professional diversity groups. She said that she could make a list of items that the Town could do better which starts with recruiting. Mr. Stivers said he agrees that the Board is accountable and should take the lead on this matter. He stated there should be metrics to track progress. Ms. Hale replied that there are metrics available in the recruiting tools.

Chairman Healey stated he would like to conduct public comment in the beginning and end of meetings. He said people who wish to comment have to wait through the lengthy meeting to speak and felt that bookending the meeting would help. Mr. Shea stated he moved public comment from the beginning of the meeting to the end when meetings were moved to Zoom. He said he had received feedback that those having technical difficulties would miss the opportunity to speak. Chairman Healey stated he will hold public comment on both ends of the meeting. Chairman Healey said he felt it very beneficial for agendas and related documents to be published together. He said he understood that the Board has more administrative support than many other boards and committees but wanted to encourage all boards and committees to

follow this process. Mr. Purple suggested Chairman Healey release a statement setting these expectations. He also added that not all boards and committees are publishing their meeting minutes on time. Ms. Braccio stated that there are some boards and committees that do not have the staff and may struggle to publish premeeting packets. She suggested the Board offer a level of support. Mr. Shea referenced the Planning Board website as a guide for all boards and committees to follow. Ms. Braccio stated that not everyone is tech savvy and will need guidance. Mr. Purple suggested the new IT person help with this. Ms. Malinowski stated that she has seen some boards and committees approve minutes and they are not posted. She suggested reaching out to those who may need help. Chairman Healey stated that he would like to strongly encourage all boards and committees to televise their meetings. Ms. Malinowski asked if meeting rooms could be wired so personnel does not need to physically be in the room to manage the recording. Mr. LaFlamme stated that could be discussed.

Chairman Healey stated the Board needs to work collaboratively with the EDC to maintain momentum for the Downtown Village Initiative. He added that the Board should drive the process and start including the Planning Board to work together. He stated that he will invite as many stakeholders as possible to collaborate at the September meeting.

Chairman Healey stated it could be an important function of the Board to open and generate communication lines with businesses in Town and on Route 9. He suggested inviting some to a Zoom meeting in September or October. Mr. Stivers stated the EDC used to visit the small businesses and discuss ideas that would make business better for them or more attractive for other potential businesses to open in Town. Ms. Braccio said the she visited the President of Reliant Medical Troup with Mr. Shifrin to let them know the Town is interested and appreciative of them being in Town. They discussed launching a similar process and Chairman Healey stated he will include this topic on an upcoming agenda.

Chairman Healey stated that he will soon be working with PILOT Program entities and one topic he will raise is a community center. He said that there could be opportunity for a community center that serves the interest of the Town of Southborough and the private schools. Mr. Shea stated that the out of box concept for the Public Safety Building is an example of what Chairman Healey was describing. Chairman Healey stated that creative thinking needs to occur in order to build a community center. He outlined ideas such as tying in schools, identifying large landowners that are philanthropic and Mr. Stivers added that donations from the wealthier residents in return for naming the building could be an option. Chairman Healey stated he will brainstorm and make some initial inquiries.

Chairman Healey stated he would like more bike paths and areas in the community. He said he spoke with the Trails Committee to see if this would be under their jurisdiction and if mountain biking was allowed on State properties. He suggested the Board discuss this matter in the future and possibly create a committee focused on this topic. He also suggested a community event focused on biking such as a community race.

Chairman Healey stated he will be thinking about reviewing the descriptions of Town departments and committees.

Chairman Healey would like a more coordinated budget discussion with the Capital Planning Committee and Advisory Committee. He suggested Ms. Malinowski be a liaison with Advisory and to begin incorporating schools in budget discussions.

Chairman Healey stated that the 300th anniversary for the Town of Southborough is seven years away. He would like to create a committee to starting discussing how the Town will celebrate. He suggested sending a survey to residents for ideas and input.

Chairman Healey stated the Board receives invitations to Eagle Scout presentations and other ceremonies and suggested making a schedule for members to attend. He asked for a volunteer to attend an Eagle Scout ceremony on August 29th. Mr. Stivers volunteered.

Chairman Healey asked Mr. Purple or Ms. Hale to make a list of the goals identified by the Board for September. He then would like the Board to discuss timelines for reaching and working towards these goals. Ms. Hale suggested a chart at the bottom of the agendas with a list of action items. Ms. Braccio suggested the list be published on the Board's webpage. Ms. Hale confirmed that she will organize a list of the goals discussed and send them out to the Board by September 1st.

III. On a motion made by Ms. Braccio, seconded by Mr. Stivers and voted all in favor, the meeting was adjourned at 8:39 P.M.

Upcoming Meetings *August 18, 2020* *September 8, 2020*

Respectfully submitted,

Kathleen Barry, Recording Secretary

List of Documents referred to at the August 4, 2020 BOS Meeting:

- Letter from Mark Purple to BOS dated 8.3.20 re: Meeting dates
- 2020.07.20 - Southborough MA - MA0142 - Encroachment Coordination Ltr
- CSX Row
- Regular Session Minutes, July 14, 2020
- Regular Session Minutes, July 21, 2020
- Letter from Mark Purple to BOS dated 7.29.20 re: Meeting dates
- Letter from Martin Healey dated 8.5.2020
- Letter from Laurie Livoli to BOS dated July 30, 2020
- Marty - Planning Meeting - List for Discussion
- Planning Discussion - Potential Categories and Topics - Sam Stivers
- List of Goals
- List of Town Employees
- Draft Travel Ban Statement
- Letter from Chief Paulhus to BOS dated 7.31.20 re: Officer Jeffrey Norton/Pay Status

July 20, 2020

Karen Galligan
Superintendent
Town of Southborough
Department of Public Works
147 Cordaville Road
Southborough, MA 01772

Subject: MA0142; Southborough, Worcester County, Massachusetts; Improvement project on Main St and Central St at CSXT grade crossing; 547119K & 547117W; Northern Zone, Fitchburg Subdivision; QBU-30.5 & QBU-31.66
Encroachment Coordination Letter #1

Dear Ms. Galligan;

Reference is made to the Bergmann Preliminary Engineering Plan Review Letter #2 dated April 23, 2020 for the subject project. Comment #1 from that letter stated:

1. CSXT Real Estate does not have any records of agreements for the existing parking areas occupying its right-of-way in the northwest, southwest, and southeast quadrants where its right-of-way intersects Main Street. As such, CSXT will not permit the temporary easements shown on the plans, or the work proposed within them, until these areas are properly documented. Agreements for existing driveways and parking areas outside of the highway easement must be coordinated through CSXT Real Estate.

CSXT Real Estate has been in contact with three of the four encroaching property owners, and proposes the following:

- Northeast Quadrant – CSXT will require curb along the entire property frontage of the vacant lot. Whether or not curb is adjacent to the proposed concrete walk depicted on the Construction Plans is dependent upon resolution of Comment #3 from Preliminary Engineering Plan Review Letter #2.
- Northwest Quadrant – CSXT will allow a curb cut for the Knights of Columbus driveway, to be located a minimum of 25'-0" from the centerline of CSXT's tracks. Additionally, a right-of-way barricade/barrier will be required 25'-0" from the centerline of CSXT's tracks through the length of the lot. Note that construction of the curb cut and barricade/barrier, and occupancy of the driveway on CSXT right-of-way is contingent on the execution of an easement agreement between the Knights of Columbus and CSXT.
- Southeast Quadrant – Property owner has indicated that it will cease use of the parking area and driveway on CSXT's right-of-way to the west of its property. CSXT will require curb along the entire property frontage, and a right-of-way barricade/barrier along the lot's western property line. Whether or not curb is adjacent to the proposed HMA walk depicted on the Construction Plans is dependent upon resolution of Comment #3 from Preliminary Engineering Plan Review Letter #2.

- Southwest Quadrant – Property owner has been unresponsive to CSXT Real Estate. CSXT requests the Town's assistance with facilitating contact/discussions with the property owner. Otherwise, it will require curb along the CSXT right-of-way, as well as a right-of-way barricade/barrier along the lot's eastern property line. Whether or not curb is adjacent to the proposed HMA walk depicted on the Construction Plans is dependent upon resolution of Comment #3 from Preliminary Engineering Plan Review Letter #2.

Please note that no work may commence on or adjacent to the CSXT right-of-way, or that could potentially impact CSXT operations, until the following have occurred:

- The plans have been reviewed by CSXT with no exceptions taken
- A fully executed Construction Agreement is in place with the appropriate parties
- The Outside Party provides to this office written notice to proceed with railroad force account work
- The contractor's insurance has been approved in writing by CSXT
- The necessary construction submissions have been submitted by the Outside Party with no exceptions taken by CSXT or its representative
- A pre-construction meeting has been held with CSXT and/or its representatives
- Railroad track protection of a form determined by CSXT is in-place and understood by all parties
- The contractor signs Schedule I of the Construction Agreement

Please do not hesitate to contact Kevin Lewandowski or me at (610) 834-4080 with any questions regarding the above matters.

Sincerely,

Erin M. Goglia

Erin M. Goglia, PE
Project Manager, CSXT GEC

CC: BA file 009363.50
Derek Mihaly, Project Manager – CSXT Public Projects
Jeff Everett – CSXT Real Estate

SOUTHBOROUGH
MAIN STREET
CONSTRUCTION PLANS
SHEET 10 OF 85

CONTINUED ON SHEET NO. 11

CONTINUED ON SHEET NO. 9

NOTE: CURB CUT AND BARRICADE IN NORTHWEST QUADRANT CONTINGENT ON EXECUTION OF EASEMENT AGREEMENT BETWEEN KNIGHTS OF COLUMBUS AND CSXT

INSTALL RIGHT-OF-WAY BARRICADE 25'-0" FROM CENTERLINE OF TRACK

BEGIN CURB CUT 25'-0" FROM CL OF TRACK

BEGIN CURB CUT AT PROPERTY LINE

INSTALL RIGHT-OF-WAY BARRICADE

INSTALL RIGHT-OF-WAY BARRICADE

INSTALL CURB

REM EXIST PVM'T AND LOAM & SEED

PROP MILL & OVERLAY

END FULL DEPTH PVMT
BEGIN PROP MILL & OVERLAY +55

SAWCUT

SAWCUT
MEET EXIST

PROP HMA DRIVE

PROP TREE PROTECTION (TYP)

EXIST RAILROAD LAYOUT

MEET RUBBERIZED PAD (BY CSX)

EXIST RAILROAD LAYOUT

PROP CONCRETE APRON

EXIST TOWN LAYOUT

PROP CEM CONC WALK (TYP)

PROP HMA WALK

SAWCUT
MEET EXIST

PROP CEM CONC WCR (TYP)

PROP TEMP EASEMENT

PROP PERM EASEMENT

158+97.90 MAIN STREET=
300+00.00 NEWTON STREET

PROP FULL DEPTH PVM'T

PROP CEM CONC WCR (TYP)

PROP CEM CONC WALK (TYP)

PROP HMA DRIVE

RET UP

PROP GRAN CURB (3" REVEAL)

PROP GRAN CURB

PROP HMA WALK

SAWCUT
MEET EXIST

PROP CEM CONC WCR (TYP)

PROP HMA DRIVE

R&R UP (BO)

EXIST RAILROAD LAYOUT

PROP CONCRETE APRON

PROP TEMP EASEMENT

PROP HMA WALK

PROP HMA DRIVE

EXIST RAILROAD LAYOUT

EXIST TOWN LAYOUT

PROP CEM CONC WALK

PROP GRAN CURB CORNER TYPE A

PROP TEMP EASEMENT

PROP GRAN CURB CORNER TYPE A

PROP PERM EASEMENT

PROP LOAM & SEED

PROP TEMP EASEMENT

PROP GRAN CURB

PROP 5' CEM CONC WALK

REM CONC WALL

PROP STONE WALL

PROP HMA DRIVE

201+90.00 BOSTON ROAD=
159+38.83 MAIN STREET

PROP HMA WALK

RET

RET

PROP TEMP EASEMENT

PROP LOAM & SEED

SAWCUT
MEET EXIST

SAWCUT
MEET EXIST

PROP 20' PVM'T TRANSITION

PROP SAWCUT

PROP PERM EASEMENT

RET

PROP GRAN CURB (3" REVEAL)

PROP 6" TRANSITION CURB

PROP GRAN CURB

END CURB +00

RET

PROP TEMP EASEMENT

PROP TRANSITION CURB

PROP 5' HMA WALK

RET GRAN CURB

PROP MILL & OVERLAY

SAWCUT
MEET EXIST

PROP SAWCUT

SAWCUT
MEET EXIST +60

LIMIT OF WORK
STA 200+60.00
N: 2936495.1499
E: 649914.6340

LIMIT OF WORK
STA 161+40.00
N: 2936700.0756
E: 650030.2501

PI +50.00

PI +25.00

MAIN STREET (ROUTE 30)

EAST MAIN STREET

BOSTON ROAD (ROUTE 30)

NEWTON STREET

LYMAN STREET

WINCHESTER STREET

EXIST TOWN LAYOUT

N/F Phil Sheridan Building Association c/o Knights of Columbus Book 2277, Page 436

N/F 1452 New York, New Haven & Hartford Railroad

N/F Mauro Realty Trust Book 29511, Page 61

N/F Southborough Crossing LLC Book 35799, Page 75

N/F Monlborough Savings Bank Book 645, Page 143

N/F Corner Main Realty Associates LLC Page 166

N/F The Anderson 2012 RealtyTrust Book 50226, Page 141

N/F Mary S. Quirk Book 6902, Page 353

N/F Constance L. Mauro Book 2951, Page 246 #4

N/F 8 East Main Street Realty Trust Book 645, Page 121

CB
RIM=299.36'
A=296.5' 12"RCP
B=289.5' 30"CMP
C=289.4' 30"CMP

DMH
RIM=299.01'
A=290.4' 12"RC
B=290.0' 30"CMP

INV 30" CMP
EL=288.95'

0 20 50 100
SCALE: 1" = 20'

LEGEND:
- X WCR NUMBER
- X DRIVEWAY NUMBER

RECEIVED
By Town Clerk/amb at 11:39 am, Aug 23, 2020

TOWN OF SOUTHBOROUGH

BOARD OF SELECTMEN Meeting Minutes

Meeting Date: Tuesday, August 4, 2020, 6:00 P.M.
Location: Public Safety Facility, Training Room, 32 Cordaville Road, Southborough, MA
Present: Marty Healey, Lisa Braccio, Chelsea Malinowski, Brian Shea, Sam Stivers and Town Administrator Mark Purple

I. Chairman Healey called the meeting to order at 5:57 P.M. Chairman Healey read the following statement:

Pursuant to Governor Baker's March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, §18, and the Governor's March 15, 2020 Order imposing strict limitation on the number of people that may gather in one place, this meeting of the Southborough Board of Selectmen will be conducted via remote participation to the greatest extent possible. Specific information and the general guidelines for remote participation by members of the public and/or parties with a right and/or requirement to attend this meeting can be found on the Town of Southborough's website, at https://www.southboroughtown.com/. For this meeting, members of the public who wish to watch or participate in the meeting may do so in the following manner by finding the meeting at: https://www.southboroughtown.com/remotemeetings. No in-person attendance of members of the public will be permitted, but every effort will be made to ensure that the public can adequately access the proceedings in real time, via technological means. In the event that we are unable to do so, despite best efforts, we will post on Southborough's website an audio or video recording, transcript, or other comprehensive record of proceedings as soon as possible after the meeting.

Consent Agenda

a. Mr. Stivers held consent agenda item "a." Mr. Stivers requested the correction of the grant amount for New England Center for Children to $1.9 million in the July 14, 2020 minutes. Mr. Purple stated that Mr. Stivers seconded the motion regarding the discussion of Mr. Weishan's appoint in the July 14, 2020 meeting minutes, not Mr. Shea. Chairman Healey made a motion to approve of Regular Meeting minutes: July 14, 2020; July 21, 2020 with these corrections. Mr. Stivers seconded. The motion passed all in favor (5-0-0).
b. Chairman Healey made a motion to approve of meeting dates for remainder of Calendar 2020. Mr. Stivers seconded. The motion passed all in favor (5-0-0).
c. Ms. Braccio held consent agenda item "c." Chairman Healey explained the reason for the letter. Mr. Shea explained his draft and stated that the message is to encourage abutters to follow up with CSX to encourage a discussion and resolve any issues. Mr. Stivers asked if the sidewalk work would require permanent easements into the CSX right of way. Mr. Purple said that there would be temporary easements for construction and permanent easements for the sidewalk. He added that the individual property owners need to obtain the easements. Chairman Healey made a motion to approve letter to abutters, RE: encroachment on CSX Right-of-Way and downtown Main Street improvements. Ms. Braccio seconded. The motion passed all in favor (5-0-0).
e. Ms. Malinowski raised concerns regarding the applicant's current positions and the possible inability to be available to work for Southborough. She suggested to give a ninety-day window for his initial employment to create a permanent solution with someone who is

more available. Ms. Braccio stated she shared some of the same concerns. Mr. Purple explained that this applicant would be a second alternate for redundancy. He explained that he would be used rarely and for inspections only. Chairman Healey suggested the Board members with concerns speak with the Building Commissioner before the meeting on August 18th. The Board agreed. Chairman Healey made a motion to table the appointment of the Alternate Building Inspector to the August 18th meeting. Mr. Stivers seconded. The motion passed all in favor (5-0-0).

f. Chairman Healey made a motion to approve Police Officer Jeffrey Norton status change from Student Officer to Probationary Officer effective retro to August 1, 2020. Mr. Stivers seconded. The motion passed all in favor (5-0-0).

II. FY2020 Goal-Setting Discussion continued

Mr. Stivers opened the conversation stating he has listed long and short-term goals. He stated that he supports the work of the Capital Planning Committee and would like the Board to be involved in and apprised of their work. Chairman Healey stated he has been speaking with Mr. Malinowski about a quarterly update from the Capital Planning Committee at Board meetings. Mr. Stivers agreed to that and stated that the Board members could watch the meetings and put any item on the agenda they would like to discuss. Chairman Healey stated the Committee will be on the August 18th agenda to explain the long- and short-term projects they have been discussing. Ms. Braccio asked if Mr. Stivers shared the results of the master plan survey with Mr. Malinowski. Mr. Stivers stated he had not but will do so.

Mr. Stivers stated he would like to generate more commercial tax revenue and highlighted Route 9 as a target area to bring more business to Southborough. He explained how the Town of Weston connected to the MWRA pipeline and suggested inquiring whether Southborough could link in to the Framingham MWRA wastewater system from Route 9. He also would like to include the Pine Hill Road area into town water systems through the Framingham or Marlboro MWRA for fire prevention needs. Mr. Purple stated that adding water and sewer is a betterment process that people would have to agree to pay for. Mr. Stivers also stated that he would like to look into an electric light plant for the Town to own their own electric systems. Chairman Healey stated all three of these items would be Capital Planning items and could be addressed on the 18th. He added that Mr. Wood from the EDC would be a great asset to include in these conversations. Mr. Shea added that there are many more who should be included such as Planning and the EDC.

Mr. Stivers said he would like the Town to reach the 40B Safe Harbor threshold. Chairman Healey said he felt this was a bigger systematic issue. He explained the demographics in Southborough and a goal should be to diversify the population from an economic, cultural and ethical standpoint. Mr. Stivers agreed and stated reaching the Safe Harbor threshold will give the Town more control over housing. Chairman Healey stated it may be advantageous for the Board to collaborate with Zoning, Planning and the EDC to address the systematic issues. Ms. Braccio stated that affordability is still out of price range for many young families and seniors. She noted the prices of the over 55 communities. Chairman Healey stated that the Town has been very efficient in using CPC funds for recreation, open space and historical items but have not included affordable housing. He suggested the Board make this a priority and the Board agreed.

Mr. Stivers stated he would like to keep parcel 54-50 on the Board's priority list. He said this could open possibilities in downtown development and there could be funding for this. Mr. Purple updated the Board as to the status of their last inquiry. He stated that National Grid requested a letter of intent from the Town regarding this parcel. He added that they sent a

purchase and sale agreement they were looking to have signed by a Town representative. Mr. Purple stated he was not comfortable signing it and felt it was premature. He stated that National Grid had agreed to conduct an environmental study of the land but he has received no indication that has since happened. Mr. Shea stated that the EDC is moving forward with a study to look at the feasibility of this parcel and he would like to see the results of that study before signing any documents.

Mr. Stivers stated that his next goal was operational in nature. He stated that he is interested in the relationship of the Personnel Board, the Town Administrator and the Assistant Town Administrator. He felt there is inconsistencies between the Town Administrator and SAP and he would like the Board to be more involved in performance reviews of those under the Board. He added that he would like to include customer input into reviews. Ms. Braccio voiced her concern of biases and Chairman Healey stated the first step would be to speak with the Chair of the Personnel Board. He added he was open to the discussion but is wary of BOS involvement in personnel evaluations. Mr. Shea stated that the 8-9 years ago the Board voted to expand from 3-5 people with the goal to delegate authorities that could be given to the Town Administrator in order for the Board to work on a larger scale. He also shared Chairman Healey's concern and stated that he is open to providing feedback to Mr. Purple on Town employees. Ms. Braccio stated she believes the Board should have a level of involvement that is not micromanaging. She agreed that sending Mr. Purple feedback was a good idea. Mr. Purple stated there used to be a section in the review form for selectmen feedback and he is open to receiving the feedback from Board members through email. Ms. Malinowski stated that the Board should be intimately involved in the review process for employees that have contracts with the Town that the Board negotiates. Mr. Stivers agreed. Mr. Purple suggested a customer service survey for residents to submit after interacting with Town employees.

Mr. Stivers stated he would like a centralized grant writer. Chairman Healey suggested reaching out to local colleges to inquire about offering the position as an internship to a student. Mr. Stivers said that in his opinion the most effective grant writers are those who worked in Sate or Federal government and understand processes and are acquainted with people who work there. Ms. Braccio asked if there are surrounding towns who are willing to split a grant writer position with Southborough. Mr. Stivers said he was unsure but a member of the EDC fits the role he is describing. Ms. Hale stated that this is part of the Community Development Department and she will inquire what this position looks like. Mr. Purple warned the Board that the Town is running out of room for Town employees. Ms. Malinowski asked if the grant writer would be applying for grants for operational needs or if they would be project-based. She voiced her concern that most projects need to be shovel ready to apply for a grant. Mr. Stivers stated the Board needs to discuss priorities to be more flexible. Mr. Purple stated he spoke with Representative Dykema and due to the pandemic, processes and funding is moving quicker. She suggested the Board make a list of priorities for her office so she is aware if a funding opportunity comes up that may fit. Chairman Healey supported this idea and asked that the Board reach out to department heads for one to two to three items for this list.

Mr. Stivers stated he would like to rebid contract services and guidelines for how the Board will look at these services periodically. Chairman Healey said the services should be looked at globally. Mr. Purple stated the Board needs to discuss why they are going out to bid for any service. He stated it needs to be decided whether to go out to bid to understand if the rates are competitive or if you want improved services. Mr. Purple stated he will compile a list of contract services by department and frequency. Mr. Stivers requested for the date of the last bid on each.

Chairman Healey stated his first goal was to make sure the Town is covered for all potential COVID-19 reimbursements and grants. Mr. Purple explained that the departments continue to submit more COVID-19 expenses which is making it challenging for the Town Accountant to close out fiscal year 2020. He said that they have reached out to everyone and are comfortable that everything from 2020 has been covered. He added that the Town continues to track COVID-19 related expenses in fiscal year 2021. Ms. Malinowski asked if the Town will be submitting for reimbursements even if the fiscal year 2020 budget has savings in another areas/a budget to cover other expenses. Mr. Purple replied in the affirmative.

Chairman Healey stated that diversity and inclusion should be a major focus of the Board. He stated that from a housing, planning and zoning perspective, the Board agrees to work collaboratively to make changes. He said another goal is to ensure the Police Department has a framework to ensure fairness in policing. Chairman Healey stated there is an impressive group of police officers in Southborough and it is the responsibility of the Board to ensure that the systems in place for training, reporting, hiring and outreach are fair and inclusive. He added that he will reach out to Chief Paulhus to make him aware of this review and help him prepare for a deep conversation regarding this issue in September. Ms. Braccio added she would like the Chief to attend the meeting to reassure the public as to how the Police Department is dealing with some of these issues. Mr. Purple stated that the process Chief Paulhus followed to gain the accreditation will likely encourage him to welcome the discussion.

Chairman Healey stated his next goal is regarding diversity in outreach and hiring for all departments. He added that diversity and equity training for department heads and employees should be a priority. He would like to know the processes in place to ensure that issues raised are addressed properly. He asked if conducting interviews and reading resumes are conducted in a fair and equitable way. Chairman Healey also wanted to ensure that outreach is expansive to broaden the search to a more diverse pool. Mr. Purple stated Ms. Hale does an excellent job conducting interviews and managing outreach and stated other departments have their own processes. Chairman Healey stated the Board needs to send a clear message to set the expectation for all departments to ensure their hiring processes are fair, diverse and outreach is broad. He added that other towns have created Diversity and Equity Committees but he felt the Board should have ownership of these items. The Board agreed. Ms. Hale stated this is a critical priority for the community and there is a lot of room for improvement. She added that department heads are hesitant to spend the additional funds to reach out to professional diversity groups. She said that she could make a list of items that the Town could do better which starts with recruiting. Mr. Stivers said he agrees that the Board is accountable and should take the lead on this matter. He stated there should be metrics to track progress. Ms. Hale replied that there are metrics available in the recruiting tools.

Chairman Healey stated he would like to conduct public comment in the beginning and end of meetings. He said people who wish to comment have to wait through the lengthy meeting to speak and felt that bookending the meeting would help. Mr. Shea stated he moved public comment from the beginning of the meeting to the end when meetings were moved to Zoom. He said he had received feedback that those having technical difficulties would miss the opportunity to speak. Chairman Healey stated he will hold public comment on both ends of the meeting. Chairman Healey said he felt it very beneficial for agendas and related documents to be published together. He said he understood that the Board has more administrative support than many other boards and committees but wanted to encourage all boards and committees to

follow this process. Mr. Purple suggested Chairman Healey release a statement setting these expectations. He also added that not all boards and committees are publishing their meeting minutes on time. Ms. Braccio stated that there are some boards and committees that do not have the staff and may struggle to publish premeeting packets. She suggested the Board offer a level of support. Mr. Shea referenced the Planning Board website as a guide for all boards and committees to follow. Ms. Braccio stated that not everyone is tech savvy and will need guidance. Mr. Purple suggested the new IT person help with this. Ms. Malinowski stated that she has seen some boards and committees approve minutes and they are not posted. She suggested reaching out to those who may need help. Chairman Healey stated that he would like to strongly encourage all boards and committees to televise their meetings. Ms. Malinowski asked if meeting rooms could be wired so personnel does not need to physically be in the room to manage the recording. Mr. LaFlamme stated that could be discussed.

Chairman Healey stated the Board needs to work collaboratively with the EDC to maintain momentum for the Downtown Village Initiative. He added that the Board should drive the process and start including the Planning Board to work together. He stated that he will invite as many stakeholders as possible to collaborate at the September meeting.

Chairman Healey stated it could be an important function of the Board to open and generate communication lines with businesses in Town and on Route 9. He suggested inviting some to a Zoom meeting in September or October. Mr. Stivers stated the EDC used to visit the small businesses and discuss ideas that would make business better for them or more attractive for other potential businesses to open in Town. Ms. Braccio said the she visited the President of Reliant Medical Troup with Mr. Shifrin to let them know the Town is interested and appreciative of them being in Town. They discussed launching a similar process and Chairman Healey stated he will include this topic on an upcoming agenda.

Chairman Healey stated that he will soon be working with PILOT Program entities and one topic he will raise is a community center. He said that there could be opportunity for a community center that serves the interest of the Town of Southborough and the private schools. Mr. Shea stated that the out of box concept for the Public Safety Building is an example of what Chairman Healey was describing. Chairman Healey stated that creative thinking needs to occur in order to build a community center. He outlined ideas such as tying in schools, identifying large landowners that are philanthropic and Mr. Stivers added that donations from the wealthier residents in return for naming the building could be an option. Chairman Healey stated he will brainstorm and make some initial inquiries.

Chairman Healey stated he would like more bike paths and areas in the community. He said he spoke with the Trails Committee to see if this would be under their jurisdiction and if mountain biking was allowed on State properties. He suggested the Board discuss this matter in the future and possibly create a committee focused on this topic. He also suggested a community event focused on biking such as a community race.

Chairman Healey stated he will be thinking about reviewing the descriptions of Town departments and committees.

Chairman Healey would like a more coordinated budget discussion with the Capital Planning Committee and Advisory Committee. He suggested Ms. Malinowski be a liaison with Advisory and to begin incorporating schools in budget discussions.

Chairman Healey stated that the 300th anniversary for the Town of Southborough is seven years away. He would like to create a committee to starting discussing how the Town will celebrate. He suggested sending a survey to residents for ideas and input.

Chairman Healey stated the Board receives invitations to Eagle Scout presentations and other ceremonies and suggested making a schedule for members to attend. He asked for a volunteer to attend an Eagle Scout ceremony on August 29th. Mr. Stivers volunteered.

Chairman Healey asked Mr. Purple or Ms. Hale to make a list of the goals identified by the Board for September. He then would like the Board to discuss timelines for reaching and working towards these goals. Ms. Hale suggested a chart at the bottom of the agendas with a list of action items. Ms. Braccio suggested the list be published on the Board's webpage. Ms. Hale confirmed that she will organize a list of the goals discussed and send them out to the Board by September 1st.

III. On a motion made by Ms. Braccio, seconded by Mr. Stivers and voted all in favor, the meeting was adjourned at 8:39 P.M.

Upcoming Meetings *August 18, 2020* *September 8, 2020*

Respectfully submitted,

Kathleen Barry, Recording Secretary

List of Documents referred to at the August 4, 2020 BOS Meeting:

- Letter from Mark Purple to BOS dated 8.3.20 re: Meeting dates
- 2020.07.20 - Southborough MA - MA0142 - Encroachment Coordination Ltr
- CSX Row
- Regular Session Minutes, July 14, 2020
- Regular Session Minutes, July 21, 2020
- Letter from Mark Purple to BOS dated 7.29.20 re: Meeting dates
- Letter from Martin Healey dated 8.5.2020
- Letter from Laurie Livoli to BOS dated July 30, 2020
- Marty - Planning Meeting - List for Discussion
- Planning Discussion - Potential Categories and Topics - Sam Stivers
- List of Goals
- List of Town Employees
- Draft Travel Ban Statement
- Letter from Chief Paulhus to BOS dated 7.31.20 re: Officer Jeffrey Norton/Pay Status

RECEIVED
By Town Clerk/amb at 9:29 am, Dec 03, 2020

TOWN OF SOUTHBOROUGH

BOARD OF SELECTMEN Meeting Minutes

Meeting Date: Friday, August 28, 2020, 8:30 A.M.
Location: Virtual Meeting through Zoom
Present: Marty Healey, Lisa Braccio, Chelsea Malinowski, Brian Shea, Sam Stivers

I. Chairman Healey called the meeting to order at 8:31 A.M. Chairman Healey read the following statement:

Pursuant to Governor Baker's March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, §18, and the Governor's March 15, 2020 Order imposing strict limitation on the number of people that may gather in one place, this meeting of the Southborough Board of Selectmen will be conducted via remote participation to the greatest extent possible. Specific information and the general guidelines for remote participation by members of the public and/or parties with a right and/or requirement to attend this meeting can be found on the Town of Southborough's website, at https://www.southboroughtown.com/. For this meeting, members of the public who wish to watch or participate in the meeting may do so in the following manner by finding the meeting at: https://www.southboroughtown.com/remotemeetings. No in-person attendance of members of the public will be permitted, but every effort will be made to ensure that the public can adequately access the proceedings in real time, via technological means. In the event that we are unable to do so, despite best efforts, we will post on Southborough's website an audio or video recording, transcript, or other comprehensive record of proceedings as soon as possible after the meeting.

II. Consent Agenda

Town of Ashland re: emergency drinking water connections: The Board met with DPW Superintendent Karen Galligan to discuss a request from the Town of Ashland to provide them with emergency drinking water resources for a temporary period. Evan White, a project manager from Ashland also was in attendance. [Southborough has excess capacity and an ability to provide them water].

Due to the current drought, ongoing work at the pump station is on hold so new pumps have not been installed yet. An emergency order was filed to assist Ashland's current need. The rates have been set for the future under an Inter-Municipal Agreement going forward [once construction is complete] so this is the last time an emergency order is anticipated. As of 9/1 they can take water through DEP and MWRA, but need approval from the Town of Southborough as well. Ashland has declared a water emergency as of now. There will be no cost to taxpayers in Southborough and the billing will be processed through the [Southborough] Treasurer doing a manual bill to Ashland, based on escalation rates. Ashland pays a surcharge to MWRA because it's an emergency connection; furthermore, Ashland pays Southborough the cost of water plus wear and tear which we report to DEP in our annual report.

Ms. Malinowski spoke to the mutual aid agreement and noted the rate in effect in the 2007 agreement but stated no amendment [or extension] for 2020 is on file. She wants to be sure we bill and receive payment based on the 2020 rates. The sheet Ms. Galligan referenced this morning will be attached to the required documentation to reflect 2020 costs. When Ashland sends it to MWRA, they'll look at the order and will give their approval based on 2020 rates. Ms.

Malinowski said the aid agreement [section 4] did not stipulate that; Ms. Galligan said MWRA manages how the pricing will work. Mr. White acknowledged his agreement of the same, and verified Ashland will be paying 2020 rates.

Mr. Shea asked about a meter at the connection point; Ms. Galligan said it has been set up already so that is in place. Mr. Stivers commented that he also looked at the agreements and feels there are gaps in our paperwork and requested a follow up on an updated amendment. He further noted the agreement expired in 2016 and asked if it was still valid. Being a member of the MWRA Advisory Board, he did not recall any discussion of this matter and wanted to be sure paperwork is in place legally. Mr. Stivers estimated $192,000 [if they use 36 million gallons]. Mr. White said the hope is they will not take very much water and will operate the meter from early morning to mid-afternoon, expecting usage less than 200,000 gallons per day. Ms. Galligan added that pump station upgrades should be complete by Thanksgiving.

The Board voted by roll call to approve an emergency connection for water for Ashland, and noted that rates will be charged per current usage rates through the MWRA. Roll call: Braccio, aye; Malinowski, aye, Shea, aye; Stivers, aye, Healey, aye.

Outdoor Dining: Tomasso's has applied for permission for outdoor dining and an amendment to their alcohol license. This is similar to the approval given to the Hola Restaurant just recently. Ms. Braccio would like to see outdoor dining permanently during the Summer months. Ms. Malinowski noted conditions of the Planning Board and hoped Tomasso's would also agree. The Board all agreed that sidewalk funding grants would be great all over town in the future to makes use of best practices created during the pandemic. The Board voted by roll call to approve an outdoor dining application and alcohol license alteration of premises for outdoor service, according to conditions detailed in the approval of the Planning Board. Roll call: Braccio, aye; Malinowski, aye, Shea, aye; Stivers, aye, Healey, aye. Mr. Healey extended his thanks to the fire department and other officials that have taken part of the approval process to help businesses stay afloat during the pandemic.

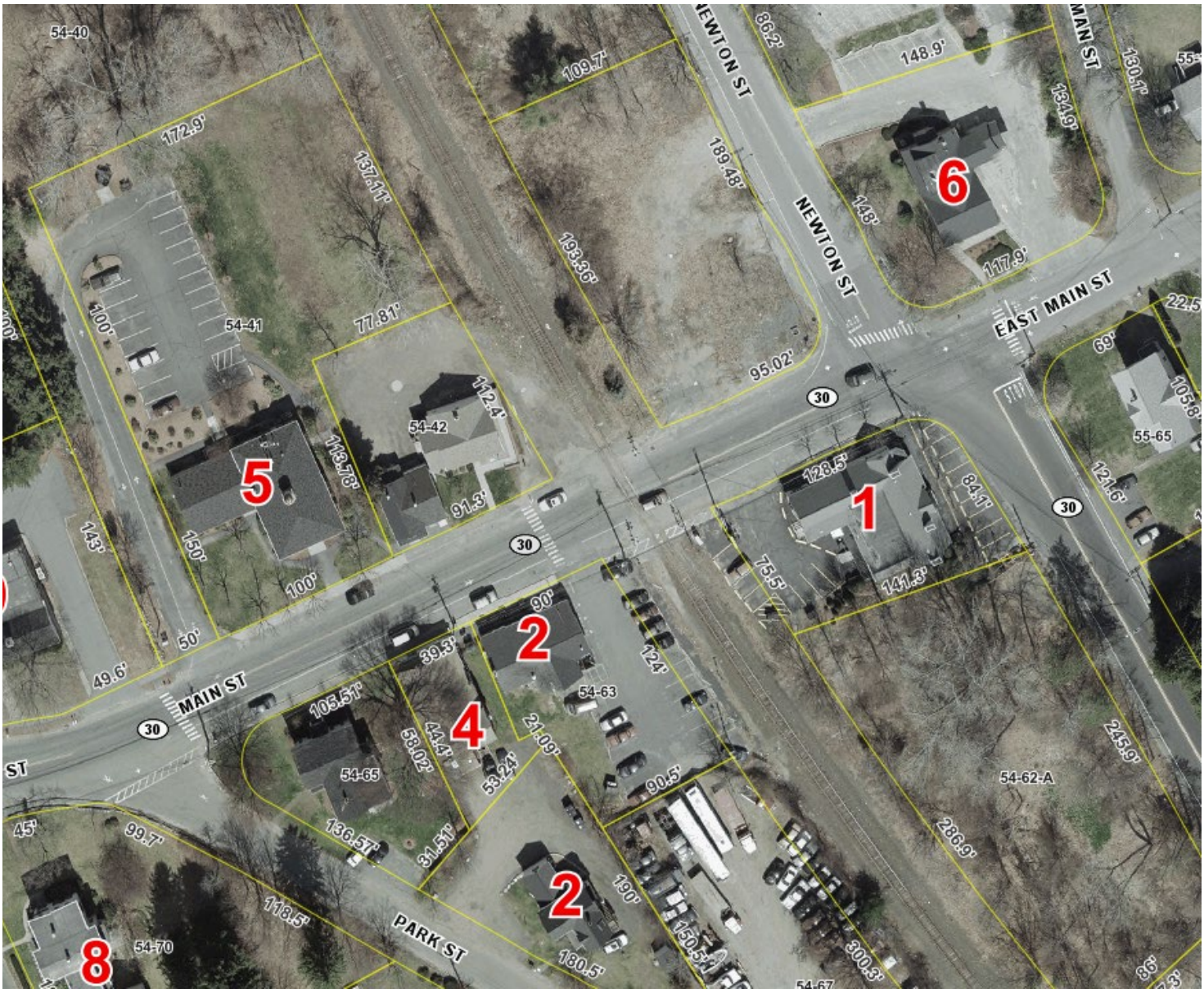
Chairman's report: Mr. Healey congratulated the Facilities Department on news that a $200,000 grant for LED lighting and other green efforts has recently been awarded.

III. On a motion made by Mr. Shea, seconded by Ms Braccio and voted by roll call, all in favor, Braccio, aye; Malinowski, aye; Shea, aye; Stivers, aye; Healey, aye, the meeting was adjourned at 9:05 a.m.

Respectfully submitted by Vanessa Hale, Assistant Town Administrator

List of Documents referred to at the August 28, 2020 BOS Meeting:

- August 24, 2020 DEP Emergency Declaration
- August 19, 2020 letter from the Town of Ashland
- Municipal Aid Agreement, dated 12.18.07
- MWRA rate sheet prepared by Karen Galligan
- Outdoor Dining application from Tomasso Trattoria and associated correspondence
- Temporary License Extension


54-40
172.9'
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109.7'
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NEWTON ST
86.2'
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MAN ST
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143.78'
91.3'
128.5'
1
84.1'
121.6'
143'
150'
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75.5'
141.3'
90'
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39.3'
124'
49.6'
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MAIN ST
54-63
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58.02'
44.4'
21.09'
245.9'
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54-62-A
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99.7'
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2
190'
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300.3'
86'

Travel Ban Statement

Effective August 1, 2020, all visitors and returning residents entering Massachusetts must follow the State's new travel orders. Massachusetts has made great progress in slowing the spread of COVID-19 and gradually re-open the economy. We all are responsible for heling keep transmission levels as low as possible.

All persons entering Massachusetts, including returning residents, must complete the Massachusetts Travel Form prior to arrival unless they are visiting from a lower-risk state (currently Rhode Island, Connecticut, Vermont, New Hampshire, Maine, New York, New Jersey and Hawaii). Visitors and returning residents are also required to quarantine for up to fourteen (14) days *or* produce a negative COVID-19 test result that has been administered up to 72-hours prior to arrival in Massachusetts. Failure to comply with this order may result in a **$500 per day fine.**

Where Summer is now upon us and employee vacations are on the rise, the Board of Selectmen have voted unanimously to endorse the following statement:

As is the current practice, an employee's vacation time must be approved by his or her Department Head [or Chair of the pertinent Board/Committee]. When notifying their Department Head of the intent to take vacation leave, the total number of days of leave (the vacation leave plus the quarantine) must be disclosed. If the Department Head believes they can effectively operate the department without the employee for the duration of their vacation AND the [up to] fourteen (14) day quarantine, the vacation will be approved. If the Department Head does not believe they can effectively operate the department without the employee, the leave will not be approved.

- If an employee can work from home, the employee will be expected to work from home during the quarantine period.
- If an employee cannot work from home, the employee will utilize two weeks of protective leave under the Families First Coronavirus Response Act (FFCRA) to cover the quarantine period. <u>It should be noted that employees can only utilize a total of ten (10) days of protected leave under the FFCRA [i.e. not 80 hours per "incident"].</u> If an employee has already used their ten (10) days or goes on multiple trips to high risk areas as designated by the MA Dept of Public Health, the quarantine period will be charged to accrued sick and vacation time. Payroll records must note if an employee will be out on FFCRA leave.

- Employees are encouraged not to travel to areas of the country outside the list of low-risk states and not to travel outside of the United States. This advisory is to keep you, your family, your co-workers and our residents safe. Should you travel to an area of the country that is experiencing a spike in Covid-19 cases, outside of the list of low-risk

states, or if you travel outside of the United States, you are instructed to quarantine upon your return for up to 14 days. You may use your accrued sick leave during the 14 day quarantine. If you test positive for Covid-19 which you contracted during your travel, you will be instructed to isolate by your local Board of Health.

- In addition, employees who take vacation leave whether within or out of Massachusetts must conduct a self-assessment prior to returning to work. Please review and report any symptoms to your Department Head. You should also contact your primary care physician advising him/her of your symptoms and your recent travel.

Please note that employees designated by the federal government as essential critical infrastructure workers are exempt from the directive to self-quarantine for fourteen (14) days. Examples of essential critical infrastructure employees are emergency responders, public works employees, and public health officials. These employees should ensure they are practicing good measures to reduce risk upon return including daily self-symptom checks, wearing PPE or face covering and maintain social distancing.

More information on the State's travel order can be found https://www.mass.gov/info-details/covid-19-travel-order

The Travel form can be found here https://www.mass.gov/forms/massachusetts-travel-form

The details of the Families First Coronavirus Response Act
can be found here:
https://www.dol.gov/sites/dolgov/files/WHD/posters/FFCRA_Poster_WH1422_Non-Federal.pdf

Updated list of Lower-Risk States can be found here: https://www.mass.gov/info-details/covid-19-travel-order#lower-risk-states-

If you have a situation that does not fit into one of the above categories, please contact Mark Purple or Vanessa Hale to discuss further. In addition, any related doctor's notes should be transmitted to Vanessa Hale to be place din employee medical files.

Finally, our employees have been working diligently since the onset of this crisis and we encourage each of you to take time away as your schedule permits this Summer to rest and relax safely with your friends and families. We are grateful for your loyalty and perseverance!

DRAFT

KENNETH M. PAULHUS
CHIEF OF POLICE

TOWN OF SOUTHBOROUGH
POLICE DEPARTMENT

32 Cordaville Road
Southborough, Massachusetts 01772

Emergency: 9-1-1
All Other: (508)485-2121
Business: (508)485-2147
Fax: (508)485-4634
kpaulhus@southboroughma.com

To: Honorable Board of Selectmen

From: Chief Kenneth M. Paulhus

Subject: Officer Jeffrey Norton/Pay Status

Date: July 31, 2020

Dear Board of Selectmen:

I am requesting approval to move Officer Jeffrey Norton from Student Officer Status to Probationary Officer effective retro to August 1, 2020 while this change is approved.

His pay status would change from $700.00 per week to PS-7, Step 1, $989.09 per week per Union Contract.

Please contact me with any questions you might have.

Kenneth M. Paulhus
Chief of Police
July 31, 2020

TOWN OF SOUTHBOROUGH

BUILDING DEPARTMENT

9 CORDAVILLE ROAD
SOUTHBOROUGH, MASSACHUSETTS 01772-1662
508-485-0717

July 30, 2020

Dear Mr. Purple and the Board of Selectmen,

Please find attached, Patrick Sands resume for the position of Alternate Building Inspector. As discussed, the benefit of having an experienced Building Inspector, as well as an experienced fire prevention inspector and officer is a desirable benefit for the Town.

As an alternate inspector, the scope of coverage would be for vacation or training periods during the year when I may be unavailable. Without an alternate, inspections would be delayed during these times which would in turn delay building projects throughout the Town of Southborough. The rate for Mr. Sands would be $40 per inspection.

Please let me know if you have any other questions. I appreciate your attention to this matter.

Respectfully yours,

Laurie Livoli
Southborough Building Commissioner/Zoning Enforcement Officer

Patrick E. Sands

E-mail:psands1966@gmail.com

6 Powderhorn Dr.
Pelham, Nh. 03076

Cell Phone: 978-265-3887
Work Phone: 978-674-6350

Objective Obtain the position of Alternate Building Inspector for the Town of Southborough

Experience

- **Local Building Inspector**

Concord Building Department, Concord, Ma, July 2015 - Present
Currently holding the position of Assistant Local Building inspector for the Town of Concord (part time). Job functions include but not limited to; Inspections (commercial and residential), plans review, permitting, zoning enforcement, 110 and 304 annual inspections, school and daycare inspections, interaction and consultation with other departments (Natural resources, Planning, Historic, Health). Close working relationship with the Fire Department and FD Inspectors.

- **Alternate Local Building Inspector**

Tyngsborough Building Department, Tyngsborough, Ma, Aug 2016 - Present
Currently acting as the Alternate Building inspector when the Building commissioner is out sick or on vacation. Providing all functions of a Building Inspector including meetings with ZBA and Planning board.

- **Assistant Fire Chief**

Tyngsborough Fire Department, Tyngsborough, Ma, Dec 2017 - Present
Currently holding the position of Assistant Chief of the Dept., Fire Prevention Officer, Inspector and Training officer. Day to day responsibilities, additional to previous, include direct supervision of all crews working at incidents and throughout the shift, Budgeting, Scheduling, Turnover, etc. In the absence of the Chief of the department, I would act as the Incident Commander at all incidents.

- **Captain/ Inspector / Fire Prevention Officer**

Tyngsborough Fire Department, Tyngsborough, Ma, Mar 2010 - Dec 2017
Previously held the position of Captain, Fire Prevention Officer, Inspector and day shift Supervisor. Day to day responsibilities, additional to previous, include direct supervision of all crews working at incidents and throughout the shift. In the absence of the Chief and the Assistant Chief of the department, I would act as the commander at all incidents.

- **Lieutenant/Fire Prevention Officer**

Tyngsborough Fire Department, Tyngsborough, Ma, Sep 2001 – Mar 2010
Previously holding the position of 1st Lieutenant, Fire Prevention Officer, and Fire Inspector for the Town of Tyngsborough Fire Department. Duties include, but are not limited to; residential and business fire inspections, managing permit applications and fees, and plans review.

- **Fire Fighter/EMT**

Tyngsborough Fire Department, Tyngsborough, Ma., Jun 1995 - Sep 2001
As a call member of the Tyngsborough Fire Department, I quickly became certified as fire fighter I/II, and EMT. I was appointed full time in 1998. Duties included Response to all fire/medical related incidents, public awareness throughout the schools, and daily duties.

- **Owner/President**

P.E. Sands Construction Inc., Tyngsborough, Ma. Sep 1987 – April 2016
I am the Owner/President of a Residential construction company that specializes in custom homes and remodeling. I have successfully been in business for the past 24 years, and have built my business significantly to yearly budgets that have exceeded $1,000,000.

Education

- Massachusetts Fire Academy, Jun 1995 - Present
  presently attending various courses and seminars to obtain advanced certifications in the field of fire safety and survival. Numerous certifications including but not limited to: Firefighter I/II, Fire Instructor I, Fire Inspector I, Fire Officer I, Fire Officer II, and many additional certifications, furnished upon request.
- FEMA, Emergency Management Institute, Completed all of the required ICS Certificate programs for Fire Officers and Administrators.
- Anna Maria College, currently enrolled, Working toward BS in Fire Service Administration 2010- Present
- Command School, Base, National Fire Academy, Emmetsburg, Md. 2006- Present
- Middlesex Community College, Fire Safety Technology, 2001- 2010
- University of Lowell, Jan 1985 - Jun 1990, full time, part time/nights.
- Salem State College, Sep 1984- Dec 1984
- Tewksbury Memorial High School, Sep 1980 - Jun 1984, obtained HS diploma.

Summary

I am a self motivated professional who takes pride in everything I do, from raising a wonderful family, to building a successful career. I will take all of my experience and passion to succeed with me to do the best job I can ...

Licenses/ Certifications

- **Massachusetts Fire Academy Certifications**, 1995-Present
  Obtained many certifications from the Massachusetts Fire Academy. Complete list furnished upon request.
- **FEMA-Emergency Management Institute,** IS-700.a, IS-703.a, IS-100.a, IS-200, IS-208.a, I-300, ICS-400, ICS-800
- **Fire Inspector I**, Mar 2001
  Certified Fire Inspector from Massachusetts
- **EMT Basic**, Jun 1998
  Certified Emergency Medical Technician from the State of Massachusetts.
- **Massachusetts Local Building Inspector,** July 2015 – Present Massachusetts
  certified local Building Inspector
- **Home Improvement Contractors Registration**, Apr 1990- Present
  Obtained HIC Registration from the state of Massachusetts
- **Construction Supervisors (Builders) License**, Jan 1986 - Present
  Unrestricted Builders license from the state of Massachusetts.

References

- Wes Russell
  Chief of Department
  Tyngsborough Fire Department
  26 Kendall Rd., TYngsborough, Ma 01879
  Phone: 978-649-7671 Ext. 11

- Paul Welcome
  Building Commissioner
  Town of Tyngsborough

25 Bryants Ln., Tyngsboro, Ma. 01879
Phone: 978-649-2300 Ext. 112

• Mathew Hanson
Town Administrator
Town of Tyngsborough
25 Bryants Ln., Tyngsborough, Ma. 01879
Phone: 978-649-2300 Ext. 100

TOWN OF SOUTHBOROUGH

OFFICE OF THE TOWN ADMINISTRATOR
TOWN HOUSE · 17 COMMON STREET · SOUTHBOROUGH, MASSACHUSETTS 01772-1662
(508) 485-0710 · FAX (508) 480-0161 · selectmen@southboroughma.com

TO: Board of Selectmen
FROM: Mark J. Purple, Town Administrator
DATE: July 29, 2020
SUBJECT: Meeting dates

I would recommend the following dates for our regular meetings through the end of 2020:

- Tuesday, August 18
- Tuesday, September 1
- Tuesday, September 15
- Tuesday, October 6
- Tuesday, October 20
- **Wednesday**, November 4
- Tuesday, November 17
- Tuesday, December 1
- Tuesday, December 15

This schedule conforms to our normal 1st and 3rd Tuesday schedule for September through December. The Wednesday meeting on November 4 accommodates the Presidential Election held the day before. We can add any special or workshop meetings in addition to our regular meetings, as needed.

Thank you.

TOWN OF SOUTHBOROUGH

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(508) 485-0710 · FAX (508) 480-0161 · selectmen@southboroughma.com

TO: Board of Selectmen
FROM: Mark J. Purple, Town Administrator
DATE: August 3, 2020
SUBJECT: Meeting dates

I would recommend the following dates for our regular meetings through the end of 2020:

- Tuesday, August 18
- Tuesday, September 8
- Tuesday, September 22
- Tuesday, October 6
- Tuesday, October 20
- **Wednesday**, November 4
- Tuesday, November 17
- Tuesday, December 1
- Tuesday, December 15

This schedule conforms to our normal 1st and 3rd Tuesday schedule for September through December. The shift in September to the 2nd and 4th Tuesdays accommodates the State Primary on September 1. The Wednesday meeting on November 4 accommodates the Presidential Election held the day before. We can add any special or workshop meetings in addition to our regular meetings, as needed.

Thank you.

TOWN OF SOUTHBOROUGH

OFFICE OF THE BOARD OF SELECTMEN
TOWN HOUSE · 17 COMMON STREET · SOUTHBOROUGH, MASSACHUSETTS 01772-1662
(508) 485-0710 · FAX (508) 480-0161 · selectmenoffice@southboroughma.com

DRAFT

August 5, 2020

Dear _____:

The Town of Southborough is currently working with its design consultant to finalize construction plans for Town upgrades and improvements to Main Street in the vicinity of your property. The Town project is separate from the current project under construction, which is a State project. The project currently under construction (State project) will end its construction work at Park Street; the Town project will continue the roadway, curbing, and sidewalk improvements from Park Street easterly to East Main Street, ending just past the intersection with Winchester Street. The project will also extend southerly a short distance on Boston Road.

The Town is currently in negotiations with CSX to obtain approvals that the Town needs for work at the CSX rail crossing. In order to complete its work to construct curbing, curb cuts and sidewalks, the Town needs temporary construction easements from CSX. Through our discussions with CSX, we have learned that the Town will not be able to obtain the required temporary construction easements until the issue of encroachments from private property owners onto CSX right of way property is addressed.

A plan showing the CSX right of way line superimposed onto an aerial photograph of your parcel is attached. It is important to note that irrespective of whether or not the Town were to undertake the improvements to Main Street, the encroachments onto CSX property exist and need to be rectified. This plan shows the area that your property currently uses in comparison to the land by right owned by CSX. It is our understanding that CSX has reached out to you about this matter.

CSX's existing right of way is 60-feet wide (30-feet east and west from the centerline of the rails). If CSX is unable to come to an agreement with you on a reasonable solution,

CSX has indicated to us that as a condition to granting the Town the easements it needs, CSX could go to the extreme of installing a barrier structure along its ROW, to the full width of the existing ROW. A barrier of this sort will have an adverse impact to vehicular access to your business off Main Street, and also to parking on your property. Discussions that the Town has had with CSX gives the Board hope that there may be flexibility on CSX's part on uses it may allow, by easement, within the 30-foot easement limit line.

The Town is hopeful that you can reach an amicable solution with CSX so that action by CSX does not impact access into your property, and so the Main Street project can continue to move forward in a timely manner. As things stand now, if required to move forward without a reasonable solution, the Town may not be able to provide a curb cut off Main Street to your property, given the narrow frontage between structures on your property and the existing 30-foot ROW line. This is not the preferred alternative that the Board would like to see happen, and the Board is unanimous in its position to see that a solution can be implemented so as not to adversely impact your business. The Board is available to have a member meet with you to discuss this situation further.

Commented [SB(1]: Not speaking for the full Board; Board members can offer their own opinion on this matter, and this text can be revised as necessary.

We encourage you to respond to CSX at your earliest convenience so this can be addressed soon. CSX real estate contact is xxx, who can be reached at xxxx.

Very truly yours,

Martin Healey, Chair
Town of Southborough Board of Selectmen

This will be tailored to each of the 4 impacted parcels as required. Letter recipients:

- *Knights of Columbus*
- *Mauro's Spa*
- *Lamy Insurance Bldg*
- *Bemis property*

DRAFT

Goal

Regular review of goals/status - Formal quarterly review with status, standing agenda item at each meeting for updates

Regional dispatch to be hosted in Southborough

Define BOS involvement with employee goals & performance reviews including completion of any outstanding reviews for employees reporting to BOS

Act as a liason for town departments related to ops and budget - evaluate services provided to residents

Boards & Committees - Code of conduct, Chair & Vice-Chair yearly training, provide capability to record all meetings

Evaluate current operational processes - all mailings, data exchange between departments

Staffing needs - individual article for each added position at TM, evaluate departmental needs for next 5 years

Budget software - define usage, BOS involvement, data requests

Committee/program for diversity and inclusion

Adopt long-term plan for capital in conjuction with recommendations from Capital Committee

Last Name	First Name	Department	Title	Reviewer	Appointed
Esposito	Lori	Board of Selectmen	Executive Asst to BOS	Purple	BOS
Hale	Vanessa	Board of Selectmen	Assistant Town Administrator	Purple	BOS
Ostresh	Carolyn	Board of Selectmen	Administrative Assistant	Purple	BOS
Lindsey	Heidi	Town Accountant	Assistant Accountant	McAuliffe	BOS
McAuliffe	Carla	Town Accountant	Accountant	Purple	BOS
Dias	Coryn	Assessors	Deputy Assessor	Cibelli	ASSESSORS
Birri	David	Treasurer/Collector	Assistant Treas/Collector	Ballantine	BOS
Pasacane	Kristen	Treasurer/Collector	Business Admin I	Ballantine	BOS
Laflamme	Thomas	MIS	IT Manager	Purple	BOS
Berry	Amy	Town Clerk Staff	Assistant Town Clerk	Hegarty	CLERK
Danza	Melissa	Conservation Commission	Conservation Agent	Chair	CONCOM
Hoecker	Sarah	Planning Board	Business Admin I	Quinn	PLAN BD
Quinn	Karina	Planning Board	Planner	Chair	PLAN BD
Barry	Kathleen	Zoning Board of Appeals	Business Assistant	Livoli	BOS
Vegting	Marijke	Economic Development	EDC Coordinator	Chair	BOS
Chaves	Robert	Public Bldgs & Properties Mgmt	Electrician	Parent	BOS
Delarda-Wood	Susan	Public Bldgs & Properties Mgmt	Business Admin II	Parent	BOS
Durkin	Francis	Public Bldgs & Properties Mgmt	Maintenance Technician	Parent	BOS
Fraser	Ronald	Public Bldgs & Properties Mgmt	Maintenance Technician	Parent	BOS
Parent	John	Public Bldgs & Properties Mgmt	Director of Facilities	Purple	BOS
Santosuosso	Michael	Public Bldgs & Properties Mgmt	Maintenance Technician	Parent	BOS
Brogie	Emily	Police Department	PT Police Dispatcher	Paulhus	BOS
Fontaine	Stephanie	Police Department	PT Police Dispatcher	Paulhus	BOS
Goodwin	Charles	Police Department	PT Police Dispatcher	Paulhus	BOS
McLeod	Cynthia	Police Department	Police Business Administrator	Paulhus	BOS
Newell	Ryan	Police Department	Police Lieutenant	Paulhus	BOS
Terranova	John	Police Department	PT Police Dispatcher	Paulhus	BOS
Porter	Alicia	Fire Department	Administrative Assistant	Achilles	CHIEF
Mayer	Denise	Recreation Revolving	Administrative Assistant	Davis	BOS
Lamy	Julieann	Building Department	Business Admin I	Livoli	BOS
Livoli	Laurie	Building Department	Building Commissioner	Purple	BOS
Johnson	Jean	Public Works Dept	Business Admin I	Galligan	GALLIGAN
Rice	Tammi	Public Works Dept	Business Admin II	Galligan	GALLIGAN
Amico	Emily	Board of Health	Nurse	Pisinski	BOH
Spiri	Barbara	Board of Health	Business Admin I	Pisinski	BOH

Beard	Cynthia	Council on Aging	Outreach Coordinator	LeFrancois	COA
Caporale	Lorraine	Council on Aging	Administrative Assistant	LeFrancois	COA
Lefrancois	Pamela	Council on Aging	COA Director	Chair	COA
Leonard	Margaret	Council on Aging	Program Manager	LeFrancois	COA
Cassell	Sarah	Youth Commission	YFS Director	Chair	COMMISION
Eiland	Meaghan	Youth Commission	YFS Assistant Director	Cassell	COMMISION
Kinayman	Shannon	Youth Commission	Program Coordinator	Cassell	COMMISION
Benevides	Linda	Library	Library PT Page	Donovan	TRUSTEES
Boloz	Mia	Library	Library PT Page	Donovan	TRUSTEES
De Angelis	Valerie	Library	PT Library Associate	Donovan	TRUSTEES
Donahue	William	Library	Library PT Page	Donovan	TRUSTEES
Donovan	Ryan	Library	Library Director	Donovan	TRUSTEES
Ellis	Patricia	Library	SR. Library Assistant	Donovan	TRUSTEES
Fiore-Keyes	Nickaela	Library	PT Library Associate	Donovan	TRUSTEES
Ivers	Kimberley	Library	Children's Librarian	Donovan	TRUSTEES
Kolenda	Katharine	Library	PT Library Associate	Donovan	TRUSTEES
Lapine	Christophe	Library	Library PT Page	Donovan	TRUSTEES
Logan	Carol	Library	Library Assistant	Donovan	TRUSTEES
McGinn	Christopher	Library	PT Library Associate	Donovan	TRUSTEES
O'Neill	Marjory	Library	Library PT Page	Donovan	TRUSTEES
Schoener	Kathleen	Library	Library PT Page	Donovan	TRUSTEES
Sehgal	Raiya	Library	Library PT Page	Donovan	TRUSTEES
Selleck	Evangelea	Library	SR.LIBRARY ASST.	Donovan	TRUSTEES
Shemligian	Jade	Library	Library PT Page	Donovan	TRUSTEES
Sivarajan	Shakila	Library	Library PT Page	Donovan	TRUSTEES
Sorensen	Marianna	Library	PT Library Associate	Donovan	TRUSTEES
Townsley	Amy	Library	Library Assistant	Donovan	TRUSTEES
Tremblay	Michelle	Library	Library PT Page	Donovan	TRUSTEES
Truong	Acacia	Library	Library PT Page	Donovan	TRUSTEES
Winand	Kelly	Library	PT Library Associate	Donovan	TRUSTEES
Winske	Alicia	Library	PT Library Associate	Donovan	TRUSTEES
Davis	Timothy	Recreation Commission	Recreation Director	Chair	BOS
Officer	Alexandra	Recreation Commission	Program Coordinator	Davis	BOS
Achilles	Steven	Fire Department	Fire Chief	Purple	BOS
Ballantine	Brian	Treasurer/Collector	Finance Director	Purple	BOS
Cibelli	Paul	Assessors	Principal Assessor	Chair	ASSESSORS

Galligan	Karen	DPW	Superintendent	Purple	BOS
Purple	Mark	Selectmen	Town Administrator	BOS	BOS
Paulhus	Kenneth	Police Department	Police Chief	Purple	BOS
Pisinski	Paul	Health	Health Director	Chair	BOH

Marty - Planning Meeting - List for Discussion

1) Covid 19 Items: a) maximize grants, b) normalize town processes (including board & committee meetings).

2) Diversity & Inclusion: a) do we need a separate entity, or should BoS drive it?; b) "systems" review & evaluation [public safety; hiring; schools – joint effort?; zoning, planning & CPA]; diversifying housing stock

3) BoS Meetings + Other Boards & Committee: emphasis on transparency; public comment opportunities; pre-meeting packets; SAM

4) Downtown & Village Initiatives – BoS drives the process

5) Business Communication & Development: Business Roundtables; small business tax exemption; one stop permitting assistance

6) Community Center: thinking outside the box on various approaches

7) Bikes, Bikes Bikes – Main St is a good start. Bike lanes in conjunction with sidewalk enhancements; explore tie-ins to local bikeways; Southborough Century

8) Town Committees & Departments: review charters; periodic reports; enhanced recruiting

9) Coordinated Budget Discussions: BoS; Advisory; Capital Planning; Schools

10) 1727

Sam Stivers
Draft—7/16/20

Planning Discussion: Potential Categories and Topics

Discussion Context

- Southborough has changed significantly over the past 25years or so; much different/higher expectations for Town government and services
- Value from thinking and acting more strategically/longer-term in various areas—such as protecting/leveraging key assets (location/transportation access/schools/open space/etc.)
- Value from finding a number of near-term, tangible projects that can be accomplished during the current FY
- A reasonable goal for FY21 is to complete some of the near-term projects and to complete at least the initial steps of some important longer-term projects—and the Board of Selectmen should provide leadership for this
- It may be useful to consider topics in several categories, as below.

Leadership/Strategy Topics (my top priority selections highlighted)

- Work with capital planning committee for long-term facilities plan (e.g., community center, library, rec facilities, etc.)
- Infrastructure development (such as Rt 9 sewer, Pine Hill firefighting water, etc.)
- Diversity planning/implementation (including housing)
- Downtown development plan and business development targeting
- Working with the Master Plan Committee to define and coordinate key initiatives
- Sidewalk/trail/bikeway network development
- Southville/T-Station evolution
- Open space planning (including property protection/acquisition)

"External" Operational/Project Topics (my top priority selections highlighted)
(i.e., we need cooperation from external entities to accomplish these)

- "friendly 40B" to reach "safe harbor"
- Parcel 54-40 acquisition
- Golf course asset development
- Public/private partnerships and philanthropy opportunities

"Internal" Operational/Project Topics (my top priority selections highlighted)
(i.e., we can accomplish these primarily with "Town" resources)

- Clarification of Personnel Board/Personnel Director roles
- Personnel performance evaluation for BoS/TA reports
- Centralized grant writer/management (with targeted/prioritized focus)
- Contract services evaluation/re-bidding
- Permitting streamlining
- Implementation of a telephonic language translation service
- Improved process for committee reports for BoS review/approval (OSRP; SHI; MP; etc.)
- Overall review/evaluation of the Town's printing/mailing/document processing
- Technology improvements (e.g., document management, resident information access, etc.)
- Internal operations activity reporting for BoS (e.g., legal, enforcement, complaints, etc.)

1) Open Meeting law for our Boards/Committees/Commissions – how to run a proper meeting (i.e. adhere to Agendas, voting, distribution of documents, ect.)
2) Continuance of Zoom for ALL Boards/Committees/Commissions not taped by SAM even after we can start in person meetings again.
3) Updating/consolidating policies and making sure our volunteers understand and have better guidance and understanding of our expectation of adherence.
4) A statement of monies not spent and expectation of returning monies at end of FY. Monies spent outside of appropriated line item should need approval.
5) I would like to see some form of liaison with our appointees. Zoom has shown me we are should be more aware of what they are working on. To much is being done in a silo.
6) Have our goals available to discuss at each meeting for updates or comments.
7) Handbook for Volunteers and Employees
8) Better training and outreach for volunteers
9) Volunteer fair – host forum to recruit volunteers, publicize mission of Boards and hopefully fill some vacancies
10) Updated job descriptions for all Selectman employees

TOWN OF SOUTHBOROUGH

BOARD OF SELECTMEN Meeting Minutes

Meeting Date: Tuesday, July 14, 2020, 6:30 P.M.
Location: Virtual Meeting through Zoom
Present: Marty Healey, Brian Shea, Lisa Braccio, Chelsea Malinowski, Sam Stivers and Town Administrator Mark Purple
Absent:

I. Chairman Healey called the meeting to order at 6:30 P.M. Chairman Healey read the following statement:

Pursuant to Governor Baker's March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, §18, and the Governor's March 15, 2020 Order imposing strict limitation on the number of people that may gather in one place, this meeting of the Southborough Board of Selectmen will be conducted via remote participation to the greatest extent possible. Specific information and the general guidelines for remote participation by members of the public and/or parties with a right and/or requirement to attend this meeting can be found on the Town of Southborough's website, at https://www.southboroughtown.com/. For this meeting, members of the public who wish to watch or participate in the meeting may do so in the following manner by finding the meeting at: https://www.southboroughtown.com/remotemeetings. No in-person attendance of members of the public will be permitted, but every effort will be made to ensure that the public can adequately access the proceedings in real time, via technological means. In the event that we are unable to do so, despite best efforts, we will post on Southborough's website an audio or video recording, transcript, or other comprehensive record of proceedings as soon as possible after the meeting.

II. **Scheduled Appointments**

Joint Meeting with Advisory Committee — FY20 Interdepartmental Transfers

Mr. Healey stated that due to conflicts the Advisory Committee could not attend the meeting tonight. He stated they will be meeting tomorrow to vote on their transfers. Mr. Stivers asked if the Board voted on these transfers and sign the documents, will Advisory be able to vote on their transfers to move forward. Mr. Purple answered in the affirmative.

Mr. Ballantine explained that there are eight transfers for the end of the year and explained the State statute that allows for this. He stated the three transfers for Board approval are for the Building Department, postage, and liability insurance. Mr. Ballantine explained that the Building Department completely turned over last year and a budget mistake was missed that resulted in an $18,000 deficit. He stated that the Building Department typically has a full time Building Inspector, a full-time building administrator and a part-time ZBA administrator. He said the budget was for two part-time administrators. Mr. Stivers asked if the Building Department could function with two part-time administrators and Mr. Ballantine said they could not. Mr. Purple added that the building administrator has always been full-time. Ms. Braccio asked if this budget item was corrected for fiscal year 2021 and Mr. Ballantine responded in the affirmative. Mr. Stivers made a motion to approve the interdepartmental transfer for the Building Department. Mr. Shea seconded. The motion passed all in favor (5-0-0) by roll call vote, Braccio, aye; Malinowski, aye; Shea, aye; Stivers, aye; Healey, aye.

Mr. Stivers stated that he is not concerned about the transfer for postage but encouraged the Board to have a further discussion to find a less expensive way to send out tax bills and other notices. Mr. Healey stated this will be a discussion for the next meeting. Mr. Stivers made a motion to approve the interdepartmental transfer for postage. Mr. Shea seconded. The motion passed all in favor (5-0-0) by roll call vote, Braccio, aye; Malinowski, aye; Shea, aye; Stivers, aye; Healey, aye.

Mr. Stivers made a motion to approve the interdepartmental transfer for liability insurance. Mr. Shea seconded. The motion passed all in favor (5-0-0) by roll call vote, Braccio, aye; Malinowski, aye; Shea, aye; Stivers, aye; Healey, aye.

Mr. Shea asked what would happen if Advisory did not approve one of the transfers. Mr. Ballantine explained that the deficit will remain either way. He added that if Advisory does not approve a transfer, it will decrease free cash next year which the auditor and DOR would see as a bad practice. Mr. Purple stated that if Advisory does not agree to the transfers, the deficit could be shifted to come out of the benefits budget but Advisory would still have to approve this. Either way it would look poorly on the Town from the perspective of the auditor and DOR.

Tim Davis, Recreation Director — Recreation update

Mr. Davis informed the Board that Depietri Field was completed last week and will be closed until mid-September for the sod to establish effectively. He thanked the DPW and Water Department for their assistance tapping the water line into the main road. Mr. Davis stated that Town House playground has been installed with the help of the DPW. The playground is ADA accessible and should be open to the public by this weekend. He stated that a third-party engineer was brought in to ensure the proposed plan for Kallander Field could withstand the water coming down from the hill. The report from the engineer reiterated the findings from the original engineer stating that the proposed as-built plan will withstand the waterflow from the hill. He said he will create a report for the public prior to fall town meeting. Mr. Davis added that they had a productive meeting with the Planning Board, Ms. Galligan and the engineering firm for the lighting projects at Mooney and Neary Fields. They are applying to the Planning Board for their August 10th meeting. Ms. Braccio asked what the timeframe would be for completion if the lighting plan for the fields were approved in August or September. Mr. Davis said it is unknown due to the COVID-19 pandemic but if there were no such interruptions, he felt there would be an 8-11 week process from procurement and bidding to final construction. Ms. Malinowski asked if the finances were still in appropriation from town meeting approval. Mr. Davis stated he believed so. He stated that it has been 3-4 years since the funds were allocated and they are proposing to switch to LED for energy. He added there has been no indication that it has changed in scope or price.

Mr. Healey asked if it would be beneficial for the Board to take a formal vote of support on the lighting projects at Mooney and Neary Fields at the July 21st meeting. Mr. Davis stated he would be in support of the vote. Chairman Healey requested Mr. Purple add this item to the July 21st agenda and Mr. Purple agreed.

Mr. Davis gave an update on youth sports and stated that Southborough Little League, Algonquin Summer Soccer, adult and youth soccer leagues, and lacrosse have started their seasons at a smaller capacity and with written and approved COVID-19 safety standards. He stated that every group submitted their plan to address COVID-19 safety and had been reviewed and approved by

the Recreation Department and the Board of Health. Ms. Malinowski asked if these groups are being monitored to ensure they are following their safety plans. Mr. Davis replied that they continually check and there have been no issues.

Mr. Davis stated that they have been monitoring local summer camp programs and after finding many have closed shortly after opening due to challenges following the guidelines or sickness, the Recreation Department has decided to not open camps at all this summer. He stated that the Summer Concert Series has been cancelled due to the guidelines presented and setup of Neary Field. He stated that the outside movie series will continue as planned for now with social distancing similar to Town Meeting. Mr. Davis added that they are working closely with schools to address the need for programs during the year. Ms. Braccio asked if Summer Nights was still scheduled. Mr. Davis replied that they are in a holding patter until they understand the guidelines for the next step of Phase III reopening from the State. Ms. Malinowski stated that she understood from the last Recreation Meeting that they will not be sending out a flier this year through the mail. Mr. Davis stated that due to time constraints, there will be an interactive digital brochure out late August or early September.

III. Reports

Chairman's Report

Chairman Healey stated there is a Capital Planning vacancy and urged the public to apply. He added that he would like to discuss how the Board addresses vacancies and filling them at their next meeting.

Chairman Healey stated that at the Metro West Collaborative there was a discussion regarding Shared Streets. He was told that the Shared Streets and Spaces Grant Program could not be used for permanent sidewalks. He informed Ms. Galligan and Mr. Purple. They sought guidance from the Lieutenant Governor's Office and were told that it could be used for permanent sidewalks and the projects Ms. Galligan has proposed for the Town.

Chairman Healey informed the Board that Attorney Cipriano will be coming to the August meeting to give an update on the Town's standing on various legal issues.

Chairman Healey stated he spoke with Attorney Davis regarding the Open Meeting Law litigation. He stated Attorney Davis moved the case from State Court to Federal Court due to the Civil Rights claim in the complaints. Chairman Healey stated that the plaintiffs are going to withdraw their Federal Complaint and the case will stay in State Court. Attorney Davis asked Chairman Healey how frequently the Board would like updates on the case. Chairman Healey recommended that minor strategic items could be reported to Mr. Purple and him and if the Board would like a broader discussion regarding any of these items, they could request it as an agenda item. The Board agreed.

Chairman Healey stated that there are requests for Board member appearances at Town-wide functions such as Eagle Scout Ceremonies. He recommended adding this as an agenda item to the July 21st meeting.

Chairman Healey stated that Mr. Purple received numerous letters from members of the community in relation to the George Floyd killing and its aftermath. He said relating legislative and town initiatives were noted and he would like this topic added as an agenda item to the July

21st meeting. He added that the letter asks for the support of the Board and that there is a lot to discuss before deciding. Chairman Healey stated he would like to speak to the Chief of Police and thanked the public for sending their letters. He requested Mr. Purple distribute the letters to the Board and Mr. Purple agreed.

Members' Reports

Mr. Stivers stated that the Golf Course is off to a great start to their rounds are up 30% from May to June.

Mr. Stivers stated that Governor Baker was at the New England Center for Children to announce a $16 million grant. He added the New England Center for Children received approximately $9 million from the grant.

Town Administrator Report

Mr. Purple stated he receives monthly reports from Bill Harrison of the Golf Course Committee and considering March and April will show $0 income, the year should end with approximately $400,000 if it continues through Thanksgiving. He added this may allow the Town to receive a percentage of revenue over $200,000 which will be put into a revolving fund used for golf course improvements.

Mr. Purple said the Town House, Cordaville Road and DPW Bildings are open to the public by appointment. The Town House meetings have been held outside at the picnic table and has been a positive experience.

Mr. Purple gave an update on the Main Street Project that included excavating should be done by end of day tomorrow, all grading and gravel should be in place by early next week and the contractor could be laying the asphalt basecoat the week of the 27th. He added that it is unknown if they will get the final pavement and stripping done before snowfall but anything left will be done next spring. Mr. Purple said that Verizon needs to move numerous poles and Ms. Galligan is working with Legislature to motivate them to do so soon.

IV. Consent Agenda

a. Ms. Malinowski asked to hold item "a." Ms. Malinowski asked that a correction be made to section 3A to show that Ms. Galligan wanted to remove the $10 replacement sticker charge and the Board voted to keep it. The Board agreed. Mr. Purple outlined a scrivener's error on page six under "Public Comment." He asked that "Planning Board" be changed to "Advisory Committee." The Board agreed. Chairman Healey made a motion to approve Open Session Minutes: June 23, 2020 with the aforementioned revisions. Ms. Malinowski seconded. The motion passed all in favor (5-0-0) by roll call vote, Braccio, aye; Malinowski, aye; Shea, aye; Stivers, aye; Healey, aye.

b. Ms. Braccio made a motion to accept donations totaling $80.00 for the Fire Dept. Ambulance Fund. Mr. Shea seconded. The motion passed all in favor (5-0-0) by roll call vote, Braccio, aye; Malinowski, aye; Shea, aye; Stivers, aye; Healey, aye.

c. Ms. Braccio made a motion to appoint Meme Luttrell as Planning Board Rep. to Metro West Regional Collaborative; term 6/30/21. Mr. Shea seconded. The motion passed all in favor (5-0-0) by roll call vote, Braccio, aye; Malinowski, aye; Shea, aye; Stivers, aye; Healey, aye.

d. Mr. Shea recused himself from this agenda item and left the meeting. Ms. Braccio asked to hold item "d." Ms. Braccio requested that Mr. Weishan attend the next public meeting to

discuss his appointment before the Board votes. Chairman Healey asked Ms. Deans-Rowe if there was any conflict with this request. Ms. Deans-Rowe replied there would be no conflict and it would enable to the Commission to hold a meeting and have their own vote. She added the Commission will then send a letter of recommendation for Mr. Weishan's appointment. The Board agreed. Ms Braccio made a motion to continue the appointment of Michael Weishan to the Historical Commission; term 6/30/23 until the August 18th meeting. Mr. Shea seconded. The motion passed (4-0-1) by roll call, Braccio, aye; Malinowski, aye; Stivers, aye; Healey, aye. Mr. Shea was recused.

e. Mr. Shea returned to the meeting. Ms. Braccio made a motion to reappoint Douglas Peck to Council on Aging; term 6/30/23. Mr. Shea seconded. The motion passed all in favor (5-0-0) by roll call vote, Braccio, aye; Malinowski, aye; Shea, aye; Stivers, aye; Healey, aye.
f. Ms. Braccio made a motion to accept the resignation from Emily Brogie as PT Communications Officer. Mr. Shea seconded. The motion passed all in favor (5-0-0) by roll call vote, Braccio, aye; Malinowski, aye; Shea, aye; Stivers, aye; Healey, aye.
g. Ms. Braccio made a motion to award the Facilities Department recommendation #2 Fuel Oil Bid. Mr. Shea seconded. The motion passed all in favor (5-0-0) by roll call vote, Braccio, aye; Malinowski, aye; Shea, aye; Stivers, aye; Healey, aye.
h. Ms. Malinowski asked to hold item "h." Ms. Malinowski stated that she reviewed the application noticed that an employee at Chestnut Hill Farm is listed who no longer works there. Mr. Purple said he will update that information before the release of the license. Chairman Healey made a motion to accept the One-Day alcohol license applications - Chestnut Hill farm: August 8th and August 22nd Brew Moon Hikes with the correction. Mr. Shea seconded. The motion passed all in favor (5-0-0) by roll call vote, Braccio, aye; Malinowski, aye; Shea, aye; Stivers, aye; Healey, aye.
i. Chairman Healey stated that this amount is consistent with St. Mark's statement to him for increasing their fiscal year 2020 PILOT amount. He added that this amount generally reflects the amount of taxes that was attributable to a purchase they made in fiscal 2020. Ms. Braccio made a motion to accept St. Mark's School annual donation of $48,500. Mr. Shea seconded. The motion passed all in favor (5-0-0) by roll call vote, Braccio, aye; Malinowski, aye; Shea, aye; Stivers, aye; Healey, aye.

V. Update on impact of COVID-19

Mr. Purple stated there was no other information to share on this topic. Ms. Braccio wanted to update the Board on the success of the outside dining at Hola! Restaurant.

VI. Other Matters Properly Before the Board

Approval of Southborough Golf Club CR Management Plan

Melissa Danza gave an overview of the plan that needs to be approved yearly. She explained that Kristin O'Brien from Sudbury Valley Trustees created the management plan and the Conservation Commission has agreed to the terms. She added that this plan is status quo to the current role of the golf course management team and the change agreed to was to establish a ten-foot no mowing area near the stream by Cordaville Road. Ms. Danza stated this is in line with Autobahn International Status and the goal is to reach a twenty-foot no mowing area. Ms. Braccio stated this was well done and she appreciated the hard work put into it. Mr. Stivers made a motion to approve the Southborough Golf Club CR Management Plan. Mr. Shea seconded. The motion passed all in favor (5-0-0) by roll call vote, Braccio, aye; Malinowski, aye; Shea, aye; Stivers, aye; Healey, aye.

Approval of Firmin Avenue property CR

Ms. Danza stated this item was a condition of the Site Plan Approval through the Planning Board. She explained there is a small parcel of land not attached to 0 Firmin Avenue to develop. The lot is mostly parking for the U-Haul property and the current project is much less intensive than previously approved projects. She stated the conservation restriction is similar to the basic outline from the State and the Conservation Commission has approved this. Ms. Malinowski asked if Attorney Cipriano had reviewed the documents and Ms. Danza stated he has and he approved. She added that Open Space has also reviewed and approved. Ms. Braccio stated that the document has Mr. Kolenda listed as a signee and not Ms. Malinowski. Ms. Danza said she was aware and will be editing the document. Mr. Stivers made a motion to approve the Firmin Avenue property conservation restriction with the above edit. Ms. Malinowski seconded. The motion passed all in favor (5-0-0) by roll call vote, Braccio, aye; Malinowski, aye; Shea, aye; Stivers, aye; Healey, aye.

Review of revised charge for Golf Committee

Chairman Healey asked if it were better to let the Committee decide if they should develop a master plan. Mr. Purple stated that he suggested a master plan for the Golf Course in order to develop ways to improve play and draw more people. He added that a master plan could be inclusive of a lot of bullets already listed. Ms. Malinowski suggested making Mr. Davis an ex-officio member as he could incorporate improvements to programs offered in Town. Mr. Shea agreed and stated he was in support of the charge. Mr. Stivers stated he was in support of the master plan concept. He added that he would like to see the term "interests" included in the professional background and qualifications section. He felt that without that term, it may be a challenge to find volunteers. Mr. Stivers suggested adding the requirement of an annual report to be submitted no later than 60 days after the end of golf seasons. He stated he would like to see a bullet added to develop both longer term and annual goals. Mr. Shea stated that longer term goals could be covered through capital improvement plans. Mr. Stivers said he would be open to that but would like to see a Committee member involved in those discussions. Ms. Malinowski asked for clarification from Mr. Stivers regarding longer term goals and the inclusion of a master plan. Mr. Stivers stated he felt strongly that a master plan should be included in the charge. Mr. Shea stated that he would like to see a report from the Golf Committee before the holidays as opposed to 60 days after the end of the golf season. Mr. Stivers agreed.

Ms. Braccio suggested including goals driven towards the achievement of the Autobahn International certification. Mr. Purple stated that could be part of the master plan discussion. Ms. Braccio agreed but would like to make sure that it is included. Chairman Healey asked if Ms. Malinowski could update the charge for the July 21st meeting and she stated she could.

Discussion of format and location for July 21 Goals/Planning meeting

Chairman Healey stated Southborough Access Media is not conducting in-person meetings as of now and there was discussion regarding recording the meeting or using the meeting minutes as the only record. Chairman Healey added there is flexibility regarding Open Meeting Law and accurate minutes would be sufficient for this meeting. Ms. Hale noted that past goal setting meetings were not televised. Ms. Braccio voiced her concern that more people have been watching the meetings through Zoom than ever and felt it was important for the public to see the discussions had at this meeting. Chairman Healey stated he will work with Ms. Hale and Mr. Purple regarding booking a room that will fit the social distance needs and a way to videotape the meeting.

Discussion of Crown Castle proposal for Town House cell tower; renewal of lease agreement
Chairman Healey asked Mr. Purple if there was a proposal from Crown Castle for the Board to act on or if this was only a discussion. Mr. Purple stated that would be a decision for the Board but there was no specific proposal needing approval. He added that the flagpole looks awful and a flag cannot fly at this point. He reviewed the proposal provided by Crown Castle. He stated the first suggestion from Crown Castle was to modify the top of the flag pole to add more antennas that would be blocked by the flag. The Board rejected this option. Mr. Purple stated that the Town received annual income of approximately $36,000 from Crown Castle due to this lease and the cell tower as a flagpole no longer operates for AT&T in terms of new equipment and technology. He added that the "flagpole only" solution will not work for Crown Castle and he asked the Board if they felt the $36,000 was worth more than the flagpole. Ms. Braccio stated that the disrespect it would show to alter the flagpole is not worth the income. Mr. Purple stated that the lease is coming to an end in October. He asked the Board if they were interested in executing a new lease with Crown Castle at the flagpole. Ms. Braccio stated she would be willing to entertain the idea if the flagpole looked like a flagpole.

Chairman Healey stated that the requirements as related to the construction of the flagpole were clear that the design calculations shall be submitted to the Town for review and approval and the specifics stated that the flagpole must be able to continue to look like a flagpole. He added that Crown Castle acted outside of those provisions and asked what they will need to do to make the Town whole for the length of time the flagpole could not be used.

Steve Whynot stated he appreciates the work of the Building Commissioner and Mr. Parent for their swift action to halt the production of the tower. He said the work done is unacceptable and appreciates the Board's opposition to this.

Brian Stearns thanked the Board and all the efforts to keep the flagpole a flagpole. He added that the flag is not meant to cover anything. He said he met with the Worcester County Veteran's Officers and this sets a bad precedent. There was concern that this could happen in other towns and they do not want to undo anything that is historic.

Chairman Healey asked Mr. Purple if he had a clear understanding of the sentiments regarding what needs to be done to the flagpole. Mr. Purple stated he did. Mr. Stivers asked if there were any other locations in Town that could serve as an alternate. Mr. Purple stated he was not aware of any and there is a process that needs to be followed in order to change locations which includes Town Meeting approval. Mr. Stivers asked if they were going to restore the flagpole. Mr. Purple stated that they will. He stated he will indicate to Crown Castle that the Board wants the flagpole to remain as a flagpole and any equipment will be contained internally otherwise the Board will not be open to entertaining a new lease. Mr. Whynot asked if there was a timeframe for the flagpole to be restored. Mr. Purple stated that they will have to return it to its original state before the lease ends. He added that they are doing everything they can to execute this quickly.

Ms. Malinowski stated she watched several committee meetings over the past few weeks and she would like to add an agenda item for a future meeting regrading proper conduct and respectful interaction with boards, committees and departments. Chairman Healey agreed and would like this to be an agenda item for the July 21st meeting.

VII. Public Comment
None

VIII. On a motion made by Mr. Stivers seconded by Ms. Malinowski and voted all in favor, Braccio, aye; Malinowski, aye; Shea, aye; Stivers, aye; Healey, aye, the meeting was adjourned at 8:30 P.M.

Upcoming Meetings
July 21, 2020 (Goal Setting)
August 18, 2020

Respectfully submitted,

Kathleen Barry, Recording Secretary

List of Documents referred to at the July 14, 2020 BOS Meeting:

- List of Proposed Interdepartmental Transfers
- Letter from Mr. Parent to Mr. Ballantine dated June 29, 2020
- Personnel Board Meeting Minutes October, 3, 2019
- Letters from Kathy Cook to Brian Ballantine dated September 2019
- Letter from Karen Galligan to BOS, Mark Purple, Brian Ballantine and Laurie Livoli dated September 10, 2019
- Draft Meeting Minutes, June 23, 2020
- Letter from Chief Achilles to BOS dated June 23, 2020
- Letter from Chief Achilles to BOS dated July 7, 2020
- Letter from the Planning Board to the BOS dated June 23, 2020
- Citizen Activity form, Michael Weishan
- Letter from Emily Brogie to Chief Paulhus and Lieutenant Newell dated June 22, 2020
- Letter from Mr. Parent to BOS dated July 14, 2020
- Supplying and Delivery of Number 2 Fuel Oil Conditions for Quoting
- Supplying and Delivery of Number 2 Fuel Oil Quotation Form
- Application for One-Day Alcohol License dated July 3, 2020
- Application for One-Day Alcohol License dated July 3, 2020_2
- Southborough Golf Club Management Plan
- Conservation Restriction_Firmin Avenue
- Golf Course Committee Charge
- Letter from Jeffrey Barbadora to Mark Purple dated June 29, 2020
- Lease Agreement with Crown Castle

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TOWN OF SOUTHBOROUGH

BOARD OF SELECTMEN Meeting Minutes

Meeting Date: Tuesday, July 21, 2020, 6:30 P.M.
Location: Public Safety Facility, Training Room, 32 Cordaville Road, Southborough, MA
Present: Marty Healey, Brian Shea, Lisa Braccio, Chelsea Malinowski, Sam Stivers and Town Administrator Mark Purple

I. Chairman Healey called the meeting to order at 6:38 P.M. He thanked Ms. Hale, Mr. Purple, Mr. LaFLamme and the Police and Fire Departments for their coordination and effort to ensure an in-person meeting for the Board this evening.

II. **Consent Agenda**

a. Mr. Shea made a motion to appoint Brandon Donahue as Special Police Officer. Ms. Braccio seconded. The motion passed all in favor (5-0-0).

b. Mr. Stivers held item "b." Mr. Stivers suggested changing the section describing the responsibility of the Committee to manage the day to day relationship to "monitor current relationship with management." Ms. Malinowski suggested to revise the original language to "oversee day to day relationship..." and Mr. Stivers felt it suggested micromanagement. Chairman Healey stated he approved of the current language as written in the packet. He said management could be done by delegation and there should be no micromanaging. Mr. Stivers agreed to leave the charge as written. Mr. Shea made a motion to approve of the new Golf Committee charge. Ms. Braccio seconded. The motion passed all in favor (5-0-0).

III. **FY2020 Goal-Setting Discussion**

Chairman Healey set guidelines for the conversation and invited Ms. Braccio to start explaining her list of goals for the Board. Ms. Braccio stated she would like training for all boards and committees regarding running a proper meeting and review of open meeting laws. She explained that with member turnover and turnover at the chair and vice-chair positions, not every volunteer may understand how to post agendas, vote, or have the tools to run a successful meeting. Chairman Healey agreed and stated that he would like to encourage all boards and committees to televise their meetings. He added that Southborough Access Media is a useful resource and the addition of Zoom makes it easier to publicize meetings on YouTube for the public to watch and participate. Mr. Purple added that Zoom solves for the issue of limited meeting space. Mr. Stivers stated that Zoom also enables experts from afar to participate in meetings remotely. He suggested a checklist and one page summery for all chairs of boards and committees. Mr. Purple stated that he will reach out to the larger boards and committees for feedback on how they manage their meetings. He stated he will work with Ms. Esposito to search for effective training for boards and committees. Ms. Malinowski suggested using other successful board and committee practices to build a model to share with others. Mr. Purple suggested the Board think about enforcing the recently updated Email Policy which mandates all employees and volunteers use their town email to conduct town business. He explained the confusion and reluctancy to use town email and asked for the Board's consideration in assisting Mr. LaFlamme in reinforcing this policy.

Ms. Braccio stated her next item was updating and consolidating policies to ensure volunteers understand and adhere to them. She explained there are numerous policies that may be contradictory or redundant and are different depending on the department. She suggested

creating a handbook for employees and volunteers for consistency. Mr. Stivers explained an organizational gap and how the policies are not consistent on the website. Mr. Purple stated there are policies that are old and have been replaced but the older policies may not have been removed which is a cause for confusion. Chairman Healey suggested the Town Clerk's Office work with Ms. Hale to catalogue the existing policies. Ms. Braccio and Ms. Malinowski agreed to catalogue existing policies and identify what should be updated, what should be removed, and what might be missing. Ms. Braccio stated she will work on this and bring a redlined version of volunteer policies to the Board.

Ms. Braccio stated her next item was to add a level of approval or oversight to the appropriation of line items at the end of the fiscal year. She added that this addition would be to ensure the tax payer expectation to return money at the end of the year is monitored or met. Mr. Purple explained that interdepartmental transfers need to have approval. Chairman Healey stated he would like a quarterly budget update from Mr. Ballantine. He requested a report that shows exactly where the Town's expenditures are for each line item. Mr. Purple explained the new ClearGov software that the Town is beginning to implement. Chairman Healey requested Mr. Ballantine attend the second meeting in September to report on the budget. Mr. Purple asked for a list of items the Board was looking for in the quarterly report. Mr. Stivers suggested that the numbers be presented with a storyline behind it so the Board can understand the budget to make better long-term decisions.

Chairman Healey stated that he appreciated inviting other boards and committees to report on their work at various Board meetings and felt Ms. Braccio's idea of a selectman liaison was a good idea. Ms. Braccio explained that through the YouTube channel she has been able to watch many more meetings than she would be able to attend and felt that the Selectmen could help these boards and committees with best practices and by giving them a platform to inform the Town on their proceedings. Mr. Shea stated he would not want to give the impression that the Board is trying to restrict their creativity or ability to act on their own. Ms. Braccio replied that was not her intent. Mr. Stivers said at most meetings he attends, the board or committee is appreciative that someone is attending and participating.

Chairman Healey suggested sending a quarterly newsletter from the Board through WordPress to inform the public of upcoming deadlines, events, or general information from departments, boards and committees. Mr. Purple suggested sending it with the quarterly tax bill and a discussion was had to post it on the website. Chairman Healey asked Mr. Purple to inquire who may have WordPress skills within his staff and Mr. Purple agreed to do so. Chairman Healey stated he would like to discuss recruiting volunteers for boards and committees. Ms. Braccio suggested hosting a volunteer fair or forum where interested parties could gather information and talk to a representative. Mr. Purple stated other towns have volunteer committees and it is their job to fill vacancies. He said the committee would reach out to targeted residents and meet with them before recommending them to the Board. Mr. Shea stated that Mr. Hegarty is very good at reaching out to those who could be a good prospect for specific boards and committees as was Mr. Wilson. Mr. Purple made the point that most board and committee members continually volunteer. Ms. Malinowski stated that the current environment where travel is down and there is more work-life balance is more conducive for someone with children to participate.

Ms. Braccio suggested that the list of goals agreed upon by the Board be included on the agenda for the public to discuss, keep accountability and for the Board to update their progress. Ms.

Malinowski suggested a quarterly formal review to ensure the Board is focused and on track with attaining their goals.

Ms. Braccio's next item was to create an employee handbook to provide guidance and resources to employees to make their jobs easier. Mr. Stivers stated that Town Counsel had opined in the past that this could be a legal liability. Mr. Stivers said he disagreed and referenced Westborough's employee handbook as an example. Mr. Purple asked Ms. Braccio and Mr. Stivers to work on a draft handbook to present to the Board. He suggested that the Personnel Board and Labor Counsel be included in the process.

Lastly, Ms. Braccio would like to see updated job descriptions for Board of Selectmen staff. Chairman Healey asked how many employees this would include and Mr. Purple stated there are three in the Board of Selectmen's Office and the department heads that he oversees on a day to day basis. He explained the process for updating a job description which could take three to four months and includes working with the Personnel Board. Ms. Braccio added that job duties have changed over the years and updating the descriptions would be beneficial. Mr. Stivers agreed and said he would like to review each that report directly to Mr. Purple.

Ms. Malinowski stated one of her goals would be to look into regional dispatch hosted by the Town. She added that this would not increase revenue but could decrease expenses. She added she would like to have the police budget split to show police and dispatch separately. She felt given the current climate it could make sense to regionalize in Southborough and share dispatch expenses with other towns. Chairman Healey stated he met with Chief Paulhus in the fall and he had wanted to look into regionalization of dispatch as well. Chairman Healey stated the new public safety building is more than appropriate to host. Ms. Malinowski added that she did have a discussion with the Chief when she was a member of the Advisory Committee and would be happy to do so again. Mr. Purple outlined some points from a non-host point of view which included some drawbacks such as customer service issues, jail cell monitoring, and staffing issues. Ms. Malinowski noted that Nashoba has a successful regional dispatch center.

Ms. Malinowski stated that she would like the Board to look at the annual reviews of those who report to the Board. She would like the Board to review their performance and their job description in terms of goal attainment. Chairman Healey asked how the review process was currently handled. Mr. Purple described the annual reviews of non-union SAP employees and contract employees. He explained that the Planning Board must approve pay increases and evaluations are confidential. Ms. Malinowski stated that she felt the Board should have input into reviews of those the Board appoints or those that report to the Board. She added that the Board negotiates contracts and felt the Board should have input with those reviews as well. Mr. Purple stated that in order for the Board to review the evaluations of contract employees, the Board would have to enter into Executive Session for each. He told the Board they would need to decide how many employees they would like to review. Mr. Stivers added he would like to interview employees that work with each other to include their reviews of interactions as well. Ms. Braccio cautioned that there could be bias and complications to that and felt the department head could give those details. Mr. Purple explained how the evaluations of contract employees take place and the differences between SAP employees.

Ms. Malinowski stated she found value in the liaison role she played with other boards and committees while on the Advisory Committee. She felt the Board could do the same to open

communication and understand their goals and potential future hurdles. Mr. Purple cautioned against micromanagement. Ms. Malinowski stated it would not be to micromanage but to potentially advocate for departments, boards or committees to paint a better picture for the Board. Chairman Healey cautioned against advocating for specific boards or committees as they currently present to the Board quarterly. Ms. Malinowski replied the liaison would keep a pulse on departments but not from a micromanagement perspective. She added it would be to keep the Board informed between formal reports. Chairman Healey suggested this discussion be revisited at the next goal setting meeting and to find out how many entities this would apply to. Mr. Stivers suggested adding the schools to the list of entities and Ms. Braccio agreed. Mr. Purple stated that the schools have been collaborative with the Town and Chairman Healey agreed. Chairman Healey said he would reach out to the Chair of the School Committee to include the schools in these discussions.

Ms. Malinowski said she would like the Board to evaluate current operational processes, postage and mailings and data exchanges between departments to see where improvements could be made. Chairman Healey asked the best way to know exactly how many mailings the Town sends to residents. Mr. Purple replied the easiest to quantify is the tax bill. Mr. Purple explained that the Recreation Department is funded out of the Revolving Fund and Ms. Malinowski added that they are not doing mailings for the fall but they typically send twice a year. Ms. Braccio said the Recreation Department is effective in publicizing in town buildings. Ms. Malinowski suggested looking at these items and discussing ways in which costs could be cut. Ms. Malinowski said she would also like to discuss staffing needs. She would like individual articles at Town Meeting for any added positions, changes in status, or change from part-time to full-time. She felt this would help with transparency and enable residents to vote on these changes.

Ms. Malinowski requested Mr. Purple meet with departments to reiterate the position the Board took prior to her joining that there will be no new additional positions for fiscal year 2022 and confirm there are no plans add any. Mr. Shea added that the vote of the Board was that no new positions were to be added without an additional revenue source to support it. Mr. Purple stated that he felt departments may ask for additional positions due to the fact that the Board voted to add 3.5 positions after revisiting the budget due to the impact of the pandemic. Mr. Purple suggested the Board take another vote to reaffirm their position after the end of fiscal year presentation from Mr. Ballantine, Ms. McAuliffe and him. He added that the Board needs to be more creative when it comes to staffing as there may be other ways to provide services.

Ms. Malinowski asked that the Board work with Mr. Ballantine to see how the Board should be involved with the implementation of the new budget software. Mr. Purple explained that the pandemic slowed down this process and the data transfer has happened. The next step is to input the fiscal year 2021 budget into the system. Chairman Healey requested a presentation of the new software from Mr. Ballantine. Mr. Purple agreed.

Ms. Malinowski suggested the Board discuss the community program for diversity and inclusion at the August 4th meeting. Chairman Healey agreed. Ms. Malinowski stated her last item was to adopt a long-term plan for capital in conjunction with recommendations from the Capital Committee. Mr. Purple stated his goal is to have the Capital Committee create a recommendation for capital to input into the budget early in the process.

Chairman Healey stated that a Special Town Meeting in the fall made sense when it looked like it would be safer to do so. He asked Mr. Purple to check in with those whose articles were moved from the Spring Town Meeting to a Fall Town Meeting to understand the necessity for being voted on. He stated that with the pandemic, it should be acknowledged that a fall Town Meeting may not be possible. Mr. Purple agreed to reach out to the stakeholders on these articles.

Chairman Healey stated they will lead with Mr. Stivers' goal list for the August 4th meeting. He added that the Main Street project has continued down towards Mauro's and the road looks great. Mr. Shea stated the construction is targeted to be complete by the end of this construction year and by next spring, the Town will see the benefits of the work done.

IV. On a motion made by Mr. Shea, seconded by Mr. Stivers and voted all in favor, the meeting was adjourned at 8:53 P.M.

Upcoming Meetings
August 18, 2020
September 1, 2020

Respectfully submitted,

Kathleen Barry, Recording Secretary

List of Documents referred to at the July 21, 2020 BOS Meeting:

- Letter from Chief Paulhus to BOS dated July 16, 2020
- Resume of Brandon J. Donahue
- Letter from Mark Purple to Brandon Donahue dated July 15, 2020
- Draft Golf Course Committee Charge
- Forward from Vanessa Hale to Carol Ostrech re: Eagle Scout dated July 16, 2020
- Forward from Vanessa Hale to Carol Ostrech re: Colin Kerrigan Eagle Scout Court of Honor - Saturday July 25 dated July 16, 2020.pdf
- Goals - Planning Marty Healey
- Copy of FY21 Goals
- Sam BoS Planning Meeting Topics 7.16.20
- Goals for BOS 7.21.20

DRAFT

Town Clerk RCV'D
9/11/2020
11:00 AM
AMB

TOWN OF SOUTHBOROUGH

BOARD OF SELECTMEN Meeting Minutes

Meeting Date: Tuesday, August 18, 2020, 6:30 P.M.
Location: Virtual Meeting through Zoom
Present: Marty Healey, Lisa Braccio, Chelsea Malinowski, Brian Shea, Sam Stivers and Town Administrator Mark Purple

I. Chairman Healey called the meeting to order at 6:32 P.M. Chairman Healey read the following statement:

Pursuant to Governor Baker's March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, §18, and the Governor's March 15, 2020 Order imposing strict limitation on the number of people that may gather in one place, this meeting of the Southborough Board of Selectmen will be conducted via remote participation to the greatest extent possible. Specific information and the general guidelines for remote participation by members of the public and/or parties with a right and/or requirement to attend this meeting can be found on the Town of Southborough's website, at https://www.southboroughtown.com/. For this meeting, members of the public who wish to watch or participate in the meeting may do so in the following manner by finding the meeting at: https://www.southboroughtown.com/remotemeetings. No in-person attendance of members of the public will be permitted, but every effort will be made to ensure that the public can adequately access the proceedings in real time, via technological means. In the event that we are unable to do so, despite best efforts, we will post on Southborough's website an audio or video recording, transcript, or other comprehensive record of proceedings as soon as possible after the meeting.

Chairman Healey noted the passing of John Mauro this week. He stated Mr. Mauro contributed vitally to Southborough in a variety of capacities and worked at St. Mark's for many years. He extended his condolences to Mr. Mauro's family.

II. **Public Comment**
None

III. **Scheduled Appointments**
Jason Malinowski, Capital Planning Committee
a. Update on Capital Planning items

Mr. Malinowski stated the Committee posted a meeting this evening but they do not have a quorum and therefore he will not call the meeting to order. He added that he has actions to ask of the Board at the end of his presentation in order for the Committee to progress with their work. Mr. Malinowski walked the Board through the presentation included in the packet. He began by stating that there is a vacancy on the Committee and asked for a resident with building or construction expertise to volunteer. He summarized the actions to date which included an initial meeting with all department heads to review their capital requests, made recommendations on most of the fiscal year 2021 capital items, reviewed fiscal year 2022 capital items and created a preliminary ten-year capital plan. He added their goal is to make a recommendation on the fiscal year 2022 capital to the Board and Advisory in October. The

Committee made reductions in the capital expenses and Mr. Malinowski stated that the Town is a much better spot for the ten-year plan. Mr. Malinowski added the Committee will have a report related to the Town House exterior and window engineering to submit to the CPC. They bundled items over four years into one package and the economies of scale they are reviewing could save on cost. He stated the Committee will be reviewing solid waste disposal options for the Transfer Station with an independent detailed study presented by Mr. Butler at their August 31st 7:00 P.M. meeting. Mr. Malinowski explained the work they are doing with the Library Board of Trustees, the Council on Aging and preliminary discussion with the Mr. Challen of the Southborough School Committee. The Committee is sending a form to the public tomorrow to voice their opinion regarding future capital projects.

Mr. Malinowski reminded the Board of the items needed to be included in a Fall Town Meeting. He added if there is not a Fall Town Meeting, then the capital items mentioned will fall to Spring Town Meeting and will impact the tax rate. He listed the Hook Lift Truck for the DPW, the Fire Chief's vehicle and the $250,000 Fire SCBA AFG Grant match to be considered for a pending Fall Town Meeting. He added that it could be beneficial to accelerate the interior renovations in the Library and Town House due to having less patrons in both buildings at this time. The Committee will be making a priority list of capital items that are urgent versus those that could be held for another year.

b. South Union School

Mr. Malinowski stated he would like the Board to explore a potential disposal of this property. He explained the process for doing so and the reasons for recommending this option which include generating cash to fund capital needs, finding a long-term solution for departments currently occupying the building and saving approximately $37,000 annually. The savings in operating expenses do not include significant capital needs over the next five years to maintain the building. He explained the feedback from the Recreation Commission, Youth Commission, Historical Commission and SHOPC. He requested the Board authorize the Committee to obtain an appraisal on the property.

Mr. Malinowski reviewed future agenda items which included obtaining an owner's project manager on retainer, ensuring projects are shovel-ready to take advantage of more grant opportunities, and beginning discussions to revitalize a stabilization fund. Mr. Malinowski requested action items for the Board to discuss and/or vote on tonight which included the approval of the revised charge included in the packet, provide clarity on a Fall Town meeting, reaction to the Committee's fiscal year 2022 timeline, feedback on the South Union School suggestion, watch the Capital Committee meeting held on August 31st and focus future discussions on grant funding.

c. Revision to Committee charge

Chairman Healey stated he was in support of proposed revisions to the Committee charge. He explained the Committee was created as ad-hoc to allow Board members to take part in discussions. He said that there is a need for longer discussions about creating a permanent committee. Chairman Healey stated that the South Union proposal is sensical and suggested two appraisals be done. He asked for one appraisal without taking into consideration historical factors and one to include those restrictions on the property. The Board agreed to watch the meeting and the Board generally agrees to discuss grant funding priorities for shovel-ready projects.

Mr. Stivers stated that he is aligned with Chairman Healey's comments and adjusting the charge is useful but creating a committee that does not violate bylaws is needed. He stated he is in favor of multiple appraisals for South Union School and is supportive of all the outlined goals.

Mr. Shea asked if the DPW study funded by the budget for the Transfer Station has begun. Mr. Purple stated the focus had changed in the final warrant before Town Meeting and the money was targeted towards the Capital Planning Committee. The focus of the funding is to be used for the study and others the Committee may need. Mr. Shea stated he agreed with the appraisals on South Union School and noted that Fayville Hall had restrictions from Town Meeting that limited the dollar value the Town was able to receive for the building.

Ms. Malinowski asked if there are dollar figures tagged to the three capital items deferred to the Fall Town Meeting understanding that the Fire Grant is $13,000. Mr. Malinowski stated the Chief's vehicle is $60,000 and the hook lift truck is a combination from the water fund of approximately $60,000 and a portion from the general fund of $160,000. Chairman Healey asked what the risks included if capital expenditures are held until a Spring Town Meeting. Mr. Malinowski stated that rising costs will impact the tax rate for fiscal year 2022.

Chairman Healey asked the Board if there are any objections to considering the revised charge. There was none. Mr. Stivers made a motion to approve the revised charge for the Capital Planning Committee as provided in the packet. Mr. Shea seconded. The motion passed all in favor (5-0-0) by roll call vote, Braccio, aye; Malinowski, aye; Shea, aye; Stivers, aye; Healey, aye.

Chairman Healey asked about discussions with the schools regarding Woodward and Neary. Mr. Malinowski replied that Mr. Challen will be adding an agenda item to their meeting to discuss these items and the Committee's potential involvement. Mr. Purple stated that a motion is needed to authorize the Committee to move forward with the appraisals at South Union School. Chairman Healey made a motion to authorize the Capital Planning Committee to seek appraisals for the South Union School. Mr. Shea seconded. Ms. Malinowski asked if the playground will be part of the appraisal. Mr. Malinowski replied that the Recreation Commission stated the playground could be repurposed for the Town. He asked if the Board requests two appraisals; one to follow historical requests and restrictions and one that does not. The Board agreed. The motion passed all in favor (5-0-0) by roll call vote, Braccio, aye; Malinowski, aye; Shea, aye; Stivers, aye; Healey, aye.

<u>Brian Ballantine, Finance Director – Update on ClearGov budget software</u>

Mr. Ballantine stated early this year the Town applied for a grant for this solution from the State and it was approved. He explained the benefits of ClearGov and stated the Finance Department uploaded data including budgets from fiscal year 2015 to fiscal year 2020. Mr. Ballantine said the budget is currently excel based and described the process through ClearGov as an all in-house system which will save time and increase ease of use and transparency. He clarified that there is an approval option in the system that he will use for submission acceptance only. Mr. Ballantine outlined a plan to schedule department head training over the next few weeks.

Chairman Healey asked if the Board could generate monthly reports for budget updates using this tool. Mr. Ballantine replied that they could. Ms. Malinowski asked how the expenses are updated in the system. Mr. Ballantine stated that expenses will not be updated in real time. He added that download could be done from the current financial software on demand. Mr. LaFlamme stated that a weekly or bi-weekly schedule updating expenses is done currently. Ms.

Malinowski asked if there was a way to flag expenses being tracked for the CARES Act for COVID-19 reimbursements for fiscal year 2021. Mr. Ballantine stated you can flag things in the budget and he is unsure on this item but he will inquire and report back. Ms. Malinowski asked who will have access to the system and what levels of access will be granted. Mr. Ballantine replied that there will be an administrator, a department head and then someone granted read-only access. He added you can further restrict a person to specific departments. Ms. Malinowski asked if capital items will be tracked in ClearGov. Mr. Ballantine stated year to year capital budget items could be included but it is not setup as a capital improvement program. Ms. Braccio asked if Advisory is aware of the uses and benefits of this software. Mr. Ballantine stated they are aware of the software but he has not spoken to them regarding their use. Mr. Stivers stated this will be an upgrade from Microsoft Excel and requested read-only access to review budget items and the capabilities of the software. Mr. LaFlamme gave a live demonstration of the software from a public use perspective.

Volunteer Interview: Lauren Richey – Youth Commission, term expiration 6/30/23

Chairman Healey asked Ms. Richey how long she has lived in Southborough and she replied that she moved in 2007 and this is her first volunteer position. Mr. Stivers asked Ms. Richey if she has attended any Youth Commission meetings and she replied that she had not. She stated she had approached Ms. Cassell to learn about the Youth Commission as a member of the 100 Women of Southborough. She wanted to nominate Southborough Youth and Family Services to 100 of Women of Southborough for donations and asked to learn more. Mr. Stivers asked if there were particular issues or programs she would like to focus on. Ms. Richey replied they would like a way to support a referral service for the entire community. Mr. Stivers thanked her and stated he supported her candidacy. Mr. Shea stated he supported her candidacy as well. Ms. Malinowski stated she supported her joining the Commission. Ms. Braccio asked Ms. Richey to give her background. Ms. Richey stated she is a veterinarian and she described how her occupation is susceptible to need the services that are offered from Youth and Family Services. Chairman Healey asked Ms. Butka if she had any comments. Ms. Butka stated Ms. Richey will be a great asset to the group. Mr. Stivers made a motion to appoint Lauren Richey to the Youth Commission, term expiration 6/30/23. Ms. Braccio seconded. Ms. Cassell stated she is appreciative of Ms. Richey's support and she will be a valuable asset to their board. Ms. Hadden said she worked with Ms. Richey for a year on Friends of Youth Commission and has done great work. The motion passed all in favor (5-0-0) by roll call vote, Braccio, aye; Malinowski, aye; Shea, aye; Stivers, aye; Healey, aye.

8:00 P.M. – Joint meeting with Town Moderator – Discussion of Fall Town Meeting; review of articles

Chairman Healey stated a number of items were deferred from the June Town Meeting and the Town Moderator, Town Clerk, Committees, Boards and article sponsors agreed to a Special Fall Town Meeting to address these items. He stated the Board is looking at whether it was possible or safe to have Fall Town Meeting. Chairman Healey said that Mr. Hegarty confirmed the cost of a Fall Town Meeting would be over $14,000. He added that the dates in September and October for Town Meeting given to Mr. Hegarty is nearly impossible from his perspective in the scope of work that needs to be done. Mr. Hegarty stated that weather would need to be factored in and the cost for a following week rain date would increase substantially. Mr. Hegarty reviewed the proposed dates for Town Meeting and due to early voting, October would be impossible to facilitate through the Town Clerk's Office. Ms. Braccio asked if the Board of Health has given an indication if schools would allow an indoor Town Meeting this fall. Mr. Purple stated the Chair of

the Board of Health reached out to him and they preferred an outdoor Town Meeting but if requested indoors, they will need to discuss the issue further. He added that Chief Achilles as the Emergency Management Director feels moving inside gives another level of nervousness. Mr. Hegarty stated he said that those surrounding towns that held an indoor Town Meeting was done when school was out of session. He added that the auditorium can hold fifty people with social distancing and the gymnasium could hold approximately seventy-five. He stated the overflow would go into classrooms that would disrupt school activity. Ms. Malinowski asked if a date were set for November and then cancelled, would the Town lose the total $14,000. Mr. Hegarty responded that it would depend how close to the date it was cancelled, but most likely the full amount would not be lost. He stated that a tent to cover the central three sections of the field would be $25,000. Mr. Shea stated that for the reasons Mr. Hegarty described, he felt it was unwise to hold a Fall Town Meeting. He said after reviewing the press release from the Board regarding the deferring of the articles from spring to fall, it was due to the need for full debate and would be moved to a time and place with fewer restrictions. He added that those restrictions have not lessened since then. Mr. Stivers agreed with Mr. Shea. Chairman Healey agreed and asked Mr. Cimino to elaborate on the discussion. Mr. Cimino stated that his hope for this meeting was that the selectmen would be able to articulate a rationale as to why a Fall Town Meeting was most likely unable to take place.

Chairman Healey stated the Planning Board unanimously agreed to postpone their articles to spring and the sponsor of the noise bylaw had an extreme preference not to wait. He did not hear back from Mr. Weishan regarding the plastics bylaw. Chairman Healey stated that the Board is not taking a position on merits of the articles, but the decision to not hold a Fall Town Meeting is based on health and logistical concerns. Ms. Malinowski asked if there were notification from the schools regarding budget adjustments needed. Mr. Purple said he has not received any formal or informal indication from schools. She added that the Board should be mindful of a March 2021 Spring Town Meeting and the feasibility of holding it indoors. Chairman Healey asked if the Board had any intention to call a vote for a Special Town Meeting. The Board did not.

Aldo Cipriano, Town Counsel – Legal Update

Attorney Cipriano stated he submitted three legal reports. The first being the Town Counsel Legal Service Outline Report which are the continued seminars with town boards. The only one missed was a consolidated seminar with Zoning Board of Appeals, Planning Board and Conservation Commission to clarify regulatory interaction and limits of jurisdiction. This will be held as soon as it is practical and there will be no charge. Attorney Cipriano described working with the Building Department with building and zoning code enforcement. He explained a particular case regarding a pool company and inability to receive compliance over a significant period of time. He described the creation of a demand letter written on behalf of the Building Department that made the pool company act to solve the issues. He added that the Town has numerous use violations of commercial uses in residential areas and he is creating a short list of the most relevant in Town for the Building Department to review. He explained his stance on proactive enforcement and described the process. Attorney Cipriano stated he will assist the Building Department with this initiative. Ms. Malinowski asked how often Attorney Cipriano comes across a zoning violation, where it came from and to describe the process to resolve the issue. Attorney Cipriano stated that the violations do not come from the Building Department and he has witnessed violations traversing the principle roads of Southborough. He stated he is trying to guide the Zoning Enforcement Officer in a general way to address these acute issues. Mr. Stivers stated he has heard complaints regarding construction businesses in neighborhoods

and he feels this should be a priority. Chairman Healey asked how the initiative would work. Attorney Cipriano stated it should begin with the patrol of the Building Commissioner to find issues and act. Chairman Healey asked what the increase cost to the Town would be if enforcement is increased. Attorney Cipriano stated that litigation fees would not be reimbursed and court appearances should be avoided if possible. He added that most violators will decide to comply before having to make a court appearance. Attorney Cipriano stated he met with the Building Commissioner and Mr. Purple for the first steps to identify and inspect five potential violations. Chairman Healey asked to reconvene to discuss after that process has taken place.

Attorney Cipriano gave a review of legal opinions throughout the year. He explained the process for requesting an opinion request. Ms. Malinowski asked if the request is submitted directly to him or to Mr. Purple. Attorney Cipriano replied that the request is first sent to Mr. Purple for his input into whether it should be forwarded to him.

Attorney Cipriano described the Litigation Status Report which consists of six principle cases; the three remaining Park Central cases with the principle one being the appeal of the comprehensive permit, Huang vs. Zoning Board of Appeals. He stated he received notification through a virtual meeting with the Court that a final pretrial will occur on January 5, 2021 and a virtual de novo hearing is scheduled for January 13, 2021. The other two cases are Park Central vs. ZBA pending in land court and the resolution of this case will depend heavily on the resolution of the Conservation Commission notice of intent and plan filing. The last pending case is filed by Park Central vs. Conservation Commission regarding the Commissions attempt to enforce local bylaw under the 40B comprehensive permit. He explained the Watershed Investment vs. Planning Board case that he is defending in land court. He added that discovery has been completed in this case and there may be a scheduled hearing in mid-2021. He explained the appellate tax board case of Walgreens vs. Board of Assessors that was dismissed by Walgreens after some litigation. Ms. Malinowski asked to identify who is representing the Town boards and committees. Attorney Cipriano stated that his office is representing all cases relative to the Zoning Board of Appeals and Conservation Commission. Ms. Braccio asked if the current Board is interested in pursuing a list of filings pending before the courts. The Board agreed they would like this and Attorney Cipriano stated he would furnish the Board with this information. Chairman Healey noted his interest in the Huang vs. Southborough Zoning Board of Appeals and Attorney Cipriano explained the case and Land Court in more detail. Chairman Healey asked about the Watershed Investment vs. the Southborough Planning Board case and Attorney Cipriano explained in detail. Chairman Healey said he will meet with Mr. Purple to create a process for receiving documents and to learn more about the Park Central and Planning Board cases.

Attorney Cipriano explained the tax foreclosure and collections report. He said the purpose is to collect outstanding tax money and not for attaining foreclosures. Mr. Stivers asked if the Town were caught up on these. Attorney Cipriano stated the Town has no more than about a half a dozen open cases. Chairman Healey stated the Town may view 2020 tax delinquency differently than in the past due to the pandemic and the unemployment rate. Attorney Cipriano stated he anticipates that issue and the ones acted on are intentional and pre-pandemic. Ms. Braccio asked Attorney Cipriano to review the process and timeframe of a typical tax delinquency case. Attorney Cipriano explained the tax foreclosure procedure, tax taking procedure, petition for tax foreclosure in Land Court and the tax foreclosure by civil suit procedure.

IV. Reports

Chairman's Report

Chairman Healey explained that the upcoming meeting in September will have full agendas and explained how items are added to the Board's agendas.

- Report on goal setting meetings

Ms. Hale stated they are creating a list of goals by category that will be sent to the Board tomorrow. Chairman Healey stated he would like an abridged form added to regular agendas to show goals achieved, those where progress has been made and those outstanding.

Chairman Healey stated on August 29th there is a virtual ice bucket challenge in honor of former Selectman Brian Shifrin. He asked the public to look for details on social media. Chairman Healey said there was discussion of the Town finalizing a field naming in time for this event. He looked into this possibility and there is unanimous support to recognize Mr. Shifrin and take a naming position for an athletic field in his honor. He does not think it should be rushed to be done by August 29th. He wanted the Shifrin Family to know the Board is in support and will put this item on an agenda as soon as possible. Mr. Stivers agreed. Ms. Braccio stated that Youth Baseball approached Mr. Kolenda almost a year ago. She stated the Board at the time wanted to move forward with this item. She added, understanding that the pandemic has been a roadblock, she would like to see this approved for the event. Chairman Healey replied that he understands and he worries about setting precedent while rushing the naming process. Mr. Shea stated this discussion began when he was Chair and after attending a meeting with the Recreation Commission, there was consensus that a field at Finn would be appropriate. He added that he envisioned that the naming would coincide in the spring when the entire community could participate in an event for the dedication. He stated there are still restrictions and limitations to public gatherings. Ms. Malinowski stated she was not on the Board and asked if the process had begun. Chairman Healey stated this dedication is the right action to take but no further decisions or votes had been made. Mr. Shea agreed that no official vote had been taken and urged the Board to make a dedication that was appropriate. Ms. Braccio explained the process taken by Youth Baseball and the Recreation Commission to name a field after Eric Green. Chairman Healey stated that the Board would love to name a field in honor of Mr. Shifrin by August 29th but will delay in order to follow the correct procedure to honor him and his family in the right way.

Members' Report

Ms. Braccio stated she was able to participate with the Senior Center for a drive through meal program funded by grants and the Friends of Council on Aging. There were 85 seniors who participated and it was a success. All COVID-19 safety procedures were followed.

Mr. Stivers stated the he has sent the Master Plan survey results to the Capital Planning Committee. Mr. Stivers stated Youth and Family Services is holding a Tuesday morning Coffee Talk program where the staff and guests discuss issues relative to COVID-19. He said it was a popular online program and Ms. Hale added there have been over 900 views.

Town Administrator Report

Mr. Purple had nothing to report.

V. Consent Agenda

a. Mr. Stivers held agenda item "a." Mr. Stivers requested the comment regarding Town water on page two include "town firefighter water." Mr. Stivers asked that the word "begging" be replaced with "beginning" on page four. Chairman Healey made a motion to approve the Open

Session Minutes: August 4, 2020 with the discussed revisions. Mr. Shea seconded. The motion passed all in favor (5-0-0) by roll call vote, Braccio, aye; Malinowski, aye; Shea, aye; Stivers, aye; Healey, aye.

b. Chairman Healey made a motion to accept a donation of $10.75 for Library Donation Account. Mr. Shea seconded. The motion passed all in favor (5-0-0) by roll call vote, Braccio, aye; Malinowski, aye; Shea, aye; Stivers, aye; Healey, aye.

c. Chairman Healey made a motion to accept a donation of S 100.00 for Southborough Youth and Family Services. Mr. Shea seconded. The motion passed all in favor (5-0-0) by roll call vote, Braccio, aye; Malinowski, aye; Shea, aye; Stivers, aye; Healey, aye.

d. Chairman Healey made a motion to approve the Warrant for 2020 State Primary. Mr. Shea seconded. The motion passed all in favor (5-0-0) by roll call vote, Braccio, aye; Malinowski, aye; Shea, aye; Stivers, aye; Healey, aye.

e. Chairman Healey made a motion to appoint the Alternate Building Inspector. Mr. Shea seconded. The motion passed all in favor (5-0-0) by roll call vote, Braccio, aye; Malinowski, aye; Shea, aye; Stivers, aye; Healey, aye.

f. Mr. Purple tabled the appointment of the Part-Time Technical Specialist (IT) position.

g. Chairman Healey made a motion to appoint Brandon Donahue as Probationary Full-Time Police Officer, effective 9/1/2020. Mr. Shea seconded. The motion passed all in favor (5-0-0) by roll call vote, Braccio, aye; Malinowski, aye; Shea, aye; Stivers, aye; Healey, aye.

h. Chairman Healey made a motion to accept the one-Day alcohol license applications, Chestnut Hill Farm: September 15th and September 19th Brew Moon Hikes. Mr. Shea seconded. The motion passed all in favor (5-0-0) by roll call vote, Braccio, aye; Malinowski, aye; Shea, aye; Stivers, aye; Healey, aye.

i. Chairman Shea made a motion to approve the Policy Regarding Electioneering During Early and Absentee Voting Periods. Mr. Shea seconded. The motion passed all in favor (5-0-0) by roll call vote, Braccio, aye; Malinowski, aye; Shea, aye; Stivers, aye; Healey, aye.

j. Chairman Shea made a motion to assign the Public Records request from Ginny Kramer dated August 13, 2020 to Labor Counsel for response on behalf of the Board. Mr. Shea seconded. The motion passed all in favor (5-0-0) by roll call vote, Braccio, aye; Malinowski, aye; Shea, aye; Stivers, aye; Healey, aye.

k. Ms. Malinowski asked to hold agenda item "k." She stated that Mr. Candela has served on the Recreation Commission, is a CPC representative and sat on the Master Plan Committee. After reviewing the meeting minutes from June of 2019, she voiced her concern about the number of meetings he was absent or tardy to. She requested Mr. Candela attend a meeting to discuss his absences. The Board agreed.

Reappoint David Candela:

i. Recreation Commission, term 6/30/23

ii. Community Preservation Committee [Recreation Commission Representative], term 6/30/21

VI. Update on impact of COVID-19

Mr. Purple stated that there is an uptick of appointments at the Town House and many are meeting outside to conduct business. He added that after speaking with Chief Achilles and Ms. Amico, there will be no changes at the Town House until after Labor Day. Chairman Healey asked the capacity at the Town House daily and Mr. Purple replied the staff is staggered with about half in the offices each day.

VII. Other Matters Properly Before the Board

Continued discussion of updated Open Space and Recreation Plan

Ms. Braccio said she spoke to Ms. Danza and the Planning Board, Recreation Commission, Conservation Commission and Open Space Preservation Commission have all signed off on this plan. She explained that if the Board does not approve of the plan then it does not move forward and the process will need to restart. She stated the options the Board has which are to either approve and allow the plan to move forward to potential ease grant opportunity potential or to not support the plan and start the process again. Mr. Stivers stated the document is not perfect but he does not feel it warrants a vote in opposition. He added that he has been following the five-year process and stated the Board needs to be more involved in the future. Ms. Malinowski stated she reviewed the document and agrees with the statements made. Chairman Healey stated he reviewed documents from other towns and this one is similar but the procedure followed to create the plan was very flawed. He stated the process needs to be changed. Chairman Healey made a motion to approve the Open Space and Recreation Plan. Ms. Braccio seconded. The motion passed all in favor (5-0-0) by roll call vote, Braccio, aye; Malinowski, aye; Shea, aye; Stivers, aye; Healey, aye.

Discussion of Downtown Initiative Zoning

Mr. Wood of the EDC stated they hired Judy Barrett as a third-party planner for assistance into revising the zoning codes. The Planning Board requested the creation of a roundtable to discuss the initiative to include members of the EDC, Board of Selectmen and Planning Board. He added that there is a Zoom meeting with Ms. Barrett, Ms. Quinn, Ms. Hoecker, Ms. Reynolds and Ms. Munsiff on the 25th at 10AM. Chairman Healey requested Ms. Barrett speak with the Board to inform them of the options the Town could to take before a decision is made. Ms. Braccio agreed and requested a joint meeting with applicable boards and committees to ensure everyone is fairly represented. Chairman Healey agreed and stated he will call into the Zoom meeting on the 25th to speak to Ms. Barrett regarding holding a joint meeting instead of a roundtable. Mr. Wood explained an idea for a pop-up park Southville and Cordaville Road similar to one in Ashland. Mr. Wood stated the EDC received letters from Mauro's and a representative from the barbershop regarding the CSX item and it will be on their next agenda for discussion. Ms. Braccio asked the EDC to err on the side of caution with discussions as Mauro's has retained counsel. Mr. Wood agreed.

Discussion of tree/vegetation management

Mr. Stivers stated he met with Ms. Galligan, Mr. Purple, representatives from the Planning Board and Town Counsel to understand the State Law, DPW requirements, Planning Board role, legal liability and resident interest regarding tree removal. He said the goal is to create clear guidelines for tree removal and ensure that process is followed. He said the next step is to request an annual tree hazard and vegetation management report from the utility companies. Mr. Stivers said an inventory of trees considered for removal will also be created which will bring opportunity to solicit input from arborists regarding the state and health of these trees. He added that the guidelines will be open to the Board for input before approval. He said the DPW is open to resident feedback and added an issue may arise that there are more trees that need to be removed than the Town can afford. Mr. Stivers stated the goal is to present a draft of the guidelines document that clearly defines processes, timeframes and stakeholders for a September meeting.

VIII. Public Comment

Timothe Litt (148 Woodland Road) stated he spoke on the June 23rd Board meeting asking for a discussion of safe pedestrian and non-motorized access to the Public Safety Building. He said he

stated then that the issue has been open for approximately a year and was told it would be on an upcoming agenda. Chairman Healey stated this item will be on the September 8th agenda.

IX. On a motion made by Mr. Shea, seconded by Ms Braccio and voted by roll call, all in favor, Braccio, aye; Malinowski, aye; Shea, aye; Stivers, aye; Healey, aye, the meeting was adjourned at 10:17 P.M.

Upcoming Meetings
September 8, 2020
September 22, 2020

Respectfully submitted,

Kathleen Barry, Recording Secretary

List of Documents referred to at the August 18, 2020 BOS Meeting:

- Capital Planning Committee, BOS Update
- Revised Charge, Capital Planning Committee
- Letter from Brian Ballantine to BOS re: Clear Gov Update dated 8.12.20
- Citizen Activity Form, Lauren J. Richey
- Possible articles for Fall 2020 Special Town Meeting
- Letter from Aldo Cipriano to BOS re: COVID-19 Town of Southborough Overview dated 8.13.20
- Draft Selectmen's Minutes 8.4.20
- Letter from Ryan Donovan to BOS re: Donation to the Library dated 7.27.20
- Letter from Sarah Cassell to BOS re: Donation dated 7.22.20
- Warrant for 2020 State Primary
- Letter from Laurie Livoli to BOS re: Building Inspector dated 7.30.20
- Personnel Order from Chief Paulhus
- Letter from Chief Paulhus to BOS re: Appointment of Special Officer dated 7.16.20
- One-Day alcohol license applications, Chestnut Hill Farm: September 15th and September 19th Brew Moon Hikes
- Policy Regarding Electioneering During Early and Absentee Voting Periods
- Open Space and Recreation Plan Update_227 pages

Capital Planning Committee

Board of Selectmen Update

August 18, 2020

Committee Members

- Jason Malinowski, Chair
- Kathy Cook, Vice Chair
- Jeff Hark, Clerk
- Lisa Braccio
- Joseph Palmer
- Andrew Pfaff
- OPEN SEAT

Committee Actions to Date

- First meeting in early April. All meetings conducted via Zoom and available on town website
- Met with all Department Heads with capital requests at least once (other than schools)
- Made recommendations on most FY21 capital items due to delayed Annual Town Meeting
- Initial review of FY22 Capital items with planned recommendations by October
- Preliminary 10-year plan
- Significant reductions/streamlining of capital expenses without denying any requests
- Review/discussion on revolving account funding of Capital (primarily Ambulance and Recreation)

Work in Progress

- Town House – Exterior and window engineering for planned submission to CPC
- Detailed review of Solid Waste Disposal options to determine appropriate next steps on capital improvements
  - Will require significant input from BOS in coming months
- Working with Library Board of Trustees to monitor library design and construction grant cycles
- Working with Council on Aging to address Senior Center needs
- VERY preliminary discussions of next steps with Schools
- Public outreach

Fall Town Meeting Considerations

- Three potential capital items for consideration:
  - DPW – Hook Lift Truck (deferred from Spring TM)
  - Fire – Chief's Vehicle (deferred from Spring TM)
  - Fire – SCBA AFG Grant Match
- Depending on financial outlook, there are some capital expenditures in FY22 that would benefit from acceleration due to current status of buildings
- Potential CPC Article – Town House Exterior and Windows

FY22 Capital Outlook

- Initial plan for approved items to be shared in October
  - Goal is to gain BOS and Advisory consensus before diving into detailed operational budget discussions
- Significant progress made already to gain consensus on Capital Committee
- The next few years have significant capital needs

South Union School

- Committee supports unanimously exploring potential disposal of this property
- Main reasons for recommending that this be further explored by BOS:
  - Potential to generate cash to fund capital needs
  - Ability to find short and long term solutions for departments that currently occupy building
  - Approximately $37K in annual operating expenses with significant capital needs in next five years
- Feedback has been requested from Recreation Commission, Youth Commission, Historical Commission, and SHOPC

Items for Future Agendas

- Owner's Project Manager
- Grant opportunities and "shovel ready" projects
- Stabilization fund – refresh of prior discussions

Requests of BOS

- Approval of revised charge in packet to solidify understanding of Committee timeline
- Clarity on Fall Town Meeting and reaction to FY22 timeline
- Reaction to South Union discussion and support for obtaining appraisal if you are interested in pursuing further
- Watch Capital Committee meeting on 8/31 at 7 PM re: Transfer Station
- Grant funding focus
- Questions/comments on general direction Committee is headed

Thank You!

TOWN OF SOUTHBOROUGH

BOARD OF SELECTMEN Meeting Minutes

Meeting Date: Tuesday, August 4, 2020, 6:00 P.M.
Location: Public Safety Facility, Training Room, 32 Cordaville Road, Southborough, MA
Present: Marty Healey, Lisa Braccio, Chelsea Malinowski, Brian Shea, Sam Stivers and Town Administrator Mark Purple

I. Chairman Healey called the meeting to order at 5:57 P.M. Chairman Healey read the following statement:

Pursuant to Governor Baker's March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, §18, and the Governor's March 15, 2020 Order imposing strict limitation on the number of people that may gather in one place, this meeting of the Southborough Board of Selectmen will be conducted via remote participation to the greatest extent possible. Specific information and the general guidelines for remote participation by members of the public and/or parties with a right and/or requirement to attend this meeting can be found on the Town of Southborough's website, at https://www.southboroughtown.com/. For this meeting, members of the public who wish to watch or participate in the meeting may do so in the following manner by finding the meeting at: https://www.southboroughtown.com/remotemeetings. No in-person attendance of members of the public will be permitted, but every effort will be made to ensure that the public can adequately access the proceedings in real time, via technological means. In the event that we are unable to do so, despite best efforts, we will post on Southborough's website an audio or video recording, transcript, or other comprehensive record of proceedings as soon as possible after the meeting.

Consent Agenda

a. Mr. Stivers held consent agenda item "a." Mr. Stivers requested the correction of the grant amount for New England Center for Children to $1.9 million in the July 14, 2020 minutes. Mr. Purple stated that Mr. Stivers seconded the motion regarding the discussion of Mr. Weishan's appoint in the July 14, 2020 meeting minutes, not Mr. Shea. Chairman Healey made a motion to approve of Regular Meeting minutes: July 14, 2020; July 21, 2020 with these corrections. Mr. Stivers seconded. The motion passed all in favor (5-0-0).
b. Chairman Healey made a motion to approve of meeting dates for remainder of Calendar 2020. Mr. Stivers seconded. The motion passed all in favor (5-0-0).
c. Ms. Braccio held consent agenda item "c." Chairman Healey explained the reason for the letter. Mr. Shea explained his draft and stated that the message is to encourage abutters to follow up with CSX to encourage a discussion and resolve any issues. Mr. Stivers asked if the sidewalk work would require permanent easements into the CSX right of way. Mr. Purple said that there would be temporary easements for construction and permanent easements for the sidewalk. He added that the individual property owners need to obtain the easements. Chairman Healey made a motion to approve letter to abutters, RE: encroachment on CSX Right-of-Way and downtown Main Street improvements. Ms. Braccio seconded. The motion passed all in favor (5-0-0).
e. Ms. Malinowski raised concerns regarding the applicant's current positions and the possible inability to be available to work for Southborough. She suggested to give a ninety-day window for his initial employment to create a permanent solution with someone who is

more available. Ms. Braccio stated she shared some of the same concerns. Mr. Purple explained that this applicant would be a second alternate for redundancy. He explained that he would be used rarely and for inspections only. Chairman Healey suggested the Board members with concerns speak with the Building Commissioner before the meeting on August 18th. The Board agreed. Chairman Healey made a motion to table the appointment of the Alternate Building Inspector to the August 18th meeting. Mr. Stivers seconded. The motion passed all in favor (5-0-0).

f. Chairman Healey made a motion to approve Police Officer Jeffrey Norton status change from Student Officer to Probationary Officer effective retro to August 1, 2020. Mr. Stivers seconded. The motion passed all in favor (5-0-0).

II. FY2020 Goal-Setting Discussion continued

Mr. Stivers opened the conversation stating he has listed long and short-term goals. He stated that he supports the work of the Capital Planning Committee and would like the Board to be involved in and apprised of their work. Chairman Healey stated he has been speaking with Mr. Malinowski about a quarterly update from the Capital Planning Committee at Board meetings. Mr. Stivers agreed to that and stated that the Board members could watch the meetings and put any item on the agenda they would like to discuss. Chairman Healey stated the Committee will be on the August 18th agenda to explain the long- and short-term projects they have been discussing. Ms. Braccio asked if Mr. Stivers shared the results of the master plan survey with Mr. Malinowski. Mr. Stivers stated he had not but will do so.

Mr. Stivers stated he would like to generate more commercial tax revenue and highlighted Route 9 as a target area to bring more business to Southborough. He explained how the Town of Weston connected to the MWRA pipeline and suggested inquiring whether Southborough could link in to the Framingham MWRA wastewater system from Route 9. He also would like to include the Pine Hill Road area into town water systems through the Framingham or Marlboro MWRA. Mr. Purple stated that adding water and sewer is a betterment process that people would have to agree to pay for. Mr. Stivers also stated that he would like to look into an electric light plan for the Town to own their own electric systems. Chairman Healey stated all three of these items would be Capital Planning items and could be addressed on the 18th. He added that Mr. Wood from the EDC would be a great asset to include in these conversations. Mr. Shea added that there are many more who should be included such as Planning and the EDC.

Mr. Stivers said he would like the Town to reach the 40B Safe Harbor threshold. Chairman Healey said he felt this was a bigger systematic issue. He explained the demographics in Southborough and a goal should be to diversify the population from an economic, cultural and ethical standpoint. Mr. Stivers agreed and stated reaching the Safe Harbor threshold will give the Town more control over housing. Chairman Healey stated it may be advantageous for the Board to collaborate with Zoning, Planning and the EDC to address the systematic issues. Ms. Braccio stated that affordability is still out of price range for many young families and seniors. She noted the prices of the over 55 communities. Chairman Healey stated that the Town has been very efficient in using CPC funds for recreation, open space and historical items but have not included affordable housing. He suggested the Board make this a priority and the Board agreed.

Mr. Stivers stated he would like to keep parcel 54-50 on the Board's priority list. He said this could open possibilities in downtown development and there could be funding for this. Mr. Purple updated the Board as to the status of their last inquiry. He stated that National Grid

requested a letter of intent from the Town regarding this parcel. He added that they sent a purchase and sale agreement they were looking to have signed by a Town representative. Mr. Purple stated he was not comfortable signing it and felt it was premature. He stated that National Grid had agreed to conduct an environmental study of the land but he has received no indication that has since happened. Mr. Shea stated that the EDC is moving forward with a study to look at the feasibility of this parcel and he would like to see the results of that study before signing any documents.

Mr. Stivers stated that his next goal was operational in nature. He stated that he is interested in the relationship of the Personnel Board, the Town Administrator and the Assistant Town Administrator. He felt there is inconsistencies between the Town Administrator and SAP and he would like the Board to be more involved in performance reviews of those under the Board. He added that he would like to include customer input into reviews. Ms. Braccio voiced her concern of biases and Chairman Healey stated the first step would be to speak with the Chair of the Personnel Board. He added he was open to the discussion but is wary of BOS involvement in personnel evaluations. Mr. Shea stated that the 8-9 years ago the Board voted to expand from 3-5 people with the goal to delegate authorities that could be given to the Town Administrator in order for the Board to work on a larger scale. He also shared Chairman Healey's concern and stated that he is open to providing feedback to Mr. Purple on Town employees. Ms. Braccio stated she believes the Board should have a level of involvement that is not micromanaging. She agreed that sending Mr. Purple feedback was a good idea. Mr. Purple stated there used to be a section in the review form for selectmen feedback and he is open to receiving the feedback from Board members through email. Ms. Malinowski stated that the Board should be intimately involved in the review process for employees that have contracts with the Town that the Board negotiates. Mr. Stivers agreed. Mr. Purple suggested a customer service survey for residents to submit after interacting with Town employees.

Mr. Stivers stated he would like a centralized grant writer. Chairman Healey suggested reaching out to local colleges to inquire about offering the position as an internship to a student. Mr. Stivers said that in his opinion the most effective grant writers are those who worked in Sate or Federal government and understand processes and are acquainted with people who work there. Ms. Braccio asked if there are surrounding towns who are willing to split a grant writer position with Southborough. Mr. Stivers said he was unsure but a member of the EDC fits the role he is describing. Ms. Hale stated that this is part of the Community Development Department and she will inquire what this position looks like. Mr. Purple warned the Board that the Town is running out of room for Town employees. Ms. Malinowski asked if the grant writer would be applying for grants for operational needs or if they would be project-based. She voiced her concern that most projects need to be shovel ready to apply for a grant. Mr. Stivers stated the Board needs to discuss priorities to be more flexible. Mr. Purple stated he spoke with Representative Dykema and due to the pandemic, processes and funding is moving quicker. She suggested the Board make a list of priorities for her office so she is aware if a funding opportunity comes up that may fit. Chairman Healey supported this idea and asked that the Board reach out to department heads for one to two to three items for this list.

Mr. Stivers stated he would like to rebid contract services and guidelines for how the Board will look at these services periodically. Chairman Healey said the services should be looked at globally. Mr. Purple stated the Board needs to discuss why they are going out to bid for any service. He stated it needs to be decided whether to go out to bid to understand if the rates are

competitive or if you want improved services. Mr. Purple stated he will compile a list of contract services by department and frequency. Mr. Stivers requested for the date of the last bid on each.

Chairman Healey stated his first goal was to make sure the Town is covered for all potential COVID-19 reimbursements and grants. Mr. Purple explained that the departments continue to submit more COVID-19 expenses which is making it challenging for the Town Accountant to close out fiscal year 2020. He said that they have reached out to everyone and are comfortable that everything from 2020 has been covered. He added that the Town continues to track COVID-19 related expenses in fiscal year 2021. Ms. Malinowski asked if the Town will be submitting for reimbursements even if the fiscal year 2020 budget has savings in another areas/a budget to cover other expenses. Mr. Purple replied in the affirmative.

Chairman Healey stated that diversity and inclusion should be a major focus of the Board. He stated that from a housing, planning and zoning perspective, the Board agrees to work collaboratively to make changes. He said another goal is to ensure the Police Department has a framework to ensure fairness in policing. Chairman Healey stated there is an impressive group of police officers in Southborough and it is the responsibility of the Board to ensure that the systems in place for training, reporting, hiring and outreach are fair and inclusive. He added that he will reach out to Chief Paulhus to make him aware of this review and help him prepare for a deep conversation regarding this issue in September. Ms. Braccio added she would like the Chief to attend the meeting to reassure the public as to how the Police Department is dealing with some of these issues. Mr. Purple stated that the process Chief Paulhus followed to gain the accreditation will likely encourage him to welcome the discussion.

Chairman Healey stated his next goal is regarding diversity in outreach and hiring for all departments. He added that diversity and equity training for department heads and employees should be a priority. He would like to know the processes in place to ensure that issues raised are addressed properly. He asked if conducting interviews and reading resumes are conducted in a fair and equitable way. Chairman Healey also wanted to ensure that outreach is expansive to broaden the search to a more diverse pool. Mr. Purple stated Ms. Hale does an excellent job conducting interviews and managing outreach and stated other departments have their own processes. Chairman Healey stated the Board needs to send a clear message to set the expectation for all departments to ensure their hiring processes are fair, diverse and outreach is broad. He added that other towns have created Diversity and Equity Committees but he felt the Board should have ownership of these items. The Board agreed. Ms. Hale stated this is a critical priority for the community and there is a lot of room for improvement. She added that department heads are hesitant to spend the additional funds to reach out to professional diversity groups. She said that she could make a list of items that the Town could do better which starts with recruiting. Mr. Stivers said he agrees that the Board is accountable and should take the lead on this matter. He stated there should be metrics to track progress. Ms. Hale replied that there are metrics available in the recruiting tools.

Chairman Healey stated he would like to conduct public comment in the begging and end of meetings. He said people who wish to comment have to wait through the lengthy meeting to speak and felt that bookending the meeting would help. Mr. Shea stated he moved public comment from the beginning of the meeting to the end when meetings were moved to Zoom. He said he had received feedback that those having technical difficulties would miss the opportunity to speak. Chairman Healey stated he will hold public comment on both ends of the

meeting. Chairman Healey said he felt it very beneficial for agendas and related documents to be published together. He said he understood that the Board has more administrative support than many other boards and committees but wanted to encourage all boards and committees to follow this process. Mr. Purple suggested Chairman Healey release a statement setting these expectations. He also added that not all boards and committees are publishing their meeting minutes on time. Ms. Braccio stated that there are some boards and committees that do not have the staff and may struggle to publish premeeting packets. She suggested the Board offer a level of support. Mr. Shea referenced the Planning Board website as a guide for all boards and committees to follow. Ms. Braccio stated that not everyone is tech savvy and will need guidance. Mr. Purple suggested the new IT person help with this. Ms. Malinowski stated that she has seen some boards and committees approve minutes and they are not posted. She suggested reaching out to those who may need help. Chairman Healey stated that he would like to strongly encourage all boards and committees to televise their meetings. Ms. Malinowski asked if meeting rooms could be wired so personnel does not need to physically be in the room to manage the recording. Mr. LaFlamme stated that could be discussed.

Chairman Healey stated the Board needs to work collaboratively with the EDC to maintain momentum for the Downtown Village Initiative. He added that the Board should drive the process and start including the Planning Board to work together. He stated that he will invite as many stakeholders as possible to collaborate at the September meeting.

Chairman Healey stated it could be an important function of the Board to open and generate communication lines with businesses in Town and on Route 9. He suggested inviting some to a Zoom meeting in September or October. Mr. Stivers stated the EDC used to visit the small businesses and discuss ideas that would make business better for them or more attractive for other potential businesses to open in Town. Ms. Braccio said the she visited the President of Reliant Medical Troup with Mr. Shifrin to let them know the Town is interested and appreciative of them being in Town. They discussed launching a similar process and Chairman Healey stated he will include this topic on an upcoming agenda.

Chairman Healey stated that he will soon be working with PILOT Program entities and one topic he will raise is a community center. He said that there could be opportunity for a community center that serves the interest of the Town of Southborough and the private schools. Mr. Shea stated that the out of box concept for the Public Safety Building is an example of what Chairman Healey was describing. Chairman Healey stated that creative thinking needs to occur in order to build a community center. He outlined ideas such as tying in schools, identifying large landowners that are philanthropic and Mr. Stivers added that donations from the wealthier residents in return for naming the building could be an option. Chairman Healey stated he will brainstorm and make some initial inquiries.

Chairman Healey stated he would like more bike paths and areas in the community. He said he spoke with the Trails Committee to see if this would be under their jurisdiction and if mountain biking was allowed on State properties. He suggested the Board discuss this matter in the future and possibly create a committee focused on this topic. He also suggested a community event focused on biking such as a community race.

Chairman Healey stated he will be thinking about reviewing the descriptions of Town departments and committees.

Chairman Healey would like a more coordinated budget discussion with the Capital Planning Committee and Advisory Committee. He suggested Ms. Malinowski be a liaison with Advisory and to begin incorporating schools in budget discussions.

Chairman Healey stated that the 300th anniversary for the Town of Southborough is seven years away. He would like to create a committee to starting discussing how the Town will celebrate. He suggested sending a survey to residents for ideas and input.

Chairman Healey stated the Board receives invitations to Eagle Scout presentations and other ceremonies and suggested making a schedule for members to attend. He asked for a volunteer to attend an Eagle Scout ceremony on August 29th. Mr. Stivers volunteered.

Chairman Healey asked Mr. Purple or Ms. Hale to make a list of the goals identified by the Board for September. He then would like the Board to discuss timelines for reaching and working towards these goals. Ms. Hale suggested a chart at the bottom of the agendas with a list of action items. Ms. Braccio suggested the list be published on the Board's webpage. Ms. Hale confirmed that she will organize a list of the goals discussed and send them out to the Board by September 1st.

III. On a motion made by Ms. Braccio, seconded by Mr. Stivers and voted all in favor, the meeting was adjourned at 8:39 P.M.

Upcoming Meetings *August 18, 2020* *September 8, 2020*

Respectfully submitted,

Kathleen Barry, Recording Secretary

List of Documents referred to at the August 4, 2020 BOS Meeting:

- Letter from Mark Purple to BOS dated 8.3.20 re: Meeting dates
- 2020.07.20 - Southborough MA - MA0142 - Encroachment Coordination Ltr
- CSX Row
- Regular Session Minutes, July 14, 2020
- Regular Session Minutes, July 21, 2020
- Letter from Mark Purple to BOS dated 7.29.20 re: Meeting dates
- Letter from Martin Healey dated 8.5.2020
- Letter from Laurie Livoli to BOS dated July 30, 2020
- Marty - Planning Meeting - List for Discussion
- Planning Discussion - Potential Categories and Topics - Sam Stivers
- List of Goals
- List of Town Employees
- Draft Travel Ban Statement
- Letter from Chief Paulhus to BOS dated 7.31.20 re: Officer Jeffrey Norton/Pay Status

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August 13, 2020

Martin Healey, Chairman
Board of Selectmen
c/o Mark Purple, Town Administrator
Town of Southborough
Town House
17 Common Street
Southborough, MA 01772

Re: COVID-19 - Town of Southborough Overview

Greetings Mr. Chairman and Board Members,

A specific request has been made by Selectwoman Chelsea Malinowski relative to COVID-19 Orders and their impact on the Town of Southborough.

In this regard, as you are aware, the Governor issued the initial Declaration of Emergency on March 10, 2020. Thereafter, wisely, the Board of Selectmen of Southborough issued their own Declaration of Emergency as it related to local issues that might arise either without regulation elsewhere, or under gubernatorial orders. This was done, on our advice, under the Home Rule authority of a Town through a Board of Selectmen.

The Governor has consistently said, when questioned about local enforcement or interpretation, in effect, that local officials know their local conditions best and how to enforce them. So, enforcement and interpretation is subsequently left much to the unique situations that may occur in a municipality in conjunction with the gubernatorial orders.

We have included several principal areas which have been subject to continuous changes due to COVID-19 as follows:

1. Licensing for Local business. The Board of Selectmen, as licensing authority, as it might pertain to restaurants, on an increasing basis, can consider permits for outside dining in conjunction with the Board of Health in lieu of take-out or dining within a facility. This has resulted in some communities authorizing patio dining, and/or dining within public way layouts. Any such request, in that regard, should be reviewed with the Board of Health. The Governor is

deferring moving forward into subsequent phases, as it relates to opening of bar areas, given a slight resurgence of viral cases in the Commonwealth.

2. Availability of Courts for Regulatory Enforcement. A close monitored issue has been technically when the Courts of the Commonwealth will reopen to conduct business, particularly as it relates to regulatory matters for cities and towns. In this regard, many hearings have been conducted virtually at the District Court, Superior Court and Land Court levels. Some of this is discretionary with the presiding Judge on a case by case basis.

Although the dynamics change weekly, District Courts are beginning to open to the public on a limited basis. By way of example, effecting the Town of Southborough, the Worcester Superior Court has decided on the long standing 2016 case, *Huang, et al v. Southborough Zoning Board of Appeals and Park Central*, that a full *de novo* hearing, which could take two to three days, will actually be conducted virtually which is the first of this type of a hearing (that we are aware of) that will be conducted in this way. However, given that these hearings are not scheduled until January, 2021, this certainly may change.

Jury trials are commencing re-opening on September 10, 2020 in the Commonwealth. Land Court proceedings, in person, on a limited basis, appear to be reopening commencing in early September, 2020. Appellate Tax Board matters are being postponed until the Fall.

For the need of any type of hearings, the Courts are addressing a variety of options to keep the cases moving. However, the entire Commonwealth is experiencing continuous rescheduled hearings and postponements as the Courts have been stalled for approximately 6 months and are trying to recover.

3. Elections. I have spoken as recently as this a.m. with the Town Clerk who was conducting an on-site discussion with young citizen volunteers and I believe he has the process under control for both mail-in ballots and balloting at voting locations, the dynamics of which, on a State level, are still incomplete. I have the confidence in my discussion with Mr. Hegarty today, and ongoing discussions between our offices that this matter is completely under control to affect local balloting during early and absentee voting periods.

The most recent question has arisen relative to a proposed Board of Selectmen Policy which would prohibit electioneering within sixty-five (65ft.) feet of the entrance to the Town House and Senior Center when the facilities are utilized for voting during early and absentee voting periods. In this regard, the policy proposed appears to strike an appropriate balance between voter's right to enter polling places without undue electioneering activity and at the same time, recognizing the right of certain individuals to display or distribute material intended to influence actions of voters s regulated by M.G.L. c.54, Section 65 as such it appears to be a reasonable proposal for the Board's consideration and in acceptable legal format.

4. Permitting Deadlines and Extending the Validity of State Permits. On July 1, 2020, Governor Baker issued COVID-19 Order No.42 resuming State permitting deadlines and continuing to extend the validity of certain State permits.

There are several components to said Order *summarily* as follows:

(a.) *Constructive approvals and denials* that would have issued between March 10, 2020 and July 1, 2020 shall issue on August 17, 2020, if the state permitting agency fails to act by August 17, 2020. Construction approvals and denials that would issue after July 1, 2020 shall issue according to the regular, applicable statutory or regulatory deadline or on August 17, 2020, whichever date is later;

(b.) All *hearings* that a state permitting agency would have been required to commence between March 10, 2020 and July 1, 2020 shall commence on or before August 10, 2020. All hearings required to commence after July 1, 2020 shall be commenced according to the regular, applicable statutory or regulatory deadline or by August 10, 2020, whichever date is later;

(c.) All *decisions* and requests that a state permitting agency would have been required to issue or make between March 10, 2020 and July 1, 2020, shall be issued on or before August 10, 2020. All decisions and requests that a state permitting agency is required to issue or make by a date certain after July 1, 2020 shall be issued or made by the regular, applicable statutory or regulatory deadline or August 10, 2020, whichever date is later; and

(d.) *Appeal Rights.* Any person aggrieved by a decision or final decision of a state permitting agency on an approval or denial thereof whose right to appeal such decision would have expired or will expire between March 10, 2020 and July 1, 2020, shall have until and including August 10, 2020 to appeal. Any person whose right to appeal a decision or final decision of a state permitting agency on an approval or denial thereof expires after July 1, 2020 shall make such appeal by the regular, applicable statutory or regulatory deadline or by August 10, 2020 whichever date is later.

The final component of Order No. 42 regards to *permit tolling*. An approval issued by a state permitting agency valid as of March 10, 2020 and any deadline to record said approval to establish its validity shall not lapse or otherwise expire during the state of emergency and the expiration date of the approval and the deadline to record said approval shall toll during the state of emergency. The order gives specifics as to how to calculate the new date for the expiration of an approval and the deadline to record said approvals.

5. Massachusetts Travel Order.

On July 24, 2020, Governor Baker issued COVID-19 Order No. 45 which went into effect on August 1, 2020 as to a mandatory 14-day quarantine requirement for travelers arriving in Massachusetts.

All persons arriving in Massachusetts by any means must (i) quarantine for fourteen (14) days in accordance with standards issued by the Commissioner of the Department of Public Health (DPH); and (ii) complete and submit a Massachusetts Travel Form acknowledging his or her obligations under said Order and certify the means by which they will comply with those obligations. This form together with instructions is available on the DPH website. *These forms are not public records.*

Exemptions: (a) the person is coming from a "low-risk" state and has not been to any other state not designated as lower-risk during the last 14 days; (b) the person provides, upon request, a negative test result for COVID-19 performed not longer than 72 hours prior to entering Massachusetts; (c) the person falls within one of the limited, circumstance-specific exceptions.

Circumstance-Specific Exceptions: (a) persons in transit; (b) persons commuting for work or school; (c) patients receiving medical treatment; (d) military personnel; and (e) persons performing critical infrastructure services.

As of this date, the list for COVID-19 "low risk" states include Connecticut, New Hampshire, Vermont, New Jersey, New York, Maine, and Hawaii.

Anybody not exempt must immediately commence quarantine upon arrival, but will be released from the quarantine requirement if that person obtains negative test result for COVID-19 from a test administered after the person's arrival in Massachusetts.

The Department of Public Health shall enforce this Order and may do so with the assistance of the State of municipal police. A local Board of Health or its authorized agent shall be authorized to enforce the Order when requested by DPH to provide assistance. Violation of the terms of this Order may result in a civil fine of up to $500 per violation.

6. Gatherings. There has been a third revised Order regulating gatherings throughout the Commonwealth by the Governor on August 7, 2020 known as COVID-10 Order No. 46 relative to (i) entities subject to sector-specific rules, (ii) gatherings for political expression and religious activities together with (iii) other applicable indoor and outdoor gathering limits (iv) face coverings should be worn by anyone over the age of 2 for gatherings with more than 10 people when they attend outdoor and indoor gatherings, except for same households. This order went into effect on August 11, 2020.

We would like to note the following limitations that may apply to indoor and outdoor gatherings not exempted by the aforementioned (i) and (ii):

A. Indoor gatherings are limited to 8 persons per 1,000 square feet and never more than 25 persons in an indoor space.

B. Outdoor gatherings are limited to 25% of the maximum permitted occupancy of the space/facility pursuant to the occupancy permit on record with the municipality, or 8 persons per 1,000 square feet where no occupancy limitation is on record, and never more than 50 persons in a gathering in a single outdoor space.

C. All participants in indoor and outdoor gatherings must maintain at least 6 feet of physical distance from every other participant in the gathering aside from participants who are members of the same household.

The Order does not impose a general capacity limitation on large, unenclosed public spaces such as beaches, parks and recreation areas. The limitations on this Order are applicable to programs, celebrations, social outings and similar events.

Legal Exceptions: The Order shall not apply to businesses, organizations, workplaces or facilities as specified within said Order. For purposes of this report, this Order does not apply to any municipal legislative body, the General Court or the Judiciary, Federal governmental entities, health care facilities, schools, and polling places to name a few.

The Department of Public Health, local boards of health and their authorized agents and State and municipal police are authorized to enforce the Order. Violation of the terms of the Order may result in a civil fine of up to $500 per violation. This Order may also be enforced by injunction.

There have been forty-seven (47) Gubernatorial Orders issued by Governor Baker since the commencement of the pandemic. If there is any Order that any member of the Board wishes to have an explanation or interpretation provided by this office, we would be glad to address them, on an Order specific basis, through the Town Administrator's office.

Respectfully submitted,

Aldo A. Cipriano, Esq.
Town Counsel

AAC/fc

Cc: Jim Hegarty, Town Clerk

TOWN OF SOUTHBOROUGH

FINANCE DIVISION: TREASURER AND COLLECTOR
TOWN HOUSE · 17 COMMON STREET · SOUTHBOROUGH, MASSACHUSETTS 01772-1662
(508) 485-0710 x3010 · FAX (508) 480-0161 · bballantine@southboroughma.com

DATE: August 12, 2020

TO: Honorable Board of Selectmen

FROM: Brian Ballantine, Finance Director

RE: Clear Gov Update

Please see attached screen shots of particular pages of our new Clear Gov budgeting and transparency software. Be advised the pages refer to some of the most common areas we would be working within. Clear Gov has been working with the Town since April and we were able to have financial data imported from previous budgets back to FY2015.

Now that Town Meeting has passed by and budget season is approaching, we are planning on training for Department Heads to be able to utilize the software for the coming FY22 budget. We will be formulating a timeframe to work alongside Department Heads to assist them in this endeavor.

Being that the material attached is a small sample of the core areas we will be working in, there are short videos or other material available should you wish to learn a bit more. If that is an interest please let me know.

CLEARGOV

Brian

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- Home
- Budgeting
- Forecasting
- Benchmarking
- Data
- Transparency
- Peer Groups
- Charts
- Projects
- Dashboards
- Comments
- User Management

Home

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SUPPORT CENTER

Getting Started
Get to know ClearGov, the onboarding process and who to contact for training and support.

Using Cleargov
Learn how to use applications, customize your Transparency Center and manage users.

Best Practices
Get the most out of ClearGov by applying best practices in the areas of transparency, civic engagement and budgeting.

Product Release Notes
Keep up to date on the latest features and functionality by reading release notes.

Requests & Discussion
Submit your ideas for product enhancements and connect with leaders like yourself to discuss trending topics.

FAQs
Search and find answers to the most common questions.

CLEARGOV

Brian

<<

- Home
- Budgeting
- Forecasting
- Benchmarking
- Data
- Transparency
- Peer Groups
- Charts
- Projects
- Dashboards
- Comments
- User Management

< Back to all Forecasts

REVENUE

- [x] Revenue Source
  - [ ] Property Taxes
  - [ ] Local Receipts
  - [ ] Revenue from Other Governmer
  - [ ] Transfers
  - [ ] Estimated Revenue

EXPENDITURES

- [x] Expenditures
  - [ ] Public Works
  - [ ] Debt Service
  - [ ] Public Safety
  - [ ] Education
  - [ ] Health and Human Services
  - [ ] Capital
  - [ ] Court Judgements
  - [ ] Benefits
  - [ ] General Government
  - [ ] Culture and Recreation
  - [ ] Other

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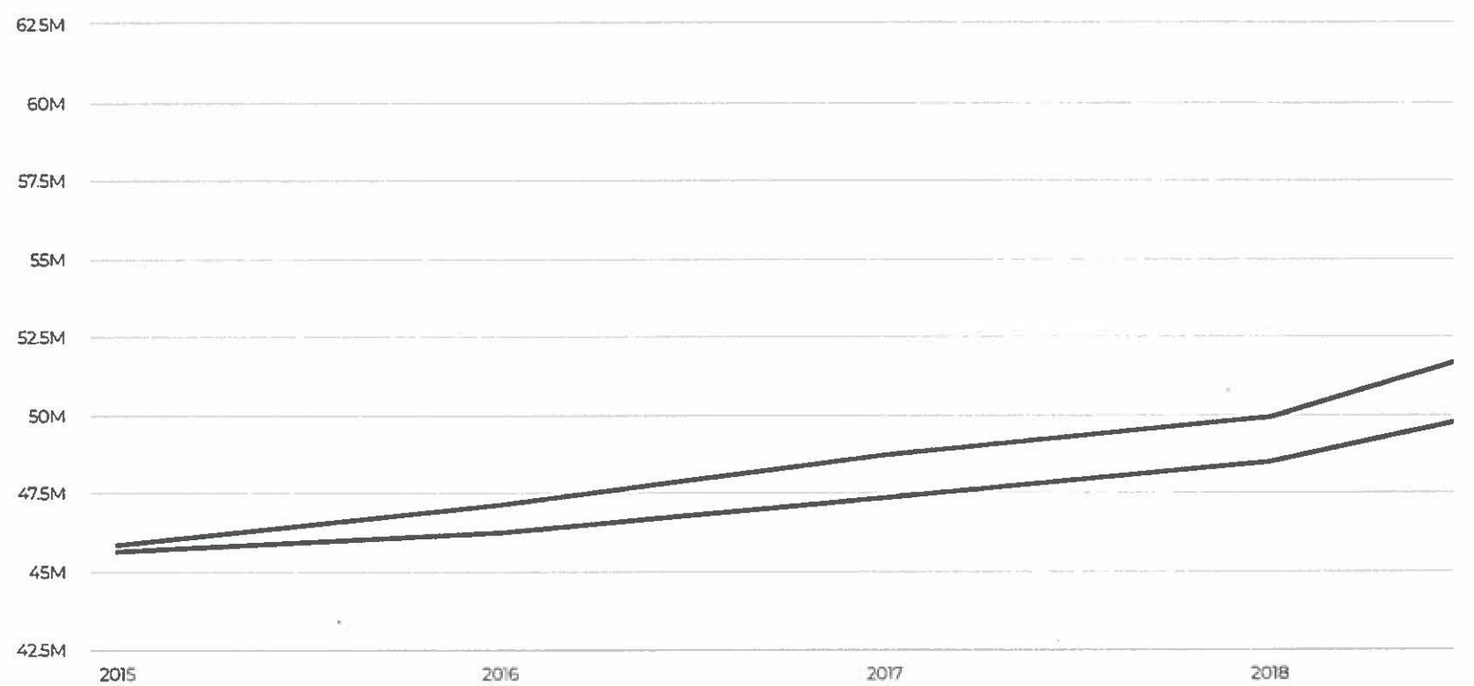


Forecast Breakdown

Source	2020	YOY%	
Revenue Source	$55,660,831.94	3.92	$57,998,472.
Expenditures	$52,446,272.04	2.62	$53,913,711.13

<<

Home

Budgeting

Forecasting

Benchmarking

Data

Transparency

Peer Groups

Charts

Projects

Dashboards

Comments

User Management

< Back to all Budgets

Create A New Budget

Budget Name: BOSAugust2020

Budget Year: 2021

Fund: General Fund

Revenue Baseline:

- ☐ **Forecast:** Test Forecast for Training
- ■ **Standard Inc./Dec. vs. Prior FY Budget:** 0 %

Expenditure Baseline:

- ☐ **Forecast:** Test Forecast for Training
- ■ **Standard Inc./Dec. vs. Prior FY Budget:** 0 %

Save Cancel

CLEARGOV

Brian

<<

- Home
- Budgeting
- Forecasting
- Benchmarking
- Data
- Transparency
- Peer Groups
- Charts
- Projects
- Dashboards
- Comments
- User Management

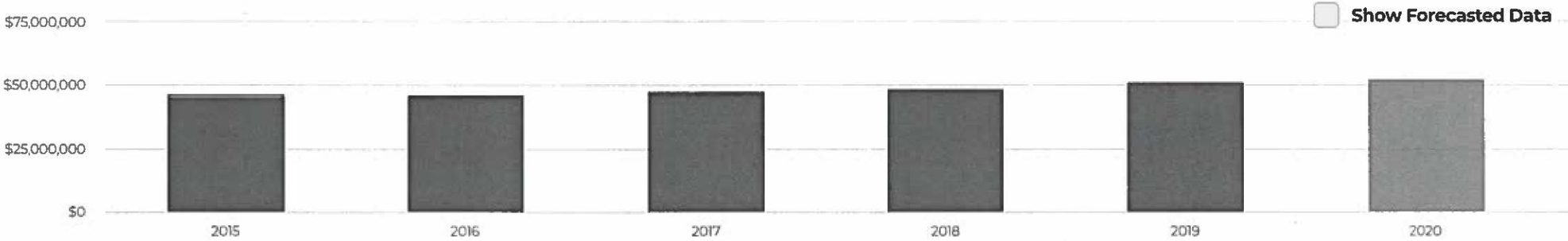
$52,648,759

$0 (0%) vs. 2020

$52,648,759

$0 (0%) vs. 2020

$0



Expenditures | Revenue

Customize Display | + Add Line Item | Save Version | Undo Last Change | Finalize Budget

+ Expand All	ACCOUNT ID	FY18 Actuals	FY19 Actuals	FY20 Budgeted	
- Expenditures		$48,463,389.83	$51,106,089.81	$52,648,759.00	$52,648
+ Public Works		$2,258,604.62	$2,284,658.97	$2,273,346.00	$2,273,
+ Debt Service		$2,824,821.49	$3,311,493.97	$3,312,008.00	$3,312,
+ Public Safety		$4,223,955.19	$4,417,043.58	$4,564,818.00	$4,564
+ Education		$27,589,373.99	$28,630,553.73	$29,205,123.00	$29,205
+ Health and Human Services		$645,478.30	$665,904.10	$727,545.00	$727,
+ Capital		$70,210.88	$324,343.24	$282,420.00	$282,
+ Court Judgements		$217,999.49	$220,659.09	$225,000.00	$225,
+ Benefits		$6,818,031.49	$7,240,310.09	$7,888,946.00	$7,888,
+ General Government		$2,922,367.54	$3,083,698.63	$3,205,684.00	$3,205,
+ Culture and Recreation		$646,660.72	$658,305.81	$691,529.00	$691
+ Other		$245,886.12	$269,118.60	$272,340.00	$272,

<<

Home

Budgeting

Forecasting

Benchmarking

Data

Transparency

Peer Groups

Charts

Projects

Dashboards

Comments

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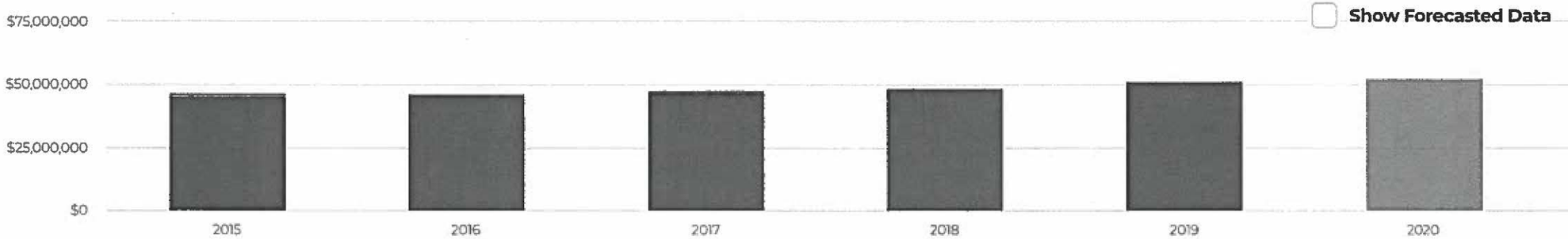
$52,648,759

$0 (0%) vs. 2020

$52,648,759

$0 (0%) vs. 2020

$0



Expenditures | Revenue

Customize Display | + Add Line Item | Save Version | Undo Last Change | Finalize Budget

+ Expand All	ACCOUNT ID	FY18 Actuals	FY19 Actuals	FY20 Budgeted	
- Expenditures		**$48,463,389.83**	**$51,106,089.81**	**$52,648,759.00**	**$52,648**
- Public Works		**$2,258,604.62**	**$2,284,658.97**	**$2,273,346.00**	**$2,273,**
+ Salaries and Wages		**$910,087.48**	**$916,585.12**	**$985,396.00**	**$985,**
- Operating Expenses		**$1,308,692.98**	**$1,337,516.16**	**$1,272,950.00**	**$1,272,**
WATER-DOMESTIC	0100-5-400-421-52300	$869.54	$688.25	$594.00	$
DPW ADMIN BUILDING MAINT	0100-5-400-421-52400	$5,979.14		$2,000.00	$2,
OFFICE EQUIP. MAINT. REPAIR	0100-5-400-421-52460	$240.77	$1,013.68	$1,000.00	$1,
COMPUTER EQUIP.REPAIR MAINT.	0100-5-400-421-52540	$1,022.59	$4,085.96	$3,000.00	$3,
UNIFORM RENTAL	0100-5-400-421-52810	$4,012.09	$6,322.05	$4,200.00	$4
MEDICAL DENTAL PROF. TECH.	0100-5-400-421-53000	$1,792.45	$1,315.11	$1,500.00	$1
ENGINEERINGARCHITECT PROF. TECH.	0100-5-400-421-53050	$53,387.97	$80,966.62	$48,480.00	$48,
EMPLOYEE TRAINING PROF.TECH.	0100-5-400-421-53070	$4,624.38	$3,030.48	$3,900.00	$3,

KENNETH M. PAULHUS
CHIEF OF POLICE

TOWN OF SOUTHBOROUGH
POLICE DEPARTMENT

32 Cordaville Road
Southborough, Massachusetts 01772

Emergency: 9-1-1
All Other: (508)485-2121
Business: (508)485-2147
Fax: (508)485-4634
kpaulhus@southboroughma.com

To: Honorable Board of Selectmen

From: Chief Kenneth M. Paulhus

Subject: Appointment of Special Officer

Date: July 16, 2020

Dear Board of Selectmen:

Please consider my request to appoint Mr. Brandon Donahue as a Special Police Officer for the Town of Southborough, effective July 31, 2020. Mr. Donahue is a resident of Leominster. He will be graduating from the MPTC Boylston Academy on July 31th with his Full-Time Certification. He holds a B.A. Degree in Criminal Justice from Westfield State University. As you can see from his enclosed resume, Mr. Donahue holds many academic honors and advanced training that will be of great benefit to the Southborough Police Department.

In addition, Mr. Donahue has accepted a Conditional Offer of Employment to become a full-time officer with the Town of Southborough, effective on September 1, 2020. The opening was approved and budgeted at the June 2020 Town Meeting. Mr. Donahue's appointment will allow him to work traffic details in the Town while waiting for his anticipated Full-Time Probationary Officer Appointment. He will be compensated through the Detail Account in the same manner as other Southborough Special's and out of town officers.

Please contact me with any questions or concerns.

Respectfully,

Kenneth M. Paulhus
Chief of Police

TOWN OF SOUTHBOROUGH

BUILDING DEPARTMENT

9 CORDAVILLE ROAD
SOUTHBOROUGH, MASSACHUSETTS 01772-1662
508-485-0717

July 30, 2020

Dear Mr. Purple and the Board of Selectmen,

Please find attached, Patrick Sands resume for the position of Alternate Building Inspector. As discussed, the benefit of having an experienced Building Inspector, as well as an experienced fire prevention inspector and officer is a desirable benefit for the Town.

As an alternate inspector, the scope of coverage would be for vacation or training periods during the year when I may be unavailable. Without an alternate, inspections would be delayed during these times which would in turn delay building projects throughout the Town of Southborough. The rate for Mr. Sands would be $40 per inspection.

Please let me know if you have any other questions. I appreciate your attention to this matter.

Respectfully yours,

Laurie Livoli
Southborough Building Commissioner/Zoning Enforcement Officer

Patrick E. Sands

E-mail:psands1966@gmail.com

6 Powderhorn Dr.
Pelham, Nh. 03076

Cell Phone: 978-265-3887
Work Phone: 978-674-6350

Objective

Obtain the position of Alternate Building Inspector for the Town of Southborough

Experience

- **Local Building Inspector**

Concord Building Department, Concord, Ma, July 2015 - Present
Currently holding the position of Assistant Local Building inspector for the Town of Concord (part time). Job functions include but not limited to; Inspections (commercial and residential), plans review, permitting, zoning enforcement, 110 and 304 annual inspections, school and daycare inspections, interaction and consultation with other departments (Natural resources, Planning, Historic, Health). Close working relationship with the Fire Department and FD Inspectors.

- **Alternate Local Building Inspector**

Tyngsborough Building Department, Tyngsborough, Ma, Aug 2016 - Present
Currently acting as the Alternate Building inspector when the Building commissioner is out sick or on vacation. Providing all functions of a Building Inspector including meetings with ZBA and Planning board.

- **Assistant Fire Chief**

Tyngsborough Fire Department, Tyngsborough, Ma, Dec 2017 - Present
Currently holding the position of Assistant Chief of the Dept., Fire Prevention Officer, Inspector and Training officer. Day to day responsibilities, additional to previous, include direct supervision of all crews working at incidents and throughout the shift, Budgeting, Scheduling, Turnover, etc. In the absence of the Chief of the department, I would act as the Incident Commander at all incidents.

- **Captain/ Inspector / Fire Prevention Officer**

Tyngsborough Fire Department, Tyngsborough, Ma, Mar 2010 - Dec 2017
Previously held the position of Captain, Fire Prevention Officer, Inspector and day shift Supervisor. Day to day responsibilities, additional to previous, include direct supervision of all crews working at incidents and throughout the shift. In the absence of the Chief and the Assistant Chief of the department, I would act as the commander at all incidents.

- **Lieutenant/Fire Prevention Officer**

Tyngsborough Fire Department, Tyngsborough, Ma, Sep 2001 – Mar 2010
Previously holding the position of 1st Lieutenant, Fire Prevention Officer, and Fire Inspector for the Town of Tyngsborough Fire Department. Duties include, but are not limited to; residential and business fire inspections, managing permit applications and fees, and plans review.

- **Fire Fighter/EMT**

Tyngsborough Fire Department, Tyngsborough, Ma., Jun 1995 - Sep 2001
As a call member of the Tyngsborough Fire Department, I quickly became certified as fire fighter I/II, and EMT. I was appointed full time in 1998. Duties included Response to all fire/medical related incidents, public awareness throughout the schools, and daily duties.

- **Owner/President**

P.E. Sands Construction Inc., Tyngsborough, Ma. Sep 1987 – April 2016
I am the Owner/President of a Residential construction company that specializes in custom homes and remodeling. I have successfully been in business for the past 24 years, and have built my business significantly to yearly budgets that have exceeded $1,000,000.

Education

- Massachusetts Fire Academy, Jun 1995 - Present
  presently attending various courses and seminars to obtain advanced certifications in the field of fire safety and survival. Numerous certifications including but not limited to: Firefighter I/II, Fire Instructor I, Fire Inspector I, Fire Officer I, Fire Officer II, and many additional certifications, furnished upon request.
- FEMA, Emergency Management Institute, Completed all of the required ICS Certificate programs for Fire Officers and Administrators.
- Anna Maria College, currently enrolled, Working toward BS in Fire Service Administration 2010- Present
- Command School, Base, National Fire Academy, Emmetsburg, Md. 2006- Present
- Middlesex Community College, Fire Safety Technology, 2001- 2010
- University of Lowell, Jan 1985 - Jun 1990, full time, part time/nights.
- Salem State College, Sep 1984- Dec 1984
- Tewksbury Memorial High School, Sep 1980 - Jun 1984, obtained HS diploma.

Summary

I am a self motivated professional who takes pride in everything I do, from raising a wonderful family, to building a successful career. I will take all of my experience and passion to succeed with me to do the best job I can ...

Licenses/ Certifications

- **Massachusetts Fire Academy Certifications**, 1995-Present
  Obtained many certifications from the Massachusetts Fire Academy. Complete list furnished upon request.
- **FEMA-Emergency Management Institute,** IS-700.a, IS-703.a, IS-100.a, IS-200, IS-208.a, I-300, ICS-400, ICS-800
- **Fire Inspector I**, Mar 2001
  Certified Fire Inspector from Massachusetts
- **EMT Basic**, Jun 1998
  Certified Emergency Medical Technician from the State of Massachusetts.
- **Massachusetts Local Building Inspector,** July 2015 – Present Massachusetts
  certified local Building Inspector
- **Home Improvement Contractors Registration**, Apr 1990- Present
  Obtained HIC Registration from the state of Massachusetts
- **Construction Supervisors (Builders) License**, Jan 1986 - Present
  Unrestricted Builders license from the state of Massachusetts.

References

• Wes Russell
Chief of Department
Tyngsborough Fire Department
26 Kendall Rd., TYngsborough, Ma 01879
Phone: 978-649-7671 Ext. 11

• Paul Welcome
Building Commissioner
Town of Tyngsborough

25 Bryants Ln., Tyngsboro, Ma. 01879
Phone: 978-649-2300 Ext. 112

• Mathew Hanson
Town Administrator
Town of Tyngsborough
25 Bryants Ln., Tyngsborough, Ma. 01879
Phone: 978-649-2300 Ext. 100

SOUTHBOROUGH LIBRARY

DATE: July 27, 2020

TO: The Honorable Board of Selectmen, Town of Southborough

FROM: Ryan Donovan, Library Director

SUBJ: Donation to the Library

To: The Board of Selectmen:

The Southborough Library has received a check from Lori Saslav in the amount of $10.75. The Southborough Library is currently waiving any/all overdue fines as result of the COVID-19 pandemic. Lori incurred overdue fines and the library subsequently waived them, but she wanted the amount donated to the library anyway at her request.

At this time, the Library Board of Trustees and I wish to accept this donation, to be placed in the "Library Donation" account, #2629-6-610-570-57820. We ask that you agree. Please contact library director Ryan Donovan with any questions or concerns. Thank you.

Ryan Donovan, Library Director

SOUTHBOROUGH YOUTH AND FAMILY SERVICES

STRENGTHENING OUR COMMUNITY BY SUPPORTING ITS FAMILIES

July 22, 2020

Town of Southborough
Board of Selectmen
17 Common Street
Southborough, MA. 01772

Dear Board of Selectmen:

We request that you accept the attached donations into our donation account. These will be used to pay for items not covered by our Town budget.

Thank you.

Sincerely,

Sarah Cassell

Sarah Cassell
Director
Southborough Youth and Family Services

Mail: 17 Common Street, Southborough, MA 01772
Office: Fayville Hall, 42 Central Street, Southborough
Phone: (508) 481-5676 Fax: (508) 229-4469

TOWN OF SOUTHBOROUGH

SCHEDULE OF DEPARTMENTAL PAYMENTS TO TREASURER

DATE: 7/22/2020

DEPT. **Youth/Family**

TREASURER: _____

DESCRIPTION	AMOUNT
Youth and Family Donation: 2673-4-542-483-48310	
Donation- check 3837	$100.00
TOTAL	**100.00**

7/22/2020

APPLICATION FOR ONE-DAY ALCOHOL LICENSE
TOWN OF SOUTHBOROUGH
Board of Selectmen
17 Common Street, Southborough MA 01772

TOWN USE ONLY
Date: 8-11-20
Paid: $ 50
Check#
Cash ✓
Lic.# SL20-3

Special or "one-day" licenses for the sale of alcoholic beverages are available to the responsible event manager of any activity conducted by an organization which, in the opinion of the Town of Southborough Select Board, complies with all State and local requirements and demonstrates satisfactorily that granting of the license is in the best interests of the Town of Southborough. This application must be submitted at least 30 days prior to the event.

(X) **WINE/MALT ONLY** ( ) **ALL ALCOHOL** [for non-profits only]

License Fee: $50.00, non-refundable, check or cash only, payable to Town of Southborough

APPLICATION DATE: 8/11/20

Susan Eastland — 508-599-0646
Event Manager/Applicant Name — 24-Hour Contact Telephone Number

5 Chestnut Hill Rd Southborough, MA 01772
Event Manager/Applicant Address

seastland@thetrustees.org
Event Manager/Applicant Email Address

The Trustees, Chestnut Hill Farm — 5 Chestnut Hill Rd Southborough, MA 01772
Organization Representing — Address of Organization

Brew Moon Hike — 9/5/2020 — 9/12/2020
NAME OF EVENT / PURPOSE — **DATE OF EVENT** — **RAIN DATE**

LOCATION OF EVENT Chestnut Hill Farm
( ) Inside (X) Outside

Is the organization you are representing non-profit* X YES ____ NO

*If 'Yes' and applying for "All Alcohol" license, acceptable proof of non-profit status must be attached

"Alcohol Awareness Server Training Affidavit" and Server Certificates attached X YES ____ NO

Hours of Sale/Consumption of Alcoholic Beverages 6pm AM/PM to 8pm AM/PM

APPLICATION FOR ONE-DAY ALCOHOL LICENSE

What is the maximum number of expected attendees? 30-40, split into small groups

What is the predominate age group of the expected attendees? Families

Is an admission fee to be charged? X Yes _____No

Are tickets being sold in advance for this event? X Yes _____No

How will alcoholic beverages be dispensed or served? (*Please check all that apply)*

_____Waiter/Waitress

_____Bar with bartender

_____By the glass

X By the bottle

_____Self-serve

Name and address of company providing bartending service, if applicable:

_____

_____

If any attending are under age 21, what method will be used to check identification and what procedures will be followed to make certain that those under age 21 are not served and are not allowed to consume alcoholic beverages?

Certified person will ID those being served.

_____

Have you consulted with the Police Department about the need for a security plan or detail officer required for the Event? X Yes _____No

If Yes, with whom and what date? Name Chief Paulhus via email Date 8/10/2020

Will a police detail or other security be required? _____Yes _____No

If Yes, # of details and name and address of provider (if applicable)?

_____

_____

APPLICATION FOR ONE-DAY ALCOHOL LICENSE

ALCOHOL AWARENESS SERVER TRAINING AFFIDAVIT

I hereby certify that I have read the Training Requirements for Liquor License Holders and Employees. I understand that failure to comply with this policy may result in the revocation or non-renewal of the license. Below is a current roster of my employees and the related alcohol awareness server training information.

*****NOTE: Copies of all original certificates MUST accompany this form.*****

The Trustees, Chestnut Hill Farm

Company/Organization

Susan Eastland — 8/11/2020

Manager [Note: Manager training MUST be current] — **Date**

Manager/Employee Name	Date of Hire	Type of Training [certification]	Date Valid	Date of Expiration
Susan Eastland	8/1/19	AIM	n/a	9/16/22

Any applicant for a one-day liquor license shall, as a condition of their being granted the license, ensure that at least one person to be engaged in the sale/service of alcoholic beverages at their event has been certified in a program from the list of Board of Selectmen sanctioned programs. On-line ["e-training") training is not an acceptable means of obtaining certification. A copy of their certification must accompany the application.

Listed below are the only programs currently available that meet the requirements of this policy approved by Board of Selectmen on September 17, 2013 [telephone numbers and contacts are provided as of date of policy]:

1. **ServSafe Alcohol** offered by the National Restaurant Association [www.servsafe.com/alcohol, then click on "Find a Class"]
2. **SAFE ID Check** offered by J.B.S. Professional Services, LLC [617-539-0118]
3. **Alcohol Intervention Methods [A.I.M.]** offered by Campbell/Trent [508-756-8542]
4. **Training for Intervention Procedures by Servers of Alcohol [TIPS]** offered by Health Communication, Inc. [www.gettips.com, then click on "Get Tips Certified, 'training session'" to find a class. NOTE: "Online training with eTIPS" is NOT ACCEPTABLE]
5. Approved for OFF-PREMISE sales license only: Beverage Alcohol Training [B.A.T.] offered by the Massachusetts Package Store Association [Mass Pack Contact: Frank Anzalotti 800-322-1383, or, to find a class, go to www.masspack.org/servertraining]

I understand that anyone holding a Special License must purchase alcoholic beverages from a licensed wholesaler/importer, manufacturer, farmer-winery, farmer-brewery or special permit holder. Purchasing alcoholic beverages from a package store is prohibited by the ABCC. A list of authorized sources to purchase alcohol can be found on the ABCC website www.mass.gov/abcc or you can contact the ABCC directly at (617) 727-3040.

Initial SE

I understand that the license holder must provide a Certificate of Liability Insurance with a liquor liability policy with $1M coverage, naming the Town of Southborough as the certificate holder.

Initial SE

I certify under penalty of perjury that I shall be responsible for the proper observance of all applicable Alcohol Control Laws of the State of Massachusetts, policies and regulations of the Town of Southborough, and conditions governing this license; all information contained in this application is true and correct; and this License is being sought for the exclusive benefit and use of the Non-Profit Sponsor and its members.

Initial SE

LIABILITY DISCLAIMER FOR ONE-DAY ALCOHOL LICENSES

By exercising the privileges of this license in serving persons with alcoholic beverages, the licensee is potentially exposed to significant liability for injuries and damages to persons served or to others who are injured or damaged by the persons served. Your acceptance and exercise of this license will be deemed to be acknowledgement that you are aware of this potential liability. You are encouraged to discuss the risks associated with exercising your privileges of the license and the precautions appropriate to avoid injuries, damage, and liability to others with your legal and/or insurance advisors. The Town of Southborough, and the Select Board as Local Licensing Authority, shall not be liable to the licensee or others if injury or damage shall result from the exercise of the license.

I, Susan Eastland, in consideration of having been granted a special
(Event Manager/Applicant)
license for the service of alcoholic beverages, hereby agree to defend, indemnify and hold harmless the Town of Southborough ("Town"), its officers, boards, employees and agents, from any liability for any and all loss, damage, cost, claim, expense, compensation and cause of action arising out of, or in connection with, the issuance or exercise of the special license granted to me by the Select Board acting as the Town's Local Licensing Authority.

Susan Eastland / 8/11/20

Event Manager/Applicant Signature Date

APPLICATION FOR ONE-DAY ALCOHOL LICENSE

REQUIRED FORMS TO SUBMIT WITH APPLICATION:

☒ Completed license application with cash/check

☒ A Certificate of General Liability Insurance with a Liquor Liability for $1M, naming the Town of Southborough (17 Common Street, Southborough MA 01772) as Certificate Holder*

☒ Completed 'Alcohol Awareness Server Training Affidavit' form, including copies of training cards

☒ List of designated drivers to be available for transporting attendees considered unable to drive Uber/lyft

IF APPLICABLE:

☐ Invitation/flyer/letter of explanation regarding event

☐ Proof of non-profit status (for 'All Alcohol License' only)

*Voted May 18, 1993: To maintain the policy that was put in effect October 25, 1988 with the stipulation that the Board of Selectmen does have the authority to waive the requirement for a one million dollar insurance policy if it is so voted by a majority of the Board.

GUIDELINES:

- Application for Special One-day License must be submitted at least 30 days prior to event
- A police detail may be required, depending upon the number of people and the event. *It is the applicant's responsibility to contact the Southborough Police Department prior to application submission: 508-485-2147*
- Events can only be held on day and date approved on license. No refund is possible after a Special One-Day License has been issued. Rain dates for events must be noted on the application prior to approval. If no rain date is listed, the event cannot be held on date other than date specified.
- Special One-day Licenses can only be issued for events occurring between 11:00 a.m. – midnight on Monday – Saturday, and noon - midnight on Sundays.
- License must be posted in the most conspicuous place at the location of event
- DO NOT allow anyone to bring their own alcoholic beverages to your event
- A one-day license CAN NOT be granted to:
  - any person for more than a total of 30 days per calendar year
  - any person that has an on-premises annual license application pending
  - any premises that has an alcoholic beverages license.

FOR TOWN USE ONLY

LOCAL LICENSING AUTHORITY DECISION DATE: _____

☐ **APPROVED**

☐ **DENIED**

License # SL20-3 Notice Sent to ABCC (within 10 days of issuance) _____

Payment received: $50 ✓ Date 8-11-20 Cash ✓ Check# _____

Remarks: _____

_____

ACORD®

CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
4/1/2020

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Arthur J. Gallagher Risk Management Services, Inc. 470 Atlantic Avenue Boston MA 02210	CONTACT NAME: PHONE (A/C, No, Ext): 617-261-6700 FAX (A/C, No): 617-646-0400 E-MAIL ADDRESS:
INSURED TRUSOFR-01 Trustees of Reservations 200 High Street, 4th Floor Boston MA 02210	INSURER(S) AFFORDING COVERAGE — NAIC # INSURER A : Philadelphia Indemnity Insurance Company — 18058 INSURER B : INSURER C : INSURER D : INSURER E : INSURER F :

COVERAGES **CERTIFICATE NUMBER:** 321842118 **REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS	
A	X COMMERCIAL GENERAL LIABILITY			PHPK2116028	4/1/2020	4/1/2021	EACH OCCURRENCE	$ 1,000,000
	CLAIMS-MADE X OCCUR						DAMAGE TO RENTED PREMISES (Ea occurrence)	$ 100,000
							MED EXP (Any one person)	$ 5,000
							PERSONAL & ADV INJURY	$ 1,000,000
	GEN'L AGGREGATE LIMIT APPLIES PER:						GENERAL AGGREGATE	$ 2,000,000
	X POLICY PRO-JECT X LOC						PRODUCTS - COMP/OP AGG	$ 2,000,000
	OTHER:							$
	AUTOMOBILE LIABILITY						COMBINED SINGLE LIMIT (Ea accident)	$
	ANY AUTO						BODILY INJURY (Per person)	$
	OWNED AUTOS ONLY / SCHEDULED AUTOS						BODILY INJURY (Per accident)	$
	HIRED AUTOS ONLY / NON-OWNED AUTOS ONLY						PROPERTY DAMAGE (Per accident)	$
								$
	UMBRELLA LIAB OCCUR						EACH OCCURRENCE	$
	EXCESS LIAB CLAIMS-MADE						AGGREGATE	$
	DED RETENTION $							$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY Y/N						PER STATUTE OTH-ER	
	ANYPROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? N/A						E.L. EACH ACCIDENT	$
	(Mandatory in NH)						E.L. DISEASE - EA EMPLOYEE	$
	If yes, describe under DESCRIPTION OF OPERATIONS below						E.L. DISEASE - POLICY LIMIT	$
A	Liquor Liability			PHPK2116028	4/1/2020	4/1/2021	Each Cause Limit Aggregate	$1,000,000 $1,000,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)
The Town of Southborough is included as additional insured with respects to the General Liability Policy. Coverage subject to policy terms and conditions.

CERTIFICATE HOLDER

Town of Southborough
17 Common Street
Southborough MA 01701

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE
Patrick J Veale

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CERTIFICATION NUMBER:

91413

ALCOHOL INTERVENTION METHODS

CERTIFIES:

Susan Eastland

CAMPBELL TRENT

508.756.8542

EXPIRES:

SEP 16 2022

APPLICATION FOR ONE-DAY ALCOHOL LICENSE

TOWN OF SOUTHBOROUGH

Board of Selectmen

17 Common Street, Southborough MA 01772

TOWN USE ONLY	
Date:	8-11-20
Paid: $	50
Check#	
Cash	✓
Lic.#	SL20-4

Special or "one-day" licenses for the sale of alcoholic beverages are available to the responsible event manager of any activity conducted by an organization which, in the opinion of the Town of Southborough Select Board, complies with all State and local requirements and demonstrates satisfactorily that granting of the license is in the best interests of the Town of Southborough. This application must be submitted at least 30 days prior to the event.

(X) **WINE/MALT ONLY** ( ) **ALL ALCOHOL** [for non-profits only]

License Fee: $50.00, non-refundable, check or cash only, payable to Town of Southborough

APPLICATION DATE: 8/11/20

Susan Eastland — 508-599-0646
Event Manager/Applicant Name — 24-Hour Contact Telephone Number

5 Chestnut Hill Rd Southborough, MA 01772
Event Manager/Applicant Address

seastland@thetrustees.org
Event Manager/Applicant Email Address

The Trustees, Chestnut Hill Farm — 5 Chestnut Hill Rd Southborough, MA 01772
Organization Representing — Address of Organization

Brew Moon Hike	9/19/2020	9/26/2020
NAME OF EVENT / PURPOSE	**DATE OF EVENT**	**RAIN DATE**

LOCATION OF EVENT Chestnut Hill Farm

( ) Inside (X) Outside

Is the organization you are representing non-profit* X YES _____ NO

*If 'Yes' and applying for "All Alcohol" license, acceptable proof of non-profit status must be attached

"Alcohol Awareness Server Training Affidavit" and Server Certificates attached X YES ____ NO

Hours of Sale/Consumption of Alcoholic Beverages 6pm AM/PM to 8pm AM/PM

APPLICATION FOR ONE-DAY ALCOHOL LICENSE

What is the maximum number of expected attendees? 30-40, split into small groups

What is the predominate age group of the expected attendees? Families

Is an admission fee to be charged? X Yes _____No

Are tickets being sold in advance for this event? X Yes _____No

How will alcoholic beverages be dispensed or served? (*Please check all that apply)*

_____Waiter/Waitress

_____Bar with bartender

_____By the glass

X By the bottle

_____Self-serve

Name and address of company providing bartending service, if applicable:

_____

_____

If any attending are under age 21, what method will be used to check identification and what procedures will be followed to make certain that those under age 21 are not served and are not allowed to consume alcoholic beverages?

Certified person will ID those being served.

_____

Have you consulted with the Police Department about the need for a security plan or detail officer required for the Event? X Yes _____No

If Yes, with whom and what date? Name Chief Paulhus via email Date 8/10/2020

Will a police detail or other security be required? _____Yes _____No

If Yes, # of details and name and address of provider (if applicable)?

_____

_____

APPLICATION FOR ONE-DAY ALCOHOL LICENSE

ALCOHOL AWARENESS SERVER TRAINING AFFIDAVIT

I hereby certify that I have read the Training Requirements for Liquor License Holders and Employees. I understand that failure to comply with this policy may result in the revocation or non-renewal of the license. Below is a current roster of my employees and the related alcohol awareness server training information.

*****NOTE: Copies of all original certificates MUST accompany this form.*****

The Trustees, Chestnut Hill Farm

Company/Organization

Susan Eastland

Manager [Note: Manager training MUST be current]

8/11/2020

Date

Manager/Employee Name	Date of Hire	Type of Training [certification]	Date Valid	Date of Expiration
Susan Eastland	8/1/19	AIM	n/a	9/16/22

Any applicant for a one-day liquor license shall, as a condition of their being granted the license, ensure that at least one person to be engaged in the sale/service of alcoholic beverages at their event has been certified in a program from the list of Board of Selectmen sanctioned programs. On-line ["e-training") training is not an acceptable means of obtaining certification. A copy of their certification must accompany the application.

Listed below are the only programs currently available that meet the requirements of this policy approved by Board of Selectmen on September 17, 2013 [telephone numbers and contacts are provided as of date of policy]:

1. **ServSafe Alcohol** offered by the National Restaurant Association [www.servsafe.com/alcohol, then click on "Find a Class"]
2. **SAFE ID Check** offered by J.B.S. Professional Services, LLC [617-539-0118]
3. **Alcohol Intervention Methods [A.I.M.]** offered by Campbell/Trent [508-756-8542]
4. **Training for Intervention Procedures by Servers of Alcohol [TIPS]** offered by Health Communication, Inc. [www.gettips.com, then click on "Get Tips Certified, 'training session'" to find a class. NOTE: "Online training with eTIPS" is NOT ACCEPTABLE]
5. Approved for OFF-PREMISE sales license only: Beverage Alcohol Training [B.A.T.] offered by the Massachusetts Package Store Association [Mass Pack Contact: Frank Anzalotti 800-322-1383, or, to find a class, go to www.masspack.org/servertraining]

I understand that anyone holding a Special License must purchase alcoholic beverages from a licensed wholesaler/importer, manufacturer, farmer-winery, farmer-brewery or special permit holder. Purchasing alcoholic beverages from a package store is prohibited by the ABCC. A list of authorized sources to purchase alcohol can be found on the ABCC website www.mass.gov/abcc or you can contact the ABCC directly at (617) 727-3040.

Initial SE

I understand that the license holder must provide a Certificate of Liability Insurance with a liquor liability policy with $1M coverage, naming the Town of Southborough as the certificate holder.

Initial SE

I certify under penalty of perjury that I shall be responsible for the proper observance of all applicable Alcohol Control Laws of the State of Massachusetts, policies and regulations of the Town of Southborough, and conditions governing this license; all information contained in this application is true and correct; and this License is being sought for the exclusive benefit and use of the Non-Profit Sponsor and its members.

Initial SE

LIABILITY DISCLAIMER FOR ONE-DAY ALCOHOL LICENSES

By exercising the privileges of this license in serving persons with alcoholic beverages, the licensee is potentially exposed to significant liability for injuries and damages to persons served or to others who are injured or damaged by the persons served. Your acceptance and exercise of this license will be deemed to be acknowledgement that you are aware of this potential liability. You are encouraged to discuss the risks associated with exercising your privileges of the license and the precautions appropriate to avoid injuries, damage, and liability to others with your legal and/or insurance advisors. The Town of Southborough, and the Select Board as Local Licensing Authority, shall not be liable to the licensee or others if injury or damage shall result from the exercise of the license.

I, Susan Eastland, in consideration of having been granted a special
(Event Manager/Applicant)
license for the service of alcoholic beverages, hereby agree to defend, indemnify and hold harmless the Town of Southborough ("Town"), its officers, boards, employees and agents, from any liability for any and all loss, damage, cost, claim, expense, compensation and cause of action arising out of, or in connection with, the issuance or exercise of the special license granted to me by the Select Board acting as the Town's Local Licensing Authority.

Susan Eastland / 8/11/20

Event Manager/Applicant Signature Date

APPLICATION FOR ONE-DAY ALCOHOL LICENSE

REQUIRED FORMS TO SUBMIT WITH APPLICATION:

☒ Completed license application with cash/check

☒ A Certificate of General Liability Insurance with a Liquor Liability for $1M, naming the Town of Southborough (17 Common Street, Southborough MA 01772) as Certificate Holder*

☒ Completed 'Alcohol Awareness Server Training Affidavit' form, including copies of training cards

☒ List of designated drivers to be available for transporting attendees considered unable to drive Uber/lyft

IF APPLICABLE:

☐ Invitation/flyer/letter of explanation regarding event

☐ Proof of non-profit status (for 'All Alcohol License' only)

*Voted May 18, 1993: To maintain the policy that was put in effect October 25, 1988 with the stipulation that the Board of Selectmen does have the authority to waive the requirement for a one million dollar insurance policy if it is so voted by a majority of the Board.

GUIDELINES:

- Application for Special One-day License must be submitted at least 30 days prior to event
- A police detail may be required, depending upon the number of people and the event. *It is the applicant's responsibility to contact the Southborough Police Department prior to application submission: 508-485-2147*
- Events can only be held on day and date approved on license. No refund is possible after a Special One-Day License has been issued. Rain dates for events must be noted on the application prior to approval. If no rain date is listed, the event cannot be held on date other than date specified.
- Special One-day Licenses can only be issued for events occurring between 11:00 a.m. – midnight on Monday – Saturday, and noon - midnight on Sundays.
- License must be posted in the most conspicuous place at the location of event
- DO NOT allow anyone to bring their own alcoholic beverages to your event
- A one-day license CAN NOT be granted to:
  - any person for more than a total of 30 days per calendar year
  - any person that has an on-premises annual license application pending
  - any premises that has an alcoholic beverages license.

FOR TOWN USE ONLY

LOCAL LICENSING AUTHORITY DECISION DATE: _____

☐ **APPROVED**

☐ **DENIED**

License # SL20-4 Notice Sent to ABCC (within 10 days of issuance) _____

Payment received: $50 ✓ Date 8-11-20 Cash ✓ Check# _____

Remarks: _____

CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY): 4/1/2020

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER
Arthur J. Gallagher Risk Management Services, Inc.
470 Atlantic Avenue
Boston MA 02210

CONTACT NAME:
PHONE (A/C, No, Ext): 617-261-6700 FAX (A/C, No): 617-646-0400
E-MAIL ADDRESS:

INSURER(S) AFFORDING COVERAGE	NAIC #
INSURER A : Philadelphia Indemnity Insurance Company	18058
INSURER B :	
INSURER C :	
INSURER D :	
INSURER E :	
INSURER F :	

INSURED
Trustees of Reservations
200 High Street, 4th Floor
Boston MA 02210

TRUSOFR-01

COVERAGES **CERTIFICATE NUMBER:** 321842118 **REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS	
A	X COMMERCIAL GENERAL LIABILITY			PHPK2116028	4/1/2020	4/1/2021	EACH OCCURRENCE	$ 1,000,000
	CLAIMS-MADE X OCCUR						DAMAGE TO RENTED PREMISES (Ea occurrence)	$ 100,000
							MED EXP (Any one person)	$ 5,000
							PERSONAL & ADV INJURY	$ 1,000,000
	GEN'L AGGREGATE LIMIT APPLIES PER:						GENERAL AGGREGATE	$ 2,000,000
	X POLICY PRO-JECT X LOC						PRODUCTS - COMP/OP AGG	$ 2,000,000
	OTHER:							$
	AUTOMOBILE LIABILITY						COMBINED SINGLE LIMIT (Ea accident)	$
	ANY AUTO						BODILY INJURY (Per person)	$
	OWNED AUTOS ONLY / SCHEDULED AUTOS						BODILY INJURY (Per accident)	$
	HIRED AUTOS ONLY / NON-OWNED AUTOS ONLY						PROPERTY DAMAGE (Per accident)	$
								$
	UMBRELLA LIAB OCCUR						EACH OCCURRENCE	$
	EXCESS LIAB CLAIMS-MADE						AGGREGATE	$
	DED RETENTION $							$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY Y/N						PER STATUTE OTH-ER	
	ANYPROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? N/A (Mandatory in NH)						E.L. EACH ACCIDENT	$
	If yes, describe under DESCRIPTION OF OPERATIONS below						E.L. DISEASE - EA EMPLOYEE	$
							E.L. DISEASE - POLICY LIMIT	$
A	Liquor Liability			PHPK2116028	4/1/2020	4/1/2021	Each Cause Limit:	$1,000,000
							Aggregate:	$1,000,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)
The Town of Southborough is included as additional insured with respects to the General Liability Policy. Coverage subject to policy terms and conditions.

CERTIFICATE HOLDER

Town of Southborough
17 Common Street
Southborough MA 01701

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE
Patrick J Veale

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CERTIFICATION NUMBER:

91413

ALCOHOL INTERVENTION METHODS

CERTIFIES:

Susan Eastland

CAMPBELL TRENT

508.756.8542

EXPIRES:

SEP 16 2022

Open Space and Recreation Plan Update (227 pages):

https://www.southboroughtown.com/sites/g/files/vyhlif1231/f/uploads/osrp_updated_draft_-_4.1.20.pdf

KENNETH M. PAULHUS
CHIEF OF POLICE

TOWN OF SOUTHBOROUGH
POLICE DEPARTMENT
32 Cordaville Road
Southborough, Massachusetts 01772

Emergency: 9-1-1
All Other: (508)485-2121
Business: (508)485-2147
Fax: (508)485-4634
kpaulhus@southboroughma.com

PERSONNEL ORDER

Mr. Brandon Donahue was appointed as a Special Officer with the SPD upon his graduation from MPTC Boylston on July 31, 2020. This status will change on September 1, 2020, when his appointment as a Full-Time Probationary Officer will take effect at which time his pay rate will be 989.09 per week, (PS 7 Step One Union Contract Local 167).

Supervisors shall provide notice of this posting to any Officers under their command who are out on leave, vacation, or illness.

Kenneth M. Paulhus
Chief of Police
August 6, 2020

20-PO-13

Protecting Our Community...Together!

Town of Southborough
Board of Selectmen

Policy Regarding Electioneering During Early and Absentee Voting Periods

I. PURPOSE AND SCOPE

This policy prohibits electioneering within 65 feet of the entrances to the Town House located at 17 Common Street, and the Senior Center located at 9 Cordaville Road, when they are used to hold voting during Early and Absentee Voting periods.

II. POLICY

Chapter 54, Section 65 of the General Laws of Massachusetts prohibits "electioneering" (the display or distribution of material intended to influence the actions of voters) at or within 150 feet of the entrance to polling places at an election of federal, state or local officers.

An increasing percentage of Southborough voters are taking advantage of their right and opportunity to vote in-person during periods established by the Legislature, and to come to town facilities to obtain absentee ballots or cast early ballots. Such voters should be given the same right and opportunity to cast or obtain ballots free of electioneering activity as is enjoyed by voters who cast their vote on the day of the election.

Observance of a 65 foot no-electioneering buffer area at the entrance to any facility used during in-person absentee voting or early voting would not unduly restrict the ability of any person to display or distribute campaign messages to prospective voters approaching the town offices.

The Board of Selectmen has authority regarding the care, custody and control of the Town House and the Senior Center, and the surrounding sidewalks and parking lots, and may regulate activity thereon, hereby adopts the following regulation:

"Electioneering" (the display or distribution of material intended to influence the actions of voters), other than those expressly authorized by G.L. c. 54, § 65, is prohibited within 65 feet of the entrance doors and within the interior spaces of the Town House or the Senior Center, when the building is used for in-person absentee voting or early voting during periods established by the Legislature.

Adopted by the Board of Selectmen on _____, 2020.

DRAFT

8/11/2020

Possible articles for Fall 2020 Special Town Meeting

1. Reports
2. Appropriation from CPA Funds – Kallander Field Construction
3. Appropriation from CPA Funds – St. Mark's Church Bell Tower Renovation
4. Selectmen - Amend Town Code – Increase Qualification Period for Appointments
5. Selectmen - Adopt MGL to Reduce Speed Limit in Thickly Settled Areas
6. Selectmen - Adopt MGL to Designate Safety Zones
7. Selectmen - Adopt MGL to Implement Local Meals Tax
8. Selectmen - Amend Town Code – Southborough Public Accessibility Committee
9. Adopt MGL for Saturday Office Hours
10. Amend Town Code – Zoning – Miscellaneous Provisions
11. Amend Town Code – Zoning – Outdoor Illumination
12. Amend Town Code – Zoning – Site Plan Review
13. Citizen Petition – Amend Town Code: Noise Bylaw
14. Citizen Petition – Amend Town Code: Reduce Plastic Waste Weishan petition
15. Adjustments to Fiscal Year 2021 Budget
16. *Capital items deferred to Fall 2020 by Capital Planning Committee*
    a) Hook-Lift Truck (DPW) - already have vote of support;
    b) SCBA Grant Match (Fire) - already have vote of support;
    c) Chief's Vehicle (Fire) - no formal vote taken until we see financial conditions coming out of FY20;
    d) Other FY22 Capital Items to Accelerate to FY21 - open to further discussion by Capital Planning Committee and subject to financial condition coming out of FY20 year-end.
17. **Town House Window/Exterior** (technically would be brought forward by CPC if they support) - If this item proves not to be controversial, accelerating it into Fall Town Meeting may yield favorable bidding conditions for the town to undertake this work at our pace and deal with long overdue capital items.
18. **South Union School** (least likely due to timing and potential for discussion but needs to stay on possible list until BOS has a discussion)
19. **Amend Town Code – Zoning – Downtown Overlay District**
20. **Purchase of land (National Grid parcel 54-40)**

I have heard from the sponsors of Articles 9-12 that they are amenable to postponing their articles until the March 2021 annual town meeting. The sponsor of Article 13, Mr. Lapine, feels his article should be heard at a fall town meeting, and that no other articles should be considered other than those that were indefinitely postponed in June. Articles 16-20 are new articles that would request consideration for inclusion on a fall town meeting warrant.

TOWN OF SOUTHBOROUGH

OFFICE OF THE BOARD OF SELECTMEN
TOWN HOUSE · 17 COMMON STREET · SOUTHBOROUGH, MASSACHUSETTS 01772-1662
(508) 485-0710 · FAX (508) 480-0161 · selectmenoffice@southboroughma.com

CHARGE

TOWN OF SOUTHBOROUGH
AD-HOC CAPITAL PLANNING COMMITTEE

CAPITAL PLANNING COMMITTEE

The Capital Planning Committee shall be an ad-hoc committee made up of seven (7) members, all appointed by the Board of Selectmen. The positions shall be filled by residents of the community who are willing to volunteer their time in assisting with the review and evaluation of capital items and projects contained within the Town's Capital Plan, and developing strategies to move these projects forward for approval in a financially responsible manner. The Finance Director and Town Administrator shall act as ex-officio members of the Committee. As such, these positions will not count toward the quorum, nor will they have a vote on committee matters.

CHARGE

The primary charge of the Capital Planning Committee is as follows:

- Work with Town Finance Team to maintain town's capital plan. This will be achieved by regular meetings and discussions with Town Departments, Boards, and Committees that will put forward requests for Capital Funding as part of an Annual or Special Town Meeting. While this Committee will have no oversight of the annual operating budget, they need to be aware and receive regular updates of the operating budgets to ensure that capital needs are considered in an appropriate order and timing.
- In the immediate term, perform a comprehensive assessment of all owned town facilities and property (including school properties). Work collaboratively with other town boards and committees to provide a plan for construction, remodeling, consolidation, or sale. Provide ~~initial~~ status report on or before September 1, 2020 to Board of Selectmen and Advisory Committee with a formal report on all initial recommendations by December 31, 2020.
- In the absence of a formal building committee for a specific project, this Committee will serve as point of initial approval for all project expenses, change orders, and invoices. Projects falling under the oversight of this Committee will specifically be decided as part of or immediately following any Town Meeting appropriation by a vote of the Board of Selectmen based on a recommendation from the Town Administrator.
- If the Board of Selectmen decide to have a separate Building Committee for any specific project, then a member of this Committee shall be appointed.

TERM

The Capital Planning Committee appointments will be for one year terms.

Approved: February 11, 2020; Amended March 10, 2020

COMMONWEALTH OF MASSACHUSETTS
WILLIAM FRANCIS GALVIN
SECRETARY OF THE COMMONWEALTH

WARRANT FOR 2020 STATE PRIMARY

Worcester, SS.
To the Constables of the Town of **Southborough**

GREETINGS:
In the name of the Commonwealth, you are hereby required to notify and warn the inhabitants of Southborough who are qualified to vote in Primaries to vote at:

The Trottier Middle School Gymnasium, 49 Parkerville Road, Southborough, MA.

on **TUESDAY, THE FIRST DAY OF SEPTEMBER, 2020,** from **6:30 A.M. to 8:00 P.M.** for the following purpose:

To cast their votes in the State Primaries for the candidates of political parties for the following offices:

SENATOR IN CONGRESS. . . . . .FOR THIS COMMONWEALTH
REPRESENTATIVE IN CONGRESS . . . . . .FIFTH DISTRICT
COUNCILLOR . . . . . THIRD DISTRICT
SENATOR IN GENERAL COURT . . . . . MIDDLESEX & WORCESTER DISTRICT
REPRESENTATIVE IN GENERAL COURT. . . . . .EIGHTH MIDDLESEX DISTRICT
REGISTER OF PROBATE . . . . . WORCESTER COUNTY

Hereof fail not and make return of this warrant with your doings thereon at the time and place of said voting.

Given under our hands this _____ day of _____, 2020.

_____
Martin F. Healey, Chairman

_____
Lisa M. Braccio, Vice-Chairman

_____
Chelsea Marie Malinowski

_____
Brian E. Shea

_____
Sam Stivers

BOARD OF SELECTMEN OF THE TOWN OF SOUTHBOROUGH

Posted:
Town website, Southborough Town House, Southborough Senior Center, Southborough Library, Southborough Transfer Station

_____ _____
Kenneth M. Paulhus, Constable date

Warrant must be posted by **August 25, 2020,** (at least *seven days prior* to the **September 1, 2020** State Primary).

RECEIVED
By Town Clerk/amb at 9:29 am, Dec 03, 2020

TOWN OF SOUTHBOROUGH

BOARD OF SELECTMEN Meeting Minutes

Meeting Date: Friday, August 28, 2020, 8:30 A.M.
Location: Virtual Meeting through Zoom
Present: Marty Healey, Lisa Braccio, Chelsea Malinowski, Brian Shea, Sam Stivers

I. Chairman Healey called the meeting to order at 8:31 A.M. Chairman Healey read the following statement:

Pursuant to Governor Baker's March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, §18, and the Governor's March 15, 2020 Order imposing strict limitation on the number of people that may gather in one place, this meeting of the Southborough Board of Selectmen will be conducted via remote participation to the greatest extent possible. Specific information and the general guidelines for remote participation by members of the public and/or parties with a right and/or requirement to attend this meeting can be found on the Town of Southborough's website, at https://www.southboroughtown.com/. For this meeting, members of the public who wish to watch or participate in the meeting may do so in the following manner by finding the meeting at: https://www.southboroughtown.com/remotemeetings. No in-person attendance of members of the public will be permitted, but every effort will be made to ensure that the public can adequately access the proceedings in real time, via technological means. In the event that we are unable to do so, despite best efforts, we will post on Southborough's website an audio or video recording, transcript, or other comprehensive record of proceedings as soon as possible after the meeting.

II. Consent Agenda

Town of Ashland re: emergency drinking water connections: The Board met with DPW Superintendent Karen Galligan to discuss a request from the Town of Ashland to provide them with emergency drinking water resources for a temporary period. Evan White, a project manager from Ashland also was in attendance. [Southborough has excess capacity and an ability to provide them water].

Due to the current drought, ongoing work at the pump station is on hold so new pumps have not been installed yet. An emergency order was filed to assist Ashland's current need. The rates have been set for the future under an Inter-Municipal Agreement going forward [once construction is complete] so this is the last time an emergency order is anticipated. As of 9/1 they can take water through DEP and MWRA, but need approval from the Town of Southborough as well. Ashland has declared a water emergency as of now. There will be no cost to taxpayers in Southborough and the billing will be processed through the [Southborough] Treasurer doing a manual bill to Ashland, based on escalation rates. Ashland pays a surcharge to MWRA because it's an emergency connection; furthermore, Ashland pays Southborough the cost of water plus wear and tear which we report to DEP in our annual report.

Ms. Malinowski spoke to the mutual aid agreement and noted the rate in effect in the 2007 agreement but stated no amendment [or extension] for 2020 is on file. She wants to be sure we bill and receive payment based on the 2020 rates. The sheet Ms. Galligan referenced this morning will be attached to the required documentation to reflect 2020 costs. When Ashland sends it to MWRA, they'll look at the order and will give their approval based on 2020 rates. Ms.

Malinowski said the aid agreement [section 4] did not stipulate that; Ms. Galligan said MWRA manages how the pricing will work. Mr. White acknowledged his agreement of the same, and verified Ashland will be paying 2020 rates.

Mr. Shea asked about a meter at the connection point; Ms. Galligan said it has been set up already so that is in place. Mr. Stivers commented that he also looked at the agreements and feels there are gaps in our paperwork and requested a follow up on an updated amendment. He further noted the agreement expired in 2016 and asked if it was still valid. Being a member of the MWRA Advisory Board, he did not recall any discussion of this matter and wanted to be sure paperwork is in place legally. Mr. Stivers estimated $192,000 [if they use 36 million gallons]. Mr. White said the hope is they will not take very much water and will operate the meter from early morning to mid-afternoon, expecting usage less than 200,000 gallons per day. Ms. Galligan added that pump station upgrades should be complete by Thanksgiving.

The Board voted by roll call to approve an emergency connection for water for Ashland, and noted that rates will be charged per current usage rates through the MWRA. Roll call: Braccio, aye; Malinowski, aye, Shea, aye; Stivers, aye, Healey, aye.

Outdoor Dining: Tomasso's has applied for permission for outdoor dining and an amendment to their alcohol license. This is similar to the approval given to the Hola Restaurant just recently. Ms. Braccio would like to see outdoor dining permanently during the Summer months. Ms. Malinowski noted conditions of the Planning Board and hoped Tomasso's would also agree. The Board all agreed that sidewalk funding grants would be great all over town in the future to makes use of best practices created during the pandemic. The Board voted by roll call to approve an outdoor dining application and alcohol license alteration of premises for outdoor service, according to conditions detailed in the approval of the Planning Board. Roll call: Braccio, aye; Malinowski, aye, Shea, aye; Stivers, aye, Healey, aye. Mr. Healey extended his thanks to the fire department and other officials that have taken part of the approval process to help businesses stay afloat during the pandemic.

Chairman's report: Mr. Healey congratulated the Facilities Department on news that a $200,000 grant for LED lighting and other green efforts has recently been awarded.

III. On a motion made by Mr. Shea, seconded by Ms Braccio and voted by roll call, all in favor, Braccio, aye; Malinowski, aye; Shea, aye; Stivers, aye; Healey, aye, the meeting was adjourned at 9:05 a.m.

Respectfully submitted by Vanessa Hale, Assistant Town Administrator

List of Documents referred to at the August 28, 2020 BOS Meeting:

- August 24, 2020 DEP Emergency Declaration
- August 19, 2020 letter from the Town of Ashland
- Municipal Aid Agreement, dated 12.18.07
- MWRA rate sheet prepared by Karen Galligan
- Outdoor Dining application from Tomasso Trattoria and associated correspondence
- Temporary License Extension

RECEIVED
By Town Clerk/rhc at 10:27 am, Feb 19, 2021

TOWN OF SOUTHBOROUGH

BOARD OF SELECTMEN Meeting Minutes

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Present: Marty Healey, Lisa Braccio, Chelsea Malinowski, Brian Shea, Sam Stivers

I. Chairman Healey called the meeting to order at 8:31 A.M. Chairman Healey read the following statement:

Pursuant to Governor Baker's March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, §18, and the Governor's March 15, 2020 Order imposing strict limitation on the number of people that may gather in one place, this meeting of the Southborough Board of Selectmen will be conducted via remote participation to the greatest extent possible. Specific information and the general guidelines for remote participation by members of the public and/or parties with a right and/or requirement to attend this meeting can be found on the Town of Southborough's website, at https://www.southboroughtown.com/. For this meeting, members of the public who wish to watch or participate in the meeting may do so in the following manner by finding the meeting at: https://www.southboroughtown.com/remotemeetings. No in-person attendance of members of the public will be permitted, but every effort will be made to ensure that the public can adequately access the proceedings in real time, via technological means. In the event that we are unable to do so, despite best efforts, we will post on Southborough's website an audio or video recording, transcript, or other comprehensive record of proceedings as soon as possible after the meeting.

II. Consent Agenda

Town of Ashland re: emergency drinking water connections: The Board met with DPW Superintendent Karen Galligan to discuss a request from the Town of Ashland to provide them with emergency drinking water resources for a temporary period. Evan White, a project manager from Ashland also was in attendance. [Southborough has excess capacity and an ability to provide them water].

Due to the current drought, ongoing work at the pump station is on hold so new pumps have not been installed yet. An emergency order was filed to assist Ashland's current need. The rates have been set for the future under an Inter-Municipal Agreement going forward [once construction is complete] so this is the last time an emergency order is anticipated. As of 9/1 they can take water through DEP and MWRA, but need approval from the Town of Southborough as well. Ashland has declared a water emergency as of now. There will be no cost to taxpayers in Southborough and the billing will be processed through the [Southborough] Treasurer doing a manual bill to Ashland, based on escalation rates. Ashland pays a surcharge to MWRA because it's an emergency connection; furthermore, Ashland pays Southborough the cost of water plus wear and tear which we report to DEP in our annual report.

Ms. Malinowski spoke to the mutual aid agreement and noted the rate in effect in the 2007 agreement but stated no amendment [or extension] for 2020 is on file. She wants to be sure we bill and receive payment based on the 2020 rates. The sheet Ms. Galligan referenced this morning will be attached to the required documentation to reflect 2020 costs. When Ashland sends it to MWRA, they'll look at the order and will give their approval based on 2020 rates. Ms.

Malinowski said the aid agreement [section 4] did not stipulate that; Ms. Galligan said MWRA manages how the pricing will work. Mr. White acknowledged his agreement of the same, and verified Ashland will be paying 2020 rates.

Mr. Shea asked about a meter at the connection point; Ms. Galligan said it has been set up already so that is in place. Mr. Stivers commented that he also looked at the agreements and feels there are gaps in our paperwork and requested a follow up on an updated amendment. He further noted the agreement expired in 2016 and asked if it was still valid. Being a member of the MWRA Advisory Board, he did not recall any discussion of this matter and wanted to be sure paperwork is in place legally. Mr. Stivers estimated $192,000 [if they use 36 million gallons]. Mr. White said the hope is they will not take very much water and will operate the meter from early morning to mid-afternoon, expecting usage less than 200,000 gallons per day. Ms. Galligan added that pump station upgrades should be complete by Thanksgiving.

The Board voted by roll call to approve an emergency connection for water for Ashland, and noted that rates will be charged per current usage rates through the MWRA. Roll call: Braccio, aye; Malinowski, aye, Shea, aye; Stivers, aye, Healey, aye.

Outdoor Dining: Tomasso's has applied for permission for outdoor dining and an amendment to their alcohol license. This is similar to the approval given to the Hola Restaurant just recently. Ms. Braccio would like to see outdoor dining permanently during the Summer months. Ms. Malinowski noted conditions of the Planning Board and hoped Tomasso's would also agree. The Board all agreed that sidewalk funding grants would be great all over town in the future to makes use of best practices created during the pandemic. The Board voted by roll call to approve an outdoor dining application and alcohol license alteration of premises for outdoor service, according to conditions detailed in the approval of the Planning Board. Roll call: Braccio, aye; Malinowski, aye, Shea, aye; Stivers, aye, Healey, aye. Mr. Healey extended his thanks to the fire department and other officials that have taken part of the approval process to help businesses stay afloat during the pandemic.

Chairman's report: Mr. Healey congratulated the Facilities Department on news that a $200,000 grant for LED lighting and other green efforts has recently been awarded.

III. On a motion made by Mr. Shea, seconded by Ms Braccio and voted by roll call, all in favor, Braccio, aye; Malinowski, aye; Shea, aye; Stivers, aye; Healey, aye, the meeting was adjourned at 9:05 a.m.

Respectfully submitted by Vanessa Hale, Assistant Town Administrator

List of Documents referred to at the August 28, 2020 BOS Meeting:

- August 24, 2020 DEP Emergency Declaration
- August 19, 2020 letter from the Town of Ashland
- Municipal Aid Agreement, dated 12.18.07
- MWRA rate sheet prepared by Karen Galligan
- Outdoor Dining application from Tomasso Trattoria and associated correspondence
- Temporary License Extension

SOUTHBOROUGH/ASHLAND WATER AGREEMENT 2020

RELEVANT INFORMATION

1MG	**=**		**133,690**	**CF**
(7.48 gallons/ cubic foot of water … so 1,000,000 gal/7.48gal/CF)				
SBRO WATER BUDGET	=	$	1,697,355.00	
HOSMER ELECTRIC	=	$	47,450.90	
GALLONS PUMPED	=		166,731,000	G
AT HOSMER PUMP STATION	=		22,290,240.64	CF
SBRO GALLONS PUMPED	=		328,200,000.00	G
TOTAL	=		43,877,005.35	CF
ASHLAND REQUEST	=		36,000,000	G
(200,000 gallons/day for 180 days)	=		4,812,834.22	CF
ASHLAND PERCENT	=		10%	
(Based on a total of Sbro use 328MG plus Ashland use 36MG)				
SOUTHBOROUGH	=	$	4,320.63	/MG
COST OF WATER FROM MWRA	=	$	0.0323	/CF
	=	$	3.23	/HCF
ASHLAND MUST PAY	=	$	432.06	/MG
10% SURCHARGE TO MWRA	=	$	0.0032	/CF
	=	$	0.32	/HCF

SOUTHBOROUGH MINIMUM COSTS TO PROVIDE WATER

MWRA COSTS	=	$	4,320.63	/MG
	=	$	0.03232	/CF
	=	$	3.23	/HCF
ELECTRIC COSTS	=	$	284.60	/MG
	=	$	0.00213	/CF
	=	$	0.21	/HCF

ADDITIONAL RECOVERY FOR WEAR & TEAR

Use of 500GPM pump and 3 miles of 12" pipeline for 6 months or 25% of total gallons flowed

PUMP VALUE	=	$	15,000.00	
PUMP LIFETIME	=	15 years		
VALUE PUMP USE (25% of cost over 15 years)	=	$	250.00	
PIPE VALUE ($175/LF time 3 times 5,280FT)	=	$	2,772,000.00	
PIPE LIFETIME	=	80 years		
VALUE PIPE USE (25% of cost over 80 years)	=	$	8,662.50	
TOTAL ADDITIONAL VALUE	=	$	8,912.50	Total
(cost divided by total	=	$	247.57	/MG
gallons received by Ashland)	=	$	0.0019	/CF
	=	$	0.19	/HCF

TOTAL COST FROM SOUTHBOROUGH TO ASHLAND

Actual direct costs plus wear and tear costs.

ASHLANDS COST FOR WATER PAY TO SOUTHBOROUGH	=	$	4,852.79	/MG
	=	$	0.04	/CF
	=	**$**	**3.63**	**HCF**

ASHLANDS TOTAL COST (W/MWRA SURCHARGE)	**=**	**$**	**3.95**	**/HCF**

Commonwealth of Massachusetts
Executive Office of Energy & Environmental Affairs

Department of Environmental Protection

Northeast Regional Office • 205B Lowell Street, Wilmington MA 01887 • 978-694-3200

Charles D. Baker
Governor

Karyn E. Polito
Lieutenant Governor

Kathleen A. Theoharides
Secretary

Martin Suuberg
Commissioner

August 24, 2020

Michael Herbert, Town Manager
Town of Ashland
101 Main Street
Ashland, MA 01721-1191

City/Town: Ashland
PWS: Ashland Water and Sewer Division
PWS ID # 3014000
ENF No. 00009987
Issuing Bureau: BWR
Issuing Region/Office: NERO
Issuing Program: DWP

EMERGENCY DECLARATION

Dear Mr. Herbert:

On August 18, 2020, the Town of Ashland (the "Town") submitted a petition requesting an Emergency Declaration from the Massachusetts Department of Environmental Protection ("MassDEP") under the provisions of the Water Management Act, specifically M.G.L. c. 21G §15. According to the petition, low water levels in the Town require activation of emergency drinking water connections with the Massachusetts Water Resources Authority via a connection through the Town of Southborough on a temporary basis.

The Massachusetts Department of Environmental Protection ("MassDEP") hereby issues the attached Emergency Declaration No. 00009987.

If you have any questions regarding this Emergency Declaration, please contact Amy Lachance, Drinking Water Section Chief, at amy.lachance@mass.gov, or 617-429-1428.

Very truly yours,

Eric S. Worrall
Regional Director

This information is available in alternate format. Contact Michelle Waters-Ekanem, Director of Diversity/Civil Rights at 617-292-5751.
TTY# MassRelay Service 1-800-439-2370
MassDEP Website: www.mass.gov/dep

Printed on Recycled Paper

Attachment: Emergency Declaration

E-cc: Ashland Health Department
MassDEP/DWP Boston
H. Zisch, MassDEP-OGC-NERO
Duane LeVangie, MassDEP-BWR-Boston

Y:\DWP Archive\NERO\Ashland-Enforcement\Emergency-3014000-2020-08-24

COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE OFFICE OF ENERGY AND ENVIRONMENTAL AFFAIRS
DEPARTMENT OF ENVIRONMENTAL PROTECTION

In the Matter of	)	
Town of Ashland Water Division	)	**Enf 00009987**
	)	

EMERGENCY DECLARATION

The Parties

1. The Massachusetts Department of Environmental Protection ("MassDEP") is a duly constituted agency of the Commonwealth of Massachusetts established pursuant to M.G.L. c. 21, § 7. MassDEP has its principal office located at One Winter Street, Boston, Massachusetts 02108, and its Northeast Regional Office located at 205B Lowell Street, Wilmington, Massachusetts 01887.

2. The Town of Ashland ("Ashland") is a Municipality within the Commonwealth of Massachusetts having a principal place of business at and a mailing address of 101 Main Street, Ashland, Massachusetts 01721.

Statement of Facts and Law

3. Ashland operates a public water system with MassDEP Registration Number 3014000. Ashland, through its Water and Sewer Division, operates and maintains five active sources (Howe Street Wells 4, 5, 6, 7, & 8) and the Howe Street Water Treatment Plant.

4. On August 18, 2020, Ashland sent a letter to MassDEP, petitioning MassDEP for a Declaration of a State of Water Supply Emergency pursuant to M.G.L.c.21G, §15 and seeking emergency use of water from the Massachusetts Water Resources Authority ("MWRA") via a connection through the Town of Southborough.

5. Ashland reported that the water elevation of the Hopkinton Reservoir is dropping at a rate of approximately 0.08 feet per day. At this rate, assuming similar precipitation patterns to those experienced in the past month, Ashland will not be able to meet water demand in approximately 30 days, which would impact both fire protection and drinking water supply.

6. Ashland imposed outdoor watering restrictions on July 30, 2020, communicating these restrictions to its consumers via direct dial telephone calls, social media, media outlets,

and other means. The water operators patrol seven days a week to enforce this restriction.

7. The Water Management Act, M.G.L. c.21G, § 15, and the Water Management Regulations, specifically the provisions of 310 CMR 36.40(1), authorize any water system to petition MassDEP for a Declaration of a State of Water Supply Emergency if it finds that there exists or impends a water supply shortage of a dimension which endangers the public health, safety or welfare.

8. Pursuant to M.G.L. c.21G, § 15, and the Water Management Regulations set out at 310 CMR 36.40(2), MassDEP may declare a state of water emergency if it finds that there exists or impends a water supply shortage of a dimension which endangers the public health, safety or welfare. Further, in response to a petition for a Declaration of a State of Water Supply Emergency and pursuant to this statutory section, MassDEP may require the water supplier to submit for its review and approval a plan for restraining the use of water by whatever means it deems appropriate and feasible. The statute limits any Declaration of a State of Water Supply Emergency to no more than six months in the aggregate in any twelve-month period, unless MassDEP determines that a longer state of emergency is required to protect the public health.

9. Furthermore, the Water Management Regulations at 310 CMR 36.40(2) provides:

> Upon receiving a petition for a declaration of a state of water supply emergency, the Department may declare an emergency if it finds that there exists or impends a water supply shortage of a dimension which endangers the public health, safety or welfare, due to circumstances including, but not limited to:
>
> > (a) Demand for water exceeds the availability of water;
> > ...
> > (d) inadequate source of water, inadequate distribution system capacity, inadequate storage capacity or drought including seasonal water shortages which repeatedly affect the same public water system....

10. Pursuant to the Water Management Act, M.G.L. c.21G, § 17, MassDEP may issue orders during a state of water emergency declared under M.G.L. c.21G, § 15 to, among other things, establish priorities for the distribution of any water or quantity of water use, to permit any person engaged in the operation of a water supply system to cease the distribution of water, to distribute water to certain users as specified by MassDEP, and to require the implementation of specific water conservation measures.

Determination and Order

11. For the reasons set forth above and pursuant to the Water Management Act, M.G.L. c.21G, § 15, MassDEP hereby determines that a water supply emergency exists and that it endangers the public health, safety or welfare of the citizens of Ashland. Unless extended

by MassDEP, this Emergency Declaration shall remain in effect until February 24, 2021, or until such time as MassDEP determines that emergency conditions no longer exist, whichever is sooner.

12. By issuing this Emergency Declaration, MassDEP hereby grants Ashland authority to use water from the MWRA via a connection through the Town of Southborough. Ashland shall only utilize MWRA water as needed to meet system demands greater than the available capacity of Ashland's other available sources.

13. Effective immediately, the current ban on non-essential water use shall remain in place for the duration of this Emergency Declaration. For purposes of this Emergency Declaration, the term "nonessential outside water use" is defined to include those uses that do not have health or safety impacts, are not required by regulation, and are not needed to meet the core functions of a business or other organization. Ashland shall have the authority to enforce these regulations through the assessment of penalties or the imposition of fines.

14. Within two (2) days of the date of issuance of this Emergency Declaration, Ashland shall provide public notice to its consumers through Ashland's Reverse-911 system of the issuance of this Emergency Declaration and the ban on all non-essential water use. Ashland shall provide MassDEP with the written text of said notice and the date(s) on which said notice was provided **by August 31, 2020**. Ashland shall further notify customers by any additional means, including but not limited to sign boards, notices on web site and social media, as deemed necessary. If Ashland has published notice in a local newspaper and/or on Ashland's website or by any other means, then Ashland shall also submit a copy of the public notice to MassDEP within ten (10) business days of publication of the notice.

15. **On or before October 1, 2020**, Ashland shall submit to MassDEP a written report documenting all efforts taken by Ashland to implement and enforce the ban on nonessential outside water use required herein, including all actions taken by Ashland to inform the public of the restrictions and to enforce the restrictions, including the assessment of penalties or imposition of fines. The report shall describe water use trends over the period of the emergency and describe progress and the status of all other conservation programs being implemented by Ashland. Ashland shall submit copies of all materials and notices prepared to inform the public of Ashland need to conserve water and comply with the restrictions on nonessential outside water use.

16. Ashland shall comply with all the remaining terms and conditions of its Water Management Act Registration No. 31401401 and Permit No. 9P2-3-14014.02 that remain unchanged by this Emergency Declaration.

17. If Ashland fails to comply with the provisions of this Emergency Declaration, MassDEP may assess a civil administrative penalty as provided in M.G.L. c.21A, § 16 and M.G.L. c.21G, § 14. MassDEP may also seek civil judicial penalties as provided in M.G.L. c.21G, § 14. Each day of continued violation shall constitute a separate offense. In

addition, MassDEP may ask the Attorney General to bring an action in the superior court to compel compliance with this Declaration.

Appeal Rights

18. Respondent is hereby notified that it has a right to an adjudicatory hearing on this Order. Pursuant to M.G.L. c. 21G, § 12 and 310 CMR 36.40(1) and effective twenty-one days after the Order is received by the Respondent, Respondent shall be deemed to have waived its right to an adjudicatory hearing on this order unless Respondent files with MassDEP (i.e., MassDEP receives), a written notice of claim for an adjudicatory appeal that clearly and concisely states every point of fact and law Respondent intends to raise as grounds for the appeal, the relief sought, and any additional information required by applicable law. The request must be mailed to:

Commonwealth of Massachusetts
MassDEP-Office of Appeals and Dispute Resolution
One Winter Street
Boston, MA 02211

And a copy sent to:

Heidi M. Zisch, Counsel
MassDEP-Office of General Counsel
Northeast Regional Office
205B Lowell Street
Wilmington, MA 01887

The appeal must be accompanied by a valid check made payable to Commonwealth of Massachusetts in the amount of $100.00 for the required filing fee. The filing fee must be mailed to:

Commonwealth of Massachusetts
MassDEP-Office of Appeals and Dispute Resolution
P.O. Box 4062
Boston, MA 02211

The filing fee is not required if the appellant is a city, town, county, or district of the Commonwealth of Massachusetts or a municipal housing authority.

Failure to pay the filing fee as required is grounds for dismissal of the request for hearing.

Waiver of filing fee: Upon a showing of undue financial hardship, MassDEP may waive the adjudicatory hearing filing fee. A person who believes that payment of the $100.00 filing fee would be an undue financial hardship must file, together with the request for

adjudicatory hearing as provided above, an affidavit setting forth the facts the appellant believes constitute the undue financial hardship.

Issued by the Department of Environmental Protection this 24th day of August 2020.

By_____
Eric S. Worrall, Regional Director

Massachusetts Department of Environmental Protection
One Winter Street, Boston MA 02108 • Phone: 617-292-5751

Communication For Non-English Speaking Parties - 310 CMR 1.03(5)(a)

1 English:
This document is important and should be translated immediately. If you need this document translated, please contact MassDEP's Diversity Director at the telephone numbers listed below.

2 Español (Spanish):
Este documento es importante y debe ser traducido inmediatamente. Si necesita este documento traducido, por favor póngase en contacto con el Director de Diversidad MassDEP a los números de teléfono que aparecen más abajo.

3 Português (Portuguese):
Este documento é importante e deve ser traduzida imediatamente. Se você precisa deste documento traduzido, por favor, entre em contato com Diretor de Diversidade da MassDEP para os números de telefone listados abaixo.

4(a) 中國（傳統）(Chinese (Traditional):
本文件非常重要，應立即翻譯。如果您需要翻譯這份文件，請用下面列出的電話號碼與MassDEP的多樣性總監聯繫。

4(b) 中国（简体中文）(Chinese (Simplified):
本文件非常重要，应立即翻译。如果您需要翻译这份文件，请用下面列出的电话号码与MassDEP的多样性总监联系。

5 Ayisyen (franse kreyòl) (Haitian) (French Creole):
Dokiman sa-a se yon bagay enpòtan epi yo ta dwe tradui imedyatman. Si ou bezwen dokiman sa a tradui, tanpri kontakte Divèsite Direktè MassDEP a nan nimewo telefòn ki nan lis pi ba a.

6 Việt (Vietnamese):
Tài liệu này là rất quan trọng và cần được dịch ngay lập tức. Nếu bạn cần dịch tài liệu này, xin vui lòng liên hệ với Giám đốc MassDEP đa dạng tại các số điện thoại được liệt kê dưới đây.

7 ប្រទេសកម្ពុជា (Kmer (Cambodian):
ឯកសារនេះគឺមានសារៈសំខាន់ដែលគួរត្រូវបានបកប្រែភ្លាម។ ប្រសិនបើអ្នកត្រូវបានបកប្រែ ឯកសារនេះសូមទំនាក់ទំនងឆ្ពោតជានាយក MassDEP នៅលេខទូរស័ព្ទដែលបានរាយខាងក្រោម។

8 Kriolu Kabuverdianu (Cape Verdean):
Es documento é importante e deve ser traduzido imidiatamente. Se bo precisa des documento traduzido, por favor contacta Director de Diversidade na MassDEP's pa es numero indicode li d'boche.

9 Русский язык (Russian):
Этот документ должен быть немедленно. Если вам нужна помощь при переводе, свяжитесь пожалуйста с директором по этике и разнообразие в MassDEP по телефону указанному ниже.

10 العربية (Arabic):
هذه الوثيقة الهامة وينبغي أن تترجم على الفور. اذا كنت بحاجة الى هذه الوثيقة المترجمة، يرجى الاتصال مدير التنوع في MassDEP على أرقام الهواتف المدرجة أدناه.

11 한국어 (Korean):
이 문서는 중요하고 즉시 번역해야합니다. 당신이 번역이 문서가 필요하면 아래의 전화 번호로 MassDEP의 다양성 감독에 문의하시기 바랍니다.

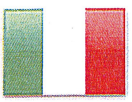
12 հայերեն (Armenian):
Այս փաստաթուղթը շատ կարեւոր է եւ պետք է թարգմանել անմիջապես. Եթե Ձեզ անհրաժեշտ է այս փաստաթուղթը թարգմանվել դիմել MassDEP բազմազանությունը տնօրեն է հեռախոսահամարների թվարկված են ստորեւ.

13 فارسی (Farsi [Persian]):
این سند مهم است و باید فورا ترجمه شده است.
اگر شما نیاز به این سند ترجمه شده، لطفا با ما تماس تنوع مدیر MassDEP در شماره تلفن های ذکر شده در زیر.

14 Français (French):
Ce document est important et devrait être traduit immédiatement. Si vous avez besoin de ce document traduit, s'il vous plaît communiquer avec le directeur de la diversité MassDEP aux numéros de téléphone indiqués ci-dessous.

15 Deutsch (German):
Dieses Dokument ist wichtig und sollte sofort übersetzt werden. Wenn Sie die Übersetzung von diesem Dokument benötigen, wenden Sie sich bitte bei der/dem Diversity Director MassDEP an die unten aufgeführte Telefonnummer.

16 Ελληνική (Greek):
Το έγγραφο αυτό είναι σημαντικό και θα πρέπει να μεταφραστούν αμέσως. Αν χρειάζεστε αυτό το έγγραφο μεταφράζεται, παρακαλούμε επικοινωνήστε Diversity Director MassDEP κατά τους αριθμούς τηλεφώνου που αναγράφεται πιο κάτω.



17 Italiano (Italian):
Questo documento è importante e dovrebbe essere tradotto immediatamente. Se avete bisogno di questo documento tradotto, si prega di contattare la diversità Direttore di MassDEP ai numeri di telefono elencati di seguito.

18 Język Polski (Polish):
Dokument ten jest ważny i powinien być natychmiast przetłumaczone. Jeśli potrzebujesz tego dokumentu tłumaczone, prosimy o kontakt z Dyrektorem MassDEP w różnorodności na numery telefonów wymienionych poniżej.

19 हिन्दी (Hindi):
यह दस्तावेज महत्वपूर्ण है और तुरंत अनुवाद किया जाना चाहिए. आप अनुवाद इस दस्तावेज़ की जरूरत है, नीचे सूचीबद्ध फोन नंबरों पर MassDEP की विविधता निदेशक से संपर्क करें.

Town of Ashland Massachusetts
Office of the Select Board
and Town Manager
101 Main Street, 01721-1191
(508) 881-0100

Michael Herbert, *Town Manager, Ext 7911*
Jennifer Ball, *Assistant Town Manager, Ext 7901*
Susan K. Robie, *Executive Assistant, Ext. 7921*
Diane Mortensen, *Personnel and Financial Assistant, Ext. 7933*

Select Board
Yolanda Greaves, *Chair*
Joseph J Magnani, Jr., *Vice Chair*
Brandi Kinsman, *Clerk*
Steven Mitchell, *Member*
Rob Scherer, *Member*

August 19, 2020

Mr. Mark Purple
Town Administrator
Town of Southborough
17 Common Street
Southborough, MA 01772

Re: Request for Temporary Supplemental Water

Dear Mr. Purple:

On behalf of the Ashland Select Board, the Town of Ashland respectfully requests the Town of Southborough to assist in supplementing our public water supply.

Due to the lack of precipitation, the Town of Ashland implemented increased non-essential outdoor water use restrictions on July 30, 2020 beyond our routine odd/even day lawn watering restrictions. Assuming similar precipitation patterns, our wells will not be able to provide for the Town's water demand in approximately 30 days thus impacting fire protection and drinking water.

On August 18, 2020, a request for a Declaration of Water Supply State of Emergency has been submitted to Massachusetts Department of Environmental Protection (MassDEP).

As you know, in 2015, Ashland and Southborough entered into an intermunicipal agreement for supplemental water in exchange for system upgrades which includes a permanent connection. The permanent connection is not quite complete. In order to connect the two water distribution systems together, a temporary bypass will be installed hydrant to hydrant on Thomas Road (Ashland) and Edgewood Road (Southborough).

We intend to only activate the temporary bypass in order to give our wells time to recharge. It is unpredictable determining the length of time the temporary bypass will need to be in place. Additionally, the bypass cannot be activated until the Massachusetts Water Resource Authority approves the use of the MWRA water supply through the Town of Southborough for this current state of emergency.

If you have any questions, please do not hesitate to send me an email at mherbert@ashlandmass.com. I look forward to hearing back from and thank you.

With regards,
Michael D. Herbert

Michael D. Herbert

Cc: Doug Small, Director of Public Works

INTERMUNICIPAL WATER SUPPLY AGREEMENT

THIS AGREEMENT ("the AGREEMENT") is entered into as of this by and between the Town of Southborough through its Board of Selectmen ("Southborough" or "the Southborough Board"), and the Town of Ashland through its Board of Selectmen ("Ashland" or "the Ashland Board") and referred to collectively as "the Parties".

RECITALS

I. General

A. The Parties deem it to be most economical and in furtherance of a public purpose to enter into an agreement whereby Ashland will supplement its water supply through an MWRA indirect connection via Southborough water lines, in order to secure, treat and supply drinking water for Ashland;

B. The Parties intend to have this Agreement remain in full force and effect for twenty-five(25) years, unless sooner terminated or extended as herein provided;

C. Southborough intends to supply quantities of water to Ashland for the price and under the terms set forth herein.

D. The Parties intend that the municipal corporations entering into this agreement are the sole and exclusive beneficiaries of the Agreement.

II. Proposed Expansion of Public Water Supply System

A. Both Parties propose to construct additional pumps, and add equipment to current facilities in order to provide supplemental water supply to the Town of Ashland. The proposed "Project" will primarily affect existing infrastructure. Existing water lines between Southborough and Ashland are approximately 60 feet apart along Oregon Road in Ashland. The 'Connection' will be a ten foot wide by fifteen foot long buried meter vault along the side of Oregon Road. Other improvements include a new transformer and pad, new gate valve and pipe fittings, and pump improvements at Southborough's Hosmer pump station ('Primary Project Site'); an altitude valve and pipe fittings at Southborough's Overlook water storage tank; and approximately 1,550 linear feet of 12" water main installation from the Hosmer pump station. The details of this work is shown on the conceptual design plans.

B. Southborough proposes to deliver to Ashland a minimum of 0 and a maximum of 1.6 million gallons per day (gpd) from the new connection;

III. Cost for the MWRA water connection

A. The estimated construction cost of the Project is $1.8 million dollars, per Exhibit 1, Opinion of Probable Construction Cost (75% Design Stage). .

B. The Town of Ashland will be responsible for all costs related to the Project.

IV. Operation Costs

A. The Town of Southborough will charge for the water based on usage and based on the attached fee schedule per gallon at the time of usage. The fee schedule may be revised on an annual basis based on actual costs as further defined, and shall be provided to the Town of Ashland no less than 90 days prior to any feechanges.

V. Legislative Authority

A. The Parties are authorized pursuant to M,GL c. 40, §4A, M.GL. c, 40, §38 to enter into the Agreement.

NOW, THEREFORE, in consideration of the mutual agreements and provisions set forth herein, and the payments and obligations hereunder, and for other good and valuable consideration, the receipt and adequacy of which consideration is hereby acknowledged, the Parties hereby agree as follows:

1 Definitions

1.1 Southborough is the Town of Southborough, a municipal corporation of the Commonwealth of Massachusetts,. The Town of Southborough acts through its Board of Selectmen , in their capacity as the chief executive officer of the Town. The signatories to this Agreement shall have no personal liability and are acting solely in their capacity as members of the Board of Selectmen .

1.2 Ashland is the Town of Ashland, a municipal corporation of the Commonwealth of Massachusetts,. The Town of Ashland acts through its Board of Selectmen , in their capacity as the chief executive officer of the Town . The signatories to this Agreement shall have no personal liability and are acting solely in their capacity as members of the Board of Selectmen.

1.3 Net Project Cost shall mean the total cost for all of the construction and capital obligations for the upgraded Plant and associated system upgrades, together with necessary related accessories, including but not limited to, planning, design, engineering, construction, cost estimating, permitting, demolition or the removal of any building or structures on the site, the furnishings and equipment, insurance during construction, legal and administrative costs, and site and easement acquisitions, together with costs and such other expenses as may be necessary or incidental to any construction, extension, acquisition or improvement of such facilities and the placing of such facilities in operation, minus Grants received from United States Environmental Protection Agency (USEPA) or the Massachusetts Department of Environmental Protection (MADEP) and/or any other funding agency. It is understood that if and when Ashland receives a Federal or State grant it may not be entirely for water distributiom, and that only the funds that are properly attributable to water distribution shall be deducted from the Net Project Cost. Net Project Costs shall also include the costs for construction design and necessary related accessories.

1.4 Project shall mean the proposed infrastructure improvements related to the interconnection of the Southborough and Ashland water systems. It includes upgrades to the Hosmer pump station, Overlook water tank, as well as the construction of a meter vault and associated piping at the Southborough/ Ashland town line.

1.5 Total Operations, Maintenance and Repair ("Total OM&R")

1.5.1 Total OM&R shall mean activities required to assure the dependable and economical functioning of the Project and the fair allocation of costs to the Parties including without

limitation the following:

1.5.1.1 Maintenance: Preservation of functional integrity and efficiency of pumps, facilities, pipes, conduits and equipment which make up the Project. This includes preventive maintenance and corrective maintenance.

1.5.1.2 Replacement Equipment Costs: Machinery required to supply treated water, Hosmer Pump water usage, Bandon Hosmer Meter, and Meter Vault meter Costs are pro-rata shared between 2 parties (Ashland and Southborough). Ashland Pit Maintenance – wherein MWRA bills are sent for the12 months Prior is 100% paid for by Ashland.

1.5.1.3 Operation: Control and operation of the Project. This includes supervision, financial and personnel management, record keeping, safety and emergency planning, monitoring and sampling, measuring water flow, obtaining permits, performing inspections and audits, and administering this Agreement.

1.5.2 Repair: Fixing or replacing of deteriorated sections of the Project site. Repair does not include replacement or expansion of the water system for the purpose of expanding capacity referred to as Plant Expansion under Section 16. Repair does not cover increase in the pump station capacities referred to as Future Capital Upgrade under Section 14.

Prior to undertaking replacement under the foregoing the Parties shall consult with each other to ascertain the need for such replacement.

1.6 Grants -It is the policy and intention of the Parties to apply for, receive and utilize all appropriate financial and other aid which can be effectively used for the Project. To that end, the Parties will make joint or separate applications (as appropriate and after discussion between the Parties) as the circumstances and requirements of the grantor or grantors may require, and will provide and pledge to each faithful cooperation. Any aid received that is attributable to the Project will be administered and employed in accordance with the terms thereof. To the extent that it becomes available, aid shall be utilized to defray, reduce or reimburse costs of the joint undertaking pursuant to the Agreement.

~~1.6.1 Both Parties agree to inform and consult with each other sufficiently in advance of the filing date of all grant applications in order for the Parties to review and discuss such applications. The Parties further agree to inform and consult with each other concerning all grant approvals received. The determination of the attribution of a portion of a grant to New Plant shall be by agreement of the Parties. It is understood that the New Plant is eligible for funding under the Massachusetts State Revolving Fund (SRF) loan program. The Net Costs of the New Plant shall reflect that such loan program provides no or low interest loans. However, non-eligible costs may require conventional borrowing for which the cost of borrowing will be apportioned according to section III.B herein.~~

2 Basic Obligations of the Parties

2.1 Construction

2.1.1 Southborough shall construct the Connection Project site in accordance with the plans and specifications entitled "75% Design for the Ashland and Southborough Interconnection" prepared by PARE Corporation and dated February 2017. The Project shall be designed and equipped to meet all requirements of Federal and State law and to qualify for financial assistance from USEPA and MADEP.

2.1.2 Southborough shall provide Ashland and MWRA with monthly reports concerning the progress of the construction and any changes the cost estimate for the completion thereof. If at any time the cost estimate for the completion of the construction as provided by more than five (5) percent, Ashland shall meet with Southborough to review the construction progress to insure that both parties agree with the methods of construction and decisions made in order that the final cost be maintained to a minimum.

2.2 Permits

2.2.1 Ashland shall notify MassDEP of the proposed construction of the Project, satisfy requirements under the Massachusetts Environmental Policy Act ("MEPA") as well as any other statutes, acts, rules and regulations relative thereto, and obtain all required Mass~~A~~DEP, and local permits and/or approvals for such construction.

2.3 Supply

2.3.1 Southborough agrees to furnish and Ashland agrees to purchase MWRA's supply of water in accordance with the terms of the Agreement.

2.4 Method of Supply

2.4.1 The means and methods of supplying water shall be as determined and approved by the Southborough Board and the Ashland Board.

2.5 Assignment of Capacity

2.5.1 Southborough shall allocate 1.6 Million gpd maximum capacity for use by Ashland after the completion of the Project.

2.6 Transport

2.6.1 Southborough shall provide water to Ashland at a point at the Ashland/Southborough town line adjacent to the Connection (referred to hereafter as the "Turnover Point"). Ashland shall be solely responsible for water from the Turnover Point and throughout its own distribution system including all measurement, testing, pumping, and the addition of chemicals, including the cost of such chemicals. Ashland shall also be solely responsible for the OM&R costs of the equipment necessary to measure and pump the water into its distribution system and for the addition of chemicals, including the cost of said chemicals, it may uniquely add to its water based on tests.

2.7 Compliance with Regulations by Southborough

2.7.1 Southborough shall comply with all applicable laws and regulations, permits, and orders or decrees of USEPA and Mass~~MA~~DEP or other government authorities having jurisdiction over the production, treatment and transmission of water.

2.8 OM&R

2.8.1 Southborough shall perform all of the work necessary and appropriate forTotal OM&R of the Project in the town of Southborough.

2.9 Minimum Purchase

2.9.1 There is no minimum purchase requirement for Ashland.

2.10 Compliance with Regulations by Ashland

Ashland shall operate its respective local system in accordance with all applicable laws, regulations, permits, and orders and decrees of USEPA and MassDEP~~MADEP~~ or other governmental authorities having jurisdiction over the treatment and transport of water.

2.11 Monitoring and Sampling

Pursuant to 310 CMR 22.05 through 310 CMR 22.09, Southborough shall perform all required water testing, monitoring and sampling from the water supply facilities to the "Turnover Point" for all potential contaminants including, without limitation, total coliform, inorganic chemicals, sodium, trihalomethane, synthetic organic chemicals, volatile organic compounds, organic and inorganic chemicals, and maximum turbidity.

2.12 Construction of Upgrades and Expansion

Southborough shall construct all upgrades and expansions of the Project sites located in Southborough following those terms pertaining to the construction of the Project as may be reasonably applicable to such future construction.

2.13 Amendments. Laws and Regulations Adopted Subsequent to Date of Agreement

All provisions within this Agreement that reference any laws or regulations shall include any amendments thereto and any other applicable laws or regulations that may be passed or adopted from time to time.

3 Construction

3.1 Construction Schedule

Subject to approval by Ashland Town Meeting, Enironmental Impact report (EIR) submission and approvals and various state agency regulatory permit approvals, construction is estimated to be completed by Fall of 2018.

4 OM&R Capital Contribution, and Connection Fees or Rates

4.1 Connection Fees

4.1.1 Ashland shall pay for all fees related to the use of additional MWRA water.

4.2 Construction Costs

4.2.1. Ashland shall pay for all costs related to system upgrades for the Project as called out in the Project's design plans.

4.3 Annual OM&R Charges Paid by Ashland

4.3.1. Ashland shall pay part of the Total OM&R in the proportion that Ashland's actual water flow, as determined from records at the respective metering stations described in Section 8.0, bears to the total of all flows delivered through and from the Project (referred to as "Ashland's OM&R Cost"). The remainder of the Total OM&R Cost shall be referred to as "Southborough's OM&R Cost."

4.3.2. If increased flows from the Project require (a) greater monitoring or sampling pursuant to 310 CMR 22.05 through 310 CMR 22.09 or (b) additional or more highly trained operators for the Project pursuant to 310 CMR 22.11B, the costs thereof shall be included in the Total OM&R Cost.

4.3.3. If increases in the population served by the Project trigger new requirements under 310 CMR 22.00 or any applicable federal regulation, the additional costs of compliance with these requirements shall be included in the Total OM&R Cost.

4.4 Ashland's Rate for OM&R

4.4.1 Ashland shall include in its rates billed to local residents and businesses amounts sufficient to cover Ashland's OM&R cost.

4.5 Southborough's Rate for OM&R

4.5.1 Southborough shall include in its rates billed to local residents and businesses amounts sufficient to cover Southborough's OM&R cost.

5 Leak Correction

5.1 Leak Identification

5.1.1 Southborough and Ashland shall each maintain and fund a continuous leak identification program for the portion of the system within the respective towns on an annual basis in accordance with applicable MassDEP~~DEP~~ regulations and guidelines and approved by MassDEP~~MADEP~~ prior to the initiation of work.

6 Water Use Regulations

6.1.1 Town of Ashland shall meet or exceed MWRA water conservation measures during the

times of water withdrawals from Southborough.

7 Permitting and Other Regulations

7.1 Permitting

7.1.1 Ashland shall provide Southborough with all information required for all federal, state, and other required permitting.

7.2 Distribution

7.1.2 Southborough and Ashland shall each maintain all service connections in their respective towns so that the service connections have a minimum residual water pressure at street level of at least 20 pounds per square inch under all design conditions of flow as required under 310 CMR 22.19.

8 Flow Measurement

8.1 Responsibilities

8.1.1 Southborough shall operate and maintain at the Southborough treatment plant devices for measuring in water flowing to Ashland.

8.1.2 Southborough shall ensure that all measuring devices are calibrated annually

8.1.3 Southborough and Ashland will regularly inspect the meters measuring the supply of water furnished and Southborough will repair or replace any meter or part of a meter which has registered a larger total volume than prescribed by standard American Water Works Association (AWWA) practice or which has been in service than established AWWA practice or which is known or suspected to be registering incorrectly, The cost of maintaining and repairing all water meters shall be deemed part of the Total OM&R Cost to be shared by Parties under the terms of the Agreement.

8.1.4 Ashland shall have the right to test any of such meters or measuring devices at any and all reasonable times upon reasonable notice to Southborough. If such meters or measuring devices are found to be providing inaccurate data, they shall be immediately repaired or replaced.

8.1.5 If either party believes that a water meter has registered incorrectly, the Southborough Board of Selectmen in the case of Southborough distribution system or the Ashland Board of Selectmen in the case of Ashland's water distribution system shall prepare an estimate of the amount of water furnished through the faulty meter. The estimate shall be based upon the average of three (3) preceding readings of the meter, exclusive of incorrect readings. If less than three (3) correct readings are available, fewer readings, including some obtained after the period of incorrect registration, may be used. The Parties shall forthwith adjust the charges which have been made to Ashland for OM&R cost to accurately reflect the appropriate charge.

8.1.6 Southborough shall provide quarterly and annual water flow summaries to Ashland. Such summaries shall contain the amount of all water delivered from the Hosmer Pump Station to

Ashland and Southborough in such manner as the parties agree and deem appropriate.

9 Payments, Record Keeping, Billings and Payments of OM&R, Connection, and Membership Fees

9.1 Reports/Records/Rate Schedules

9.1.1 Southborough shall be responsible for delivering water to Ashland and for implementation of the terms of this Agreement unless Southborough notifies Ashland of appointment of a successor. In such case, Southborough shall continue to be responsible to fulfill all of the terms and conditions of this Agreement. Each party shall, at the request of the other, promptly provide any records, reports, documents or information reasonably related to the rights and obligations of the Parties under the Agreement and to the performance of the terms of the Agreement. Southborough shall notify Ashland in writing, and keep Ashland informed, of the name and title of its official or officials responsible for water supply in Ashland and for implementation of the terms of the Agreement. Southborough shall also provide Ashland with the telephone numbers which can be used at any time to reach personnel of the Hosmer pump station in the event of a condition requiring immediate attention.

9.2 Record Keeping

9.2.1 Southborough shall maintain records for documenting the Total OM&R Cost in a manner consistent with that shown in Exhibit 2; and Southborough shall make available for viewing and copying such records to Ashland upon reasonable notice.

9.2.2 Southborough shall maintain all records regarding the operation and structural aspects of the water supply system as required pursuant to 310 CMR 22.17.

9.2.3 Upon reasonable notice, Southborough shall make available to Ashland for viewing and copying all records kept pursuant to 310 CMR 22. 17. To the extent Ashland has information regarding water supply from Southborough that is required to be kept by Southborough and upon written request from Southborough to Ashland, Ashland shall provide to Southborough all such records or information.

9.2.4 All records maintained by Southborough hereunder shall be prepared and maintained in accordance with sound and appropriate business practices which shall be subject to reasonable review by Ashland.

9.3 Financial Statements

9.3.1 All financial statements, records, bills, statements, and reports of any type relating to this Agreement shall be prepared and maintained in accordance with generally accepted accounting practices (GAAP) and procedures consistently applied for the operation of municipal water systems. Ashland shall have the right to review and examine such accounting systems and records by agents and representatives of its choice. Ashland shall have the right to request review of any financial information and statements based upon its review and examination thereof.

9.4 Inspections

9.4.1 Ashland has the right to inspect and test any equipment which Southborough is required to

install and/or maintain under this Agreement such as, but not limited to, the Master Meter and back flow device located at the Hosmer Pump Station. Inspection does not include Southborough's Water Distribution System. Southborough shall repair and replace any such equipment that the Ashland Board finds is not to be operating properly.

9.5 Audits by Ashland

9.5.1 Ashland at its sole expense may have the records and statements referenced in Sections 9.2. and 9.3 audited by an independent Certified Public Accounting firm of recognized cumulative discrepancies determined by the auditor employed by Ashland measured over a two (2) year period exceed five percent (5%) of the Total OM&R Cost, Southborough shall pay for the reasonable cost of the audit and, in any event, shall reimburse Ashland any amount overpaid by it to Southborough.

9.6 Payment Schedules

9.6.1 The schedule for payment by Ashland to Southborough shall be quarterly. Payments for capital improvements under this Agreement shall be included in the quarterly assessments or bills.

9.7 Payment Obligations

9.7.1 Ashland shall make payment of all charges described in the Agreement within sixty (60) days of receipt of the invoice relating to such charges. If Ashland fails to make payment within sixty (60) days, Ashland will pay interest at the rate of 1.5% per month on all overdue amounts. If Ashland detects any error or inaccuracy in any invoice received by it, it shall promptly notify Southborough in writing of the same. Any sum affected by such notice shall be paid by Ashland pending resolution of such discrepancy. If Southborough finds that an error or inaccuracy did occur, Southborough shall promptly rebate the amount overcharged. In the case of a dispute over a payment, interest shall not accrue following notice by Ashland of the disputed payment.

10 Capacity Limits

10.1 Plant Output

10.1.1 Southborough's obligation to supply water is dependent upon the Pump Station output sufficient to meet the needs of both communities If there is a deficiency in the Pump Station output such that these levels cannot be maintained, then the deficiency shall be borne by both communities in the same proportion as the obligated capacities established under this Agreement.

10.2 Notification

10.2.1 Southborough has no responsibility to notify Ashland customers of any decision to ration or curtail service under the provisions of the Agreement. If Southborough decides to ration or curtail service it will only notify the Department of Public works, Water department , and not

Ashland customers. Such notice shall be given to the Department of Public works, Water department as soon as practicable after the decision is made to ration or curtail service. If Southborough determines to ration or curtail service as above provided, it shall concurrently ration or curtail service to its own customers in the same manner and to the same extent. Ashland notifies Southborough Water department about when the water withdrawal will start. This is also monitored using the SCADA system installed at the connection vault. Ashland shall be responsible for notifying Ashland customers of any change in flow that will impact Ashland customers.

10.2.2 Ashland shall notify Southborough at any time the flow of water is started or when the connection with Southborough is turned off or terminated.

10.3 Curtailment

10.3.1 Southborough shall only ration or curtail service in the event the Hosmer pump station output is not at the level anticipated hereunder, or as a result of the order of a public authority or agency having jurisdiction over the Pump Station, or as the result of an emergency condition, at the Pump Station, a specific result of which rationing or curtailment of service is required. Southborough shall take such measures as are necessary or appropriate to restore full water service as promptly as possible.

11 Funding and Appropriation

Ashland and Southborough both agree to appropriate annually sufficient money to pay for its obligations under this Agreement for both the OM&R costs of the Project and their proportionate share of capital. Prior to the first of February preceding the beginning of each Fiscal Year hereunder, Southborough shall prepare and deliver to Ashland a copy of an estimated operating budget for OM&R costs. The operating budgets as well as the previous year's water consumption shall be used in the forecasting of Southborough's and Ashland's anticipated costs in any given fiscal year. Prior to the close of each fiscal year, Southborough and Ashland shall encumber sufficient funds or if sufficient funds are not available, shall appropriate at the next town meeting such funds in order to properly credit either Southborough and/or Ashland with its prorata share of the OM&R costs. It is understood that Southborough may prepare consolidated budgets and forecasts, and it is agreed that they will be in such form as to permit complete and concise identification of those portions of the total budget and forecast that relate to the Project, and sufficient for Ashland to encumber those funds as are properly related thereto.

12 Rates and Billing

Attached hereto and incorporated herein as part of Exhibit 2 is a spreadsheet setting forth the direct and indirect OM&R costs of the Project. It should be noted that certain line items in Exhibit D are actual, specified amounts while other portions thereof are variable amounts. The actual, specified amounts relate to: (i) operations, administrative, and support personnel, and (ii) other listed items; and Ashland's share thereof shall be the percentage of the line items set forth on the schedule.

13 Limited Rights

Ashland's right to buy and use Southborough's treated water under this Agreement does not include or

vest any to continue to buy or use Southborough's water subsequent to the termination of this Agreement. Upon termination of this Agreement, by expiration of the term without subsequent extension, or after adjudication and expiration of all appeal periods of a dispute, Ashland and its customers shall have no right under this Agreement to purchase or use water from Southborough; however, nothing herein shall be deemed to foreclose Ashland from having and exercising such water rights as derive from other agreements between the parties and under acts of the Legislature.

14 Future Capital Upgrades

14.1 Pump Station

14.1.1 For future pump station upgrades and for construction of additional processes which increase the level of treatment (but not for increases in the hydraulic capacity which are covered in Section 16.0, which are required by federal or state regulations or statutes, Ashland shall pay its pro rata share based upon its maximum allocated capacity compared to the total capacity of the pump station.

14.1.2 Any upgrades or additional processes which either Party shall request to be installed and which are not required by federal or state regulations or statutes shall be paid solely by the Party requesting the same, unless the Parties otherwise agree.

14.1.3 In the event of any proposed future pump station upgrades or additional processes by Southborough, the Parties agree to confer with each other concerning such proposed modification at the earliest possible time and to provide each other with all information and documentation pertaining thereto with the intent that all such Pump station modifications shall be by and with the agreement of the Parties.

15 OM&R Costs

15.1 Apportionment

15.1.1 The formula for apportionment of OM&R costs shall be set out in Exhibit 2 of this Agreement.

16 Pump Station Expansion

16.1 Maximum Allocated Capacity

16.1.1 Southborough has no obligation to increase it's Maximum Allocated Capacity.

16.1.2 In the event Ashland exceeds 80% of its Maximum Allocated Capacity for average daily flows over any three month period, Southborough may expand the Pump Station and/or the Vault Connection site (whichever applies). In such event, Ashland shall pay part of cost of such expansion proportional to its share of the increase maximum capacity.

16.1.3 In the event either Party requires an increase in capacity or if an increase is required by state or federal laws and/or regulations, the cost of such expansion shall be prorated based on the amount of additional capacity each Party is to receive.

17 Renegotiation and Settlement of Disputes

It is contemplated that from time-to-time the Parties may desire to renegotiate certain terms of the Agreement in order, among other things, to connect to the Southborough system at new locations, alter or relocate one of their existing connections, change the water use regulations, change the user charge formula, or increase capacity over that set forth in the Agreement. The Parties intend that such renegotiations occur only if there has been a change of circumstances (including, without limitation, a change in federal or state law, regulations or other requirements, existence of a health emergency, or construction of new housing or commercial development) such that the requested change is appropriate or required, and each of the Parties agrees not to request renegotiation of this Agreement unless there has been such a change of circumstances.

It is further contemplated that from time-to-time either or both of the Parties may desire to settle disputes arising from alleged breaches of the terms of the Agreement, or from a failure to arrive at a mutually agreed interpretation of any of the terms or conditions of this Agreement, or from a failure to arrive at a mutually agreed course of conduct for implementation of any of the provisions of this Agreement, or from the failure to provide or prepare any records, reports or other documentation referred to herein, on in the event the content of any such records, reports or other documentation required hereunder are not satisfactory to either of the Parties hereto, or in the event of any dispute between the Parties relating to any of the terms, conditions or provisions of this Agreement

In each of such instances, the party requesting an amendment or supplement to the Agreement or desiring to settle any dispute arising from an alleged breach of the terms of the Agreement or from a failure of agreement as to the interpretation of a term of the Agreement or the contents or means of preparation of any records, reports or statements required hereunder shall notify writing the other Party of such request or desire and identify the terms which such Party is to the reason for the requested change, and the specific change requested or which such Party is seeking to settle, and the Parties shall (a) meet within (30) days of such request to commence negotiations in response to the request, (b) exchange within twenty (20) days of such initial meeting all necessary information and documents (c) make all reasonable efforts to reach agreement. The Parties in such negotiations shall at all times act in the utrnost of good faith and shall adhere to the applicable governmental laws and regulations and the general framework and principles set forth in the Agreement

18 Resolution of Disputes:

18.1 Exclusive Remedy

18.1.1 The exclusive remedy for disputes arising out of any aspect or interpretation of this Agreement shall be through the Commonwealth of Massachusetts judicial system. Prior to filing any such matter for adjudication in the court, the Parties agree that each shall participate in mediation. Said mediation shall be conducted under the auspices of a person jointly selected by the parties who is qualified by professional trainining and experience in the field of public works engineering. If a dispute arises out of a request to renegotiate any term of this Agreement, the Parties agree to engage a qualified mediator to assist them in resolving the dispute.

19 Default

The Parties shall at all times comply with the terms of the Agreement. Any Party in default and/or in breach of the Agreement, as determined under Sections 17.0, shall reimburse and repay to the non-breaching and/or non-defaulting Party for application to its appropriate fund all reasonable

expenses and other sums incurred by the non breaching Party and/or non-defaulting Party as a result of such default and/or breach after reasonable notice thereof has been given to the breaching or defaulting Party.

Neither Party hereunder shall, however, be obligated for any consequential, special or incidental damages. Default shall not be deemed to have occurred hereunder until the notice referred to in section 17.0 has been given and the alleged defaulting Party has not remedied such alleged default or undertaken the cure of such alleged default in good faith within such fourteen (14) day period and proceeded with such cure in good faith to completion.

20 Term and Renewal of Agreement

20.1 Term

20.1.1 The term of the Agreement is twenty-five (25) years from the effective date hereof, pursuant to the authority of M.G.L. c.40 §4A as amended.

20.2 21.2. Government Intervention:

20.2.1 If an administrative agency, board, Commission or division state or federal government or any court impairs, alters, restricts or limits, directly or indirectly to a material extent Southborough's rights, powers or authority to obtain, sell, contract for, or distribute water as described in this Agreement, or directly or indirectly materially increases the costs of doing so, Southborough in its sole discretion may request institution of the procedure for renegotiation and resolution of disputes set forth in section 17.0 hereof in order that this agreement be revised or amended to most fully effectuate the intention and purposes of the Parties,

20.3 Public Safety

20.3.1 Either party has the right to suspend its obligations under this Agreement by sixty (60) days written notice to the other in order to protect the public health and safety of its inhabitants pursuant to a written declaration of a health or safety emergency by either Party's Board of Health. Both Parties shall forthwith thereafter jointly address any issues raised by the Board(s) of Health so as to promptly remedy same and effectuate the intention and purposes of the Parties hereunder,

20.4 Renewal

20.4.1 Commencing on or before four (4) years from the end of the term of the Agreement, the Parties shall meet to negotiate a renewal of the Agreement. The Parties shall continue negotiations in the utmost of good faith with the objective of reaching agreement and entering into an amendment to the Agreement or a new agreement. If the parties do not accomplish the foregoing on or before one (1) year prior to the end of the term of the Agreement, the parties agree to utilize the following procedure:

20.4.1.1 If the Parties do not reach agreement on or before eight (8) months prior to the end of

the term of the Agreement, the Parties agree to submit the matter of renewal to MassDEP ~~DEP~~ (or any government authority that has succeeded to the powers of the DEP) and MassDEP~~DEP~~ (or such government authority) shall issue orders relating to all terms of renewal and such orders shall be enforceable under applicable laws and regulations, If at the end of the term of the Agreement the Parties have neither reached agreement (to enter into an amendment to the Agreement or a new agreement) nor received such orders from the MassDEP~~DEP~~ (or such government authority), the terms of the Agreement shall remain in full force and effect until such time as the agreement is reached or the enforceable orders issued.

20.5 Termination of Agreement

Either municipality by a vote of its authorizing board may withdraw from and terminate this Agreement at the end of any fiscal year with a provision of at least six (6) months prior written notice to the other party to the agreement.

In the event of termination by the Town of Southborough prior to June 30, 2032, the Town of Ashland shall be entitled to recover a pro rata share of capital costs incurred under this Agreement, according to the following schedule:

- Termination on or before June 30, 2022 – Ashland shall recover 75% of capital costs
- Termination after June 30, 2022 but on or before June 30, 2027 – Ashland shall recover 50% of capital costs.
- Termination after June 30, 2027 but on or before June 30, 2032 – Ashland shall recover 25% of capital costs.
- Termination after June 30, 2032 – Ashland shall not recover any portion of capital costs.

No such termination shall affect any obligation of indemnification that may have arisen hereunder prior to such termination on all outstanding payments, fees, charges and outstanding financial obligations shall be paid.

21 Rights and Duties

21.1 Indemnity by Southborough

21.1.1 Southborough shall defend, indemnity, and hold harmless Ashland, including Ashland's Board of Selectmen its agents, servants, employees, and/or elected officials from and against all liability, damage, loss, costs, claim, demands, and actions of any nature whatsoever for any personal injury, death, or physical damage which arises out of or are connected with, or are claimed to arise out of or be connected with, Southborough's violation of its water use regulations or DEP regulations.

21.2 Indemnity by Ashland

21.2.1 Ashland shall defend, indemnify, and hold harmless Southborough, including Southborough's Board of Selectmen, its agents, servants, employees, and/or elected officials from and against all liability, damage, loss, costs, claim, demands, and actions of any nature whatsoever for any personal injury, death, or physical damage which arises out of or are connected with, or are claimed to arise out of or be connected with, Ashland's violation of its water use regulations or DEP regulations.

22 General Provisions

22.1 Successors Bound

22.1.1 The Agreement shall inure to the benefit of and shall he binding upon the parties and their successors and assigns.

22.2 Force Majeure

22.2.1 In the event of floods or other natural disasters that cause water flows in the system to exceed capacity limits set forth in this Agreement, and/or that result in an unsafe condition, and/or that cause, or threaten to cause, harm to the public health, the time periods for holding meetings and making decisions under the Agreement shall no longer apply and the Parties shall cooperate fully in all reasonable ways to resolve such capacity, safety, and public health concerns in accordance with the broad objectives of the Agreement and applicable laws and regulations.

22.3 Emergencies

22.3.1 Each party shall immediately notify the other of any emergency condition in either Party's system of which it learns which may affect the quality or quantity of water supplied to Ashland by Southborough or quality or quantity of Southborough's treated and or raw water.

22.4 23.4. Control of Operations

22.4.1 The Pump Station shall be under the management and control of Southborough. Southborough shall have the option to privatize or operate through a separate governmental authority all or some of the Plant operations or upgrades but shall retain oversight management and control of the Pump Station and shall remain primarily obligated under and responsible for the terms of the Agreement. The Pump Station operations shall be under the direction of a person possessing all licenses and experience necessary in order to operate or upgrade the Pump Station irrespective of the appointment of any successor in interest to Southborough.

22.5 Covenant of Good Faith and Fair Dealing:

22.5.1 Each Party shall use its best efforts and take and employ all necessary actions to ensure that the rights secured by the other Party through this Agreement can be enjoyed and neither party shall take any action that will deprive the other Party of the enjoyment of the rights secured through this Agreement.

22.6 Employees

22.6.1 Southborough employees, servants, and agents shall not be deemed to be Ashland's employees, and Ashland's employees, servants and agents shall not be deemed to be Southborough's employees for any including, but not limited to, either Workers' Compensation or unemployment purposes.

22.7 Attorney's Fees

22.7.1 In the event any litigation or mediation between the Parties regarding an alleged breach of this Agreement, neither Party shall be entitled to any award of attorneys' fees as such fees shall be the sole responsibility of each respective party.

22.8 Governed by Massachusetts Law

22.8.1 The Agreement shall be governed by, and construed in accordance with, the laws of the Commonwealth of Massachusetts.

22.9 No Reliance by Third Parties

22.9.1 Nothing contained in the Agreement shall create a contractual relationship with, or a cause of action in favor of, a third party against any or all of the Parties.

22.10 Service of Notice

22.10.1 All notices or Communications permitted or required by the Agreement must be in writing and shall:

As to Southborough, be delivered or mailed by certified mail, return receipt requested, to the

Board of Selectmen

Town of Southborough

17 Common Street

Southborough, MA-01772.

As to Ashland, be delivered or mailed by certified mail, return receipt requested, to the

Board of Selectmen

Town of Ashland

101 Main Street

Ashland, MA, 01721

or for any Party such other person or address delivered in writing to the other Party.

22.11 Entire Agreement

22.11.1 The Agreement and the exhibits hereto represent the entire agreement among the Parties pertaining to the subjects covered therein and expressly supersede all prior negotiations, representations and formal or informal agreements leading up to the final approval and execution of the Agreement respecting such subjects.

22.12 Amendments in Writing

22.12.1 The Agreement may be amended only by written instrument signed by all the Parties,

22.13 Effect of Invalidity of One Part of the Agreement

22.13.1 The invalidity or unenforceability of any one or more phrases, sentences, clauses or sections herein contained by a Court of competent jurisdiction shall not affect the validity or enforceability of the remaining portions the Agreement.

22.14 Exhibits.

22.14.1 All exhibits attached hereto are incorporated by reference into the Agreement.

22.15 Effective Date

22.15.1 The effective date of the Agreement shall be September 19, 2017

22.16 23.16. Original Agreements

22.16.1 This Agreement may be executed in any number of counterpart copies, all of which constitute one and the same agreement and each shall constitute an original.

IN WITNESS WHEREOF, each party has executed the Agreement as an instrument under seal as of the date first written above.

Authorized by Vote of the

TOWN OF ASHLAND
By its Board of Selectmen

9/6/2017

Chairperson

Authorized Vote of the

TOWN OF SOUTHBOROUGH
By its Board of Selectmen

9/19/2017

Chairperson

ASSENTED TO

MASSACHUSETTS DEPARTMENT OF
ENVIRONMENTAL PROTECTION

By: not applicable
Commissioner

By: not applicable
Director

Approved as to form:

Ashland Town Counsel
~~Town~~ Special

Approved as to form:

Southborough Town Counsel

EXHIBIT A GLOSSARY

1 EPA -U.S. Environmental Protection Agency

2 DEP -Massachusetts Department of Environmental Protection

3 OM&R -Operation, Maintenance, and Repair

4 GPD -Gallons Per Day

5 MGD -Million gallons per day

LIST OF EXHIBITS

A. Glossary

B. Description of the Pump Station

C. Map of the Areas in Town of Ashland and Southborough to receive water from the Pump Station.

D. Ashland OM&R Enterprise Budget

E. Southborough's and Ashland's Water Use Regulations

F. Southborough's Record Keeping

G. Southborough's Cost Accounting Records and Annual Financial Statement.

Town of Ashland
MASSACHUSETTS

BOARD OF SELECTMEN
Minutes
September 6, 2017 – 6:30PM
Town Hall

Vision Statement *- The Town of Ashland will be a prosperous and fiscally sound community with a full range of housing, business, cultural, educational, and recreational opportunities in a safe and attractive environment for residents and visitors.*

Mission Statement *- The Ashland Board of Selectmen is dedicated to promoting responsible fiscal management, advocating for sustainable development & growth and providing excellent municipal services which will enhance the quality of life in our diverse community. The Ashland Board of Selectmen is committed to providing clear goals and objectives for Town management and creating effective engagement and public participation with residents, state legislators and other elected officials in order to achieve our mission.*

Call Meeting to Order
Carl Hakansson called the meeting to order at 6:30 PM. Present at the meeting were Chair Carl Hakansson, Vice-Chair Rob Scherer, Yolanda Greaves, Steve Mitchell, Joe Magnani and Town Manager Michael Herbert and Assistant Town Manager Jenn Ball.

Carl Hakansson announced that the meeting was be taped and broadcast live on WACA TV.

Chief Gonfrade led the Pledge of Allegiance.

Scheduled Hearings/Appearances

Charles E. Cadorette 50th Anniversary

Carl Hakansson outlined the events that took place on the night of September 11, 1967. Patrolman Charles E. Cadorette was shot that night and lost his life.

Joe Magnani read a proclamation from the Board of Selectmen, which he presented to Chief Gonfrade.

Robert Gonfrade thanked the Board for recognizing Charles Nadorite. He explained that on September 11, 1967 the day started like any other day, but unfortunately ended with this tragedy. Chief Gonfrade said that as a result the training he received was invaluable. He reminded the members of the police department to read the monument in front of the station when they pass by and never forget.

Chief Davis – Presentation

Chief Davis extended his condolences for the loss of Charles majorette and expressed his admiration for Chief Gonfrade.

Chief Davis presented awards to the following members of his department including Michael Dionne with a Letter of Accommodation, Brian Juitt and Ruddy Ramirez were presented with a Letter of Merit, and Alex Keefe and Ryan Puzzo with the Life-saving Award.

Citizen's Participation
Mark Dassoni, 49 Hawthorne Road asked Michael Herbert if he felt the Board of Health meeting that took place last night was productive. Michael explained that he felt they conducted the business they had expected.

Scheduled Appointments

Cindy Cincotta – Treasurer/Collector

Michael Herbert explained that he is appointing of Cindy Cincotta as Treasurer/Collector.

Cindy Cincotta said that she has been working in the municipal sector for 20 years and is excited for the opportunity.

Yolanda Greaves made a motion to waive the 15-day waiting period with regards to the Town Manager's appointment of the Treasurer/Collector Cindy Cincotta. This motion was seconded by Steve Mitchell with a unanimous vote of 5-0-0.

Joe Richardson – Directory of Facilities

Michael Herbert introduced Joe Richardson the new Director of Facilities and said the Director position is an Ashland School Department and School Committee appointment. Michael explained that Joe started last week.

Joe Richardson said that he had worked for the Fitchburg School Department and has worked in facilities and health care in the past. He said that he looks forward to getting to know everyone and figuring out what needs to be done.

Joe Magnani asked what Joe Richardson feels is the biggest concern at the moment and Joe Richardson responded that his immediate focus is to be sure that each and every building is ready for heating starting October 15th.

Dr. Greens Indoor Golf

Jason Thomas, a part owner of Dr. Greens, is requesting a modification of the establishment's liquor license hours. Jason said that the owners were not sure what to expect when Dr. Greens first opened on December 27, 2016, but at this point they are looking to modify the originally approved hours. The new hours will allow them to accommodate private functions and parties that typically run from 7:00 pm to 11:00 pm.

Yolanda Greaves made a motion to approve the request to modify the operating hours for Dr. Greens Indoor Golf to be Sunday 12:00 pm to 9:00 pm, Monday – Friday 11:00 am to midnight and Saturday from 9:00 am to midnight. This motion was seconded by Steve Mitchell with a unanimous vote of 5-0-0.

Eversource Pole Hearing – West Union Street

Carl Hakansson opened the Pole Hearing for the installation of one new pole 40/60A West Union Street.

Yolanda Greaves made a motion to suspend the hearing. This motion was seconded by Steve Mitchell with a unanimous vote of 5-0-0.

Oktoberfest Fundraiser – VFW – October 14, 2017

Steve Greenberg is requesting a one-day license for an Oktoberfest Fundraiser at the VFW. Steve indicated a live band will perform in addition to other activities, and the abutters have been notified and there are no complaints.

Yolanda Greaves made a motion to approve the request from the Ashland VFW and the Ashland Sporting Association for a one-day license on October 14, 2017 from 5:00 pm to 11:00 pm. This motion was seconded by Steve Mitchell with a unanimous vote of 5-0-0.

Wine Empire – One Day License

Gianluca Queiroli from Wine Empire is requesting a one-day license on October 8th at 12 West Union Street. He selected Sunday because the other businesses in the plaza are closed.

Yolanda Greaves made a motion to approve the request for a one-day license for Wine Empire on October 8, 2017 from 3:00 pm to 7:00 pm. This motion was seconded by Joe Magnani with a unanimous vote of 5-0-0.

Power Tune

Carl Hakansson read the legal notice to open the public hearing for Power Tune owned by Warren Heaps who is requesting a Class II License.

Warren Heaps explained that he is looking to expand his business to include the sale of used cars at 13-17 Alden St.

Joe Magnani asked that the proposed Sunday hours are changed to 12:00 pm to 8:00 pm.

Yolanda Greaves made a motion to approve the request for a Class II License for Power Tune located at 13-17 Alden Street with the stipulation that the number of vehicles for sale do not exceed 10 and the hours of operation will be Sunday 12:00 pm to 8:00 pm and Monday through Saturday 8:00 am to 8:00 pm. This was seconded by Steve Mitchell with a unanimous vote

Yolanda Greaves made a motion to close the hearing. This motion was seconded by Steve Mitchell with a unanimous vote of 5-0-0.

Downtown Streetscape/Traffic Parking

Michael Herbert explained that the Board has made a concerted effort to improve the downtown Ashland streetscape, including approving new businesses, addressing traffic, signage and parking. Michael reviewed a presentation of the downtown planning initiative that is available on CoUrbanize. On September 18th there will be a public forum at the Community Center at 6:00 pm. Michael explained that the downtown initiative was launched yesterday on the CoUrbanize platform and invites everyone to check it out at courbanize.com.

Consent Agenda

- Accept the State 911 Training Grant in the Mount of 10,000.00 to be used for personnel and 911 Training.
- Accept the FY18 State Jail Diversion Program Grant – 45,000.00 to be used assist those with mental health issues vs incarceration.
- Accept a donation of Preschool Wooden Kitchen set from Metrowest YMCA to the Library
- Accept a donation from WAITT in the amount of 14.22 to the Ashland Police K9 Program
- Accept a donation from Steve Desatnick for the Kids Spot Spinner
- Accept the resignation of Alice Smart – Council on Aging
- Declare Surplus – DPW vehicles – 1999 Ford DRWSUP 1FDXF47F8XEE72745, 1999 Ford F450 1FDXF47F2XEE72739, 2006 Ford F350 1FDWF31P56RC36298, 2007 Ford F350 1FTWF31P57EB35087, 1986 CAT Loader 950B 63R05301, 1997 Trackless MT5T Tractor MT5T995.
- Declare Surplus – Animal Control Van – 2006 Chevy 2500 VIN 1GCGG25V461111499
- Declare Surplus – Plotter HP C7780C Serial Number ESA0907284
- Reappoint - William E. Pickett, Jr. as Constable with an expiration date of 10/30/2019
- Reappoint – Amy Sayed – Open Space and Recreation – with expiration date of 8/31/20
- Reappoint – Michael Norton – Water Policy Committee – with expiration date of 8/31/18
- Appoint - Kristin French – Director of Prevention Outreach
- Appoint – William G. Good – Part-time Custodian – Request to waive the 15-day waiting period.
- Appoint – Cassandra Mumford – Assistant Crossing Guard – Request to waive the 15-day waiting period.

- Accept the Minutes of July 5, 2017, July 26, 2017 and August 2, 2017.
- Toll Road Request Main/Union – Ashland Fire Department Association – Fill the Boot – 9/9/17 from 9:00 am to 1:00 pm with a rain date of 9/10/17.
- Toll road Request Main/Union – Ashland Lions Club – October 14th from 9:00 am to 1:00 pm with a rain date of 10/21/17.

Steve Mitchell made a motion to approve the Consent Agenda as presented. This motion was seconded by Rob Scherer with a unanimous vote of 5-0-0.

Old / New Business

Commercial Vehicle Rules and Regulations

Michael Herbert explained that the Board recently approved the rules and regulations for the enforcement of the Commercial Vehicle Rules and Regulations. Michael explained that after reviewing the rules it seems that appointing a hearing officer might be the best way to proceed. Once the hearing officer has made a recommendation it would be presented to Board for approval. Michael said that he will make the changes to present to the Board at a future meeting.

Columbus/Brook Street

Carl Hakansson noted that there are no representatives from Columbus and Brook St. present.

Carl explained that there has been a lot of conversation regarding the Columbus/Brook Street area. Carl said that the complaints started when the sewer construction began. He explained that the complaints grew to include noise from Fenwal, bus traffic and parking, and conservation violations. Carl said that he has tried to determine what has been driving the complaints and tried to work with the neighbors to address the concerns, but does not feel that the residents have tried to work with him to conclusion.

Carl reviewed many statements that have been made concerning the complaints and discussed the inconsistencies between the accusations and factual information provided.

The Board concluded that they have and will continue to take an active stance in trying to address neighborhood concerns, but would like to have conversations about issues in a more civil and reasonable manner.

IMA with Southborough

Michael Herbert reviewed the IMA with Southborough and provided the Board the answers to questions that they had asked and explained that the Southborough Board of Selectmen will be discussing and voting on this at their September 19, 2017 meeting.

Yolanda Greaves made a motion to move forward and approve the IMA for the water supply agreement between Ashland and the Town of Southborough for our MWRA connection. This motion was seconded by Steve Mitchell with a unanimous vote of 5-0-0.

Open Meeting Law response

Yolanda Greaves made a motion to approve the response to the OML of 7/28/17 as presented and authorize Town Counsel to respond. This motion was seconded by Steve Mitchell with unanimous vote of 5-0-0.

BAA Grants

Susan Robie requested that the Board open the Fall BAA Grants and suggested that October 4, 2017 be the due date for submission.

TOWN OF SOUTHBOROUGH

BOARD OF SELECTMEN Meeting Minutes

RECEIVED
TOWN CLERK'S OFF
2017 OCT -5 A 9:
SOUTHBOROUGH, M

Meeting Date: Tuesday, September 19, 2017, 6:30 pm
Location: McAuliffe Hearing Room, 17 Common Street, Southborough, MA
Present: Brian Shea, Bonnie Phaneuf, Lisa Braccio, Town Administrator, Mark Purple
Absent: Dan Kolenda

I. **Mr. Shea chaired and called the meeting to order at 6:30pm**

II. **Scheduled Appointments** *(Board may vote)*

1. 6:30 pm – HEARING: Petition for Joint Pole Location by Verizon NE Inc. and Massachusetts Electric Co. (NGRID) on Middle Road
   Mr. Purple reported that Verizon did not send out the abutters' notices for this hearing as required, therefore, the hearing cannot be held. Verizon will refile. There is no action for the Board to take this evening. All in favor to close the hearing (3-0)
2. 6:45 pm HEARING: Application – Alteration of Premises for New Rose Garden
   Ms. Andrea Kor (from Attorney Christopher E. Coleman's office) was representing the applicant to apply for proposed renovation to install a sushi bar in the dining room of the restaurant. The proposed alteration does not change the seating capacity in the restaurant. Mr. Shea moved to close the public hearing. Ms. Phaneuf seconded. All in favor (3-0) Mr. Shea made a motion to grant the application for the alteration of premises for new Rose Garden. Ms. Phaneuf seconded. All in Favor (3-0)
3. Update on Public Safety Building project- Jason Malinowski, PSBC Chairman
   Mr. Malinowski provided a brief update on the PSB Project. The Architect and the Owners Project Manager have been working on the design development which is a 10 week process. They are 5 weeks into the project and at the end of project, they will submit their formal application and plans to the Planning Board, Conservation Commission and the Board of Health. The PSB Committee held a meeting with Golf Course Committee followed by joint meetings combined with Conservation, Planning Board and Board of Health to stay ahead of everything and solicit feedback in real time. Next step is to hold public information session that will be geared towards the abutters.
4. Aldo Cipriano, Town Counsel-Update on Draft Conservation Restriction for St. Mark's Golf Course
   Mr. Cipriano introduced Atty. Luke Legere from McGregor & Legere Law Firm. He believes that this law firm with its background is best qualified to assist in creating a very comprehensive final draft conservation restriction relative to the golf course property. Initial two drafts have been created so far. They would like the opportunity now to hear comments and input from the BOS as well as public comment and from any of the commissions that have already provided initial comments. They will then work on the comprehensive draft which would be created and circulated. Freddie Gillespie (OSPC Chair) does not believe the process to date has met the intent or the requirement on what the citizens voted on. The intent was to be a collaborative process. Ms. Gillespie suggested to the Board to form a subcommittee group to work on the draft alongside the attorney and Town Counsel. Mark Possemato (Conservation Commission Chair) recommended that a subcommittee be put together as well. Ms. Braccio is in favor of a transparent process where everyone's voice is heard and get the CR done the first time. Mr. Shea said it is not on the agenda to vote on a working group tonight. Mr.

Purple will advertise openings for the subcommittee and draft a charge to be reviewed at the next agenda.

5. Discussion of Notice of Intent to Sell for 135 Deerfoot Road parcel
   The Board of Selectmen reached out to other Town Boards and Committees to get input and recommendations on this matter. Donald Morris (Planning Board Chair) recommended that a warrant article be put in place to purchase the land as open space and have the Town vote on it. Freddie Gillespie (OSPC Chair) said the committee had a brief discussion on these two parcels. These two parcels are on the priority list and is worth doing more research and discussion. Ms. Gillespie then spoke as Chair of the CPC Committee. They had discussions on this property in the past to build a few housing units in the neighborhood using CPC money. There is a lot to be done and deserves thoroughly being looked at. Mark Possemato (Conservation Commission Chair) said the Board has not discussed this parcel in great detail and has not taken a position. He will make this a formal agenda item at their next meeting. Donna McDaniel speaking for the Southborough Historical Society said this parcel of land is historic and preserving it and including it in the historic treasures would be greatly desired. Whitney Beals (10 Chestnut Hill Road) has walked that property. He said portions of it are wet woodland and very conducive to hiking trails. He strongly supports further discussion of this and the possibility of protecting it as open space for the town. Atty. Wayne Leblanc representing the property owners is present to answer any questions the Board or residents may have. Ms. Phaneuf suggested to advance this to Town Meeting. Mr. Purple said there has been preliminary discussion with Town Clerk and Town Moderator on the availability of a Town Meeting sometime the last week of November. Marguerite Landry (134 Deerfoot Road) also speaking for about twenty surrounding households say that they do not support the town purchasing this property. The Board agreed to continue to the next meeting agenda.
6. Presentation of IMA with Town of Ashland for Supplement MWRA water-Karen Galligan, DPW Supt.
   Ms. Galligan presented the final version of the IMA with the Town of Ashland. Ashland will make significant improvements to Southborough's water system in the amount of $1.2M. These are improvements that the town would have to make in the future. The agreement also holds the Town harmless of any O&M costs of providing the water to Ashland. Mr. Shea made a motion to approve the IMA with Town of Ashland for supplemental MWRA water. Ms. Phaneuf seconded. All in favor (3-0)

III. Reports

1. Chairman's Report None
2. Town Administrator Report
   - FY19 Capital Plan
     Mr. Ballantine provided a quick overview of the capital plan. The capital plan incorporates several sections. He focused on the General Fund as this was the most important to develop the budget. For next year, the General Fund appropriation and possible future debt is about $925,000 more which includes the PSB and includes all the money taken off the books for the schools. This increase amounts to about .38 cents tax increase on the tax rate
     Mr. Purple reported that notification came back from Mass DOT and request for the heavy commercial exclusion for Deerfoot Rd and Parkerville Rd was denied. He also reported that he has continued to try to reach out to Ms.

Malley at National Grid and have not gotten any correspondence back regarding Mr. Parry's project.

IV. Consent Agenda

1. Approve Meeting Minutes: September 5, 2017
2. Appoint Mary Mathon to Southborough Scholarship Committee, term 6/30/20
3. Appoint Isabelle Murphy to Southborough Trails Committee, term 6/30/18
4. Appoint Heidi Davis to Americans with Disabilities Act committee, term 6/30/18
5. Appoint Donna McDaniel to Affordable Housing Trust Fund Committee, term 6/30/19
6. Approve Common Victualer License for New Rose Garden
7. Approve "Southborough Unscheduled" for March 15, 2018
8. Approval Employment Agreement for Finance Director/Treasurer-Collector

Ms. Phaneuf made a motion to approve item 8. Ms. Braccio seconded. All in favor (3-0)
Ms. Braccio provided an edit on Item 1, Under Chairman's report "spearheaded" should be assisted. Mr. Shea noted as amended and seconded. All in favor (3-0)
Mr. Shea made a motion to approve items 2 to 7. Ms. Phaneuf seconded.
All in favor (3-0)

V. Other Matters Properly Before the Board

1. Review of ad-hoc committee charge for disposal of 40 & 42 Central Street (Fayville Hall)

Mr. Shea asked for comments on the draft. The Board agreed to a 90 day term and also revising the duties to be the review of the RFP that is developed by the town. The committee that is comprised will be able to offer comments and feedback into wording of the RFP. Next step is to solicit an at large representative of the community which Mr. Purple will advertise tomorrow.

VI. Public Comment

David Parry (22 Main Street) talked about his visit to the Town of Hudson where the Main Street situates very tall relatively new poles with wires, cables and electrical wires going from these poles to the back of the building. He explained that this is what he is trying to propose to the Town regarding the Main Street Project.

VII. Meeting adjourned at 8:44pm

Upcoming Meetings
October 3, 2017
October 17, 2017

Submitted by Jenn Hom, Recording Secretary

List of Documents referred to at the Sept 19, 2017 BOS Meeting

- Legal Notice of Public Hearing dated September 5, 2017
- Petition for Verizon job
- Liquor License Alteration
- Notice of intent to sell from Glickman, Sugarman, Kneeland, & Gribouski
- Memo from Mark Purple dated September 14, 2017 re: IMA with Ashland
- Memo from Brian Ballantine dated 9/13/2017 re: Capital Plan
- Meeting minutes dated September 5, 2017
- Memo from Mark Purple re: FY18 Annual Committee Appointments

- Citizen Activity Form – Isabelle Murphy
- Citizen Activity Form – Heidi Davis
- Town Volunteer Form – Donna McDaniel
- Common Vitualler License Application for New Rose Garden
- Memo from Mark Purple dated 9/13/2017 re: Southborough Unplugged
- Employment Agreement re: Brian Ballantine- Finance Director
- Fayville Hall Disposition Committee Charge – Draft

MassDEP
Commonwealth of Massachusetts
Executive Office of Energy & Environmental Affairs

Department of Environmental Protection

Central Regional Office • 8 New Bond Street, Worcester MA 01606 • 508-792-7650

Charles D. Baker
Governor

Karyn E. Polito
Lieutenant Governor

Matthew A. Beaton
Secretary

Martin Suuberg
Commissioner

January 11, 2019

Town of Southborough
Attn: Mark Purple, Town Administrator
17 Common Street
Southborough, MA 01772

Re: PWS Town: Southborough
PWS Name: Southborough DPW Water Division
PWS ID #: 2277000 – COM; R.O.#: 165191
Program: System Modification WS32
MassDEP Trans. # X277002
Action: **Approval**

Dear Mr. Purple:

The Central Regional Office of the Massachusetts Department of Environmental Protection (MassDEP) received your permit application, WS32 – Modification to Distribution System on December 11, 2017. The permit application was submitted by Timothy P. Thies, of Pare Corporation, 8 Blackstone Valley Place, Lincoln, RI 02865, on behalf of the Towns of Southborough and Ashland. The permit application is for modifications to the Southborough water distribution system as well as an interconnection vault on the Southborough-Ashland Town line for MWRA water to flow through Southborough into Ashland. In Southborough, proposed modifications are for an upgrade to the Hosmer Pump Station (where MWRA water enters Southborough) and piping modifications and installation of a new altitude valve at the Overlook Storage Tank in Southborough. The new interconnection vault will be an underground vault on Oregon Road in Ashland, with a meter and telemetry equipment and chemical addition of zinc orthophosphate.

The proposed project required the completion of Massachusetts Environmental Policy Act (MEPA), and therefore the submitted WS32 permit application was put on "Hold" through a letter MassDEP issued on February 20, 2018, pending completion of the Environmental Impact Review process. In the meantime, the project proponent completed the MEPA review process, and the Executive Office of Energy and Environmental Affairs (EOEEA) issued MEPA Certificate on the Final Environmental Impact Report (FEIR) EOEA# 15388 on June 29, 2018. Following completion of the MEPA review, the permit submittal was divided into two permits; the current WS32 permit relating to the project in Southborough, and a second WS32 permit relating to the Ashland portion of the project with design plans and specifications of the interconnection vault to be reviewed and approved by MassDEP's Northeast Regional Office. The Applicant submitted additional modifications on the design and specifications on January 8, 2019.

This information is available in alternate format. Contact Michelle Waters-Ekanem, Director of Diversity/Civil Rights at 617-292-5751.
TTY# MassRelay Service 1-800-439-2370
MassDEP Website: www.mass.gov/dep

Printed on Recycled Paper

Project Description and Background

The Town of Southborough receives 100% of its water from the MWRA. Water enters the Town of Southborough through two booster pumping stations; the Boland Pumping Station (PS) off Northborough Road and the Hosmer Pumping Station off Boston Road. The Boland Pumping Station has two 550 gpm pumps that pump water from the Hultman Aqueduct to the high pressure area of Southborough and the 1.3 MG Fiddlers Green Reservoir Storage Tank. The Hosmer Pumping Station also has two 550 gpm pumps that pump water from the aqueduct to the low pressure side of Southborough and the Oak Hill Storage Tank and Overlook Drive Storage Tank. There are 4 pressure reducing valves in Town, so water from the high pressure zone can be supplied to the low pressure zone.

The Town of Ashland treats its own water from 5 wells (Wells 04G-09G) that are located adjacent to the DCR Hopkinton State Park reservoir. In the winter, the DCR lowers the level of water in the reservoir, which results in lower water levels in the wells. There have been times when the Town of Ashland, through an emergency declaration, get water from the MWRA. The Town of Ashland also provides water to the Town of Hopkinton.

The Town of Ashland has obtained permission from the MWRA to obtain **a maximum of 1.6 MGD** of water through an interconnection with the Town of Southborough. MWRA water has a pH greater than 9.0 (Ashland pH is around 7.5), MWRA adds Fluoride (Ashland does not add Fluoride), and MWRA does not add a phosphate (Ashland adds Zinc Orthophosphate).

To pump the additional water from the MWRA system to the Town of Ashland distribution system, upgrades to the Southborough Water System Hosmer Pumping Station are required. The proposed modifications to Southborough's water system involves removing the two existing 550 gpm booster pumps at the Hosmer Pump Station (Total pumping capacity 0.8 MGD), and replacing them with three 1,000 gpm new booster pumps for a total pumping capacity of 2.85 MGD. This also involves upgrading the pipes out of the Pump Station and upgrades to the mechanical and electrical controls in the Pump Station. A new backup generator will be installed. The new booster pumps will provide increased flow and pressure to the pipes, so a second redundant 12-inch pipe, parallel to the existing 12-inch pipe, will be installed from the Hosmer Booster Station out along the Hosmer access road. Since the flow and pressure will increase in the Low Pressure Service Area, an altitude valve will be installed at the Overlook Drive Tank so the increased pressure does not cause the tank to overflow. The altitude valve and pipe fittings will be located within a new 12.75 ft x 7.5 ft building.

Permit Review and Approval

MassDEP reviewed the permit application and supporting documentation, and hereby issues the permit/approval. This Permit does not convey property rights of any sort or any exclusive privilege. Pursuant to MassDEP's authority under 310 CMR 22.04(7) to require that each supplier of water operate and maintain its system in a manner that ensures the delivery of safe drinking water to consumers, this permit is made subject to the conditions set forth below.

General Permit Conditions

1. Compliance with Permit Approvals - The Applicant shall conduct activities in accordance with the approved plans, reports, and other submissions, except as may be modified by the conditions set forth in Specific Permit Conditions. No material changes in the design or activities described in the approved documents shall be performed without prior written MassDEP approval.

2. Compliance with Other Approvals - The activities at this Public Water System shall be performed in compliance with all other applicable local, state and federal laws and regulations. This approval does not relieve the owner or operator of this Public Water System from complying with all other applicable local, state and federal requirements, licenses and permits.

3. Duty to Mitigate – The Applicant shall remedy and shall act to prevent all potential and actual adverse impacts to public health or the environment resulting from noncompliance with the terms or conditions of the permit or approval.

4. Duty to Provide Information – The Applicant shall furnish to MassDEP, within a reasonable time, any information MassDEP may request, and which is deemed by MassDEP to be relevant in determining compliance with permits, regulations, guidelines and policies.

Specific Permit Conditions

1. Hydrant – A new hydrant shall be installed at the end of the new 12-inch water line leaving the Hosmer Pump Station. This hydrant can also be used for flushing water out of the system after the upgrade construction is complete. Submit a revised sheet showing the hydrant has been included in the construction plans.

2. Construction Certification - The Applicant shall submit to MassDEP, prior to the final inspection, a copy of the Massachusetts Professional Engineer's certification letter/report on the installation of the upgrades to the Hosmer pumping station, installation of the new water line, and installation of the altitude valve. The Engineers certification shall also include a final set of as-built plans that show any changes from the submitted and approved plan.

3. Operation and Maintenance Manual – The Applicant shall submit to MassDEP for review and approval, a new Section to the Operation and Maintenance (O&M) Manual for the operation of the new Booster Pumps.

4. SCADA System – The operation of the new VFD Booster Pumps shall be connected to the Southborough SCADA system. The flow meter in the interconnection vault will also be connected to the Southborough SCADA system.

5. Distribution Map Modifications – The Town of Southborough shall modify the distribution map to include the second 12-inch distribution line on Hosmer Road and the interconnection vault on Oregon Road.

6. Interconnection Operation – The Towns of Ashland, Southborough and MWRA shall maintain their communication protocol so that when the Town of Ashland opens the interconnection, they notify both the Town of Southborough and the MWRA. The vault has been designed so the butterfly control valve inside the vault is operated by the Town of Ashland through SCADA, but can be overridden by the Town of Southborough in the event of an emergency situation. Southborough will also be notified every time Ashland opens the valve. MassDEP recommends a plug for a portable generator be included in the interconnection vault design so both parties can operate the automatic butterfly valves and SCADA system during extended power outages.

7. Final Inspection – MassDEP must be notified upon completion of the construction of this project, so that MassDEP personnel may conduct the final inspection of the facility. Please allow at least ten (10) working days for MassDEP personnel to conduct the final inspection. MassDEP's written approval must be obtained prior to placing the project upgrades in service.

Thank you, and if you should have any questions or comments regarding this matter, please feel free to contact Margo Webber of the Drinking Water Program 508-767-2738. Please feel free to contact me as well at 508-849-4036.

Sincerely,

Robert A. Bostwick

Robert A. Bostwick
Section Chief
Drinking Water Program

Cc: Drinking Water Program, BWR, MassDEP-Boston
Drinking Water Program Files, BWR, MassDEP-CERO
Paula Caron, DWP, MassDEP-CERO
Nick Zessoules, NERO, 205B Lowell St, Wilmington, MA 01887
Shane Driscoll, Pare Corporation, 8 Blackstone Valley Place, Lincoln RI 02865
Southborough BOH, 9 Cordaville Rd, Southbooiugh, MA 01772
Ashland BOH
Southborough DPW/Water Department, 147 Cordaville Rd, Southborough MA 01772
Ashland Water Department

Commonwealth of Massachusetts
Executive Office of Energy & Environmental Affairs

Department of Environmental Protection

Northeast Regional Office • 205B Lowell Street, Wilmington MA 01887 • 978-694-3200

Charles D. Baker
Governor

Karyn E. Polito
Lieutenant Governor

Matthew A. Beaton
Secretary

Martin Suuberg
Commissioner

April 18, 2019

John Small
Ashland Water & Sewer Department
20 Ponderosa Road
Ashland, MA 01721

Re: City/Town: Ashland
PWS Name: Ashland Water & Sewer Department
PWS ID #: 3014000
Program: System Modifications
Action: Approval – Distribution System Modifications – BRP WS 32 – Southborough Interconnection
Activity No.: X282048

Dear Mr. Small:

Please find attached the Northeast Regional Office of the Department of Environmental Protection's Drinking Water Program (MassDEP, or the Department) findings from its review of the permit application for the above referenced project.

With this notification, the Department grants formal approval for the Ashland Water Department to construct the modifications described in the submittals, subject to the understandings and conditions outlined in the attachment.

Please note that the signature on this cover letter indicates formal issuance of the attached document. If you have any questions regarding this letter, please contact Nick Zessoules at (978) 694-3230.

Sincerely,

Nick Zessoules
Environmental Engineer
Drinking Water Program

Sincerely,

Thomas Mahin
Drinking Water Section Chief
Northeast Regional Office

cc: MassDEP Drinking Water Program/WQA, 1 Winter Street, Boston MA (no attachment)
Gregory Eldridge, Haley and Ward, Inc., 63 Great Road, Suite 200, Maynard, MA 01754
Margo Weber, MassDEP CERO, 8 New Bond Street, Worcester MA 01606

File name: Y:\DWP Archive\NERO\Ashland-3014000-System Modifications-2019-04-18

This information is available in alternate format. Contact Michelle Waters-Ekanem, Director of Diversity/Civil Rights at 617-292-5751.
TTY# MassRelay Service 1-800-439-2370
MassDEP Website: www.mass.gov/dep

Printed on Recycled Paper

Regulatory Requirement and Criteria

The Massachusetts Drinking Water Regulations, under 310 CMR 22.04, require public water systems to obtain the Department's approval for any proposed substantial modifications. As criteria for approval, the public water system must demonstrate that the facilities are in compliance with the Massachusetts Drinking Water Regulations (310 CMR 22.00) (the Regulations) and the Department's Guidelines and Policies for Public Water Supplies (the Guidelines).

Application Summary

On January 15, 2019, the Department received a permit application from the Ashland Water & Sewer Department (Ashland) for the construction of a permanent interconnection to the Southborough Water Department. The permit application consisted of a transmittal form, a completed permit application form, a cover letter, and a set of plans and specifications. The plans bear to the stamp of Gregory Eldridge, a Massachusetts registered professional engineer. Plans and specifications for work in Southborough required for the interconnection were also provided, and those plans and specifications also included details relevant to this work. In response to Department comments provided to the Engineer on February 14, 2019 and April 4, 2019, clarifications to the plan and specifications were provided by the Engineer in messages dated April 8 and April16, 2019.

Project Background

Ashland obtains its water from a set of wells located adjacent to the Hopkinton Reservoir. During periods of low groundwater levels, the amount of water available from these sources becomes reduced, leaving Ashland with an amount of water that may not meet its needs. To ensure that there was an adequate supply of water to meet its needs during periods of reduced water levels in the past, Ashland requested Emergency Declarations from the Department in 2007, 2013, and 2016 for activating temporary interconnections to Southborough so that it could supplement its sources with water from Southborough and meet its demands.

To address the issue of reduced supply for the long term, and as requirement of one of the Emergency Declarations, Ashland evaluated options for additional sources to meet its needs and decided to construct a permanent interconnection to Southborough and fund various improvements in Southborough to improve the capacity of the Southborough system so that Ashland could obtain water from the MWRA through Southborough to supplement its water supply.

As part of the MEPA process, Ashland prepared an Environmental Impact Report for the proposed interconnection. That report outlined Ashland's plan for obtaining supplemental water through the proposed interconnection. As noted in the Certificate of the Secretary of Energy and Environmental Affairs on the Final Environmental Impact Report dated June 29, 2018, Ashland has proposed to use the interconnection to purchase water from the MWRA through the Town of Southborough's distribution system to supplement its own sources. As outlined in the different documents, Ashland has sought approval for obtaining up to 1.6 mgd from Southborough up to a total of 73 million gallons per year. The documents note that the volumes of water would be taken intermittently, with a local by-law restricting any purchases unless certain conditions are met. The conditions in the by-law that allow Ashland to use the interconnection include:

- The water level in the Hopkinton Reservoir must at or below 293 feet NGVD 29
- The distribution system is damaged
- The water pressure in the system drops below a safe level for fire protection

- Routine maintenance of the connection between Ashland and Southborough is needed.

The Certificate for the project included an outline of mitigation measures needed for the proposal. Those included measures for Water Quality and Conservation, measures related to construction activities, and measures related to Greenhouse Gas Emissions.

Summary of Work

1. Conceptual Overview:

   a. As outlined in the submittal, the work under this permit will consist of the installation of new water pipe & appurtenances and an underground vault that will be used to house a water meter, an automatic control valve, and chemical feed equipment for feeding phosphate to the water entering Ashland from Southborough. The improvements to the Southborough system needed to provide the Southborough system capacity to provide the water to Ashland are not included under this permit, as that work is to a separate Public Water Supply.

   b. System Impacts:

      i. Water Quality: The submittal included a summary of water quality parameters of Ashland's water as well as the water from Southborough, and an evaluation of the impacts of use of the proposed interconnection on the quality of the water provided to Ashland's customers and continued compliance with different Rules. The evaluation noted that the phosphate feed system included as part of the interconnection would be used to ensure that the water obtained from Southborough would include an orthophosphate residual. A consistent orthophosphate is considered necessary in order to ensure that any protective scale on the pipes in Ashland's system created by the phosphate from its own sources would be maintained.

      ii. Hydraulic and Operational Impacts: Based on the submittal, impacts on system hydraulics and operation can be identified. The interconnection will represent a new point of entry to Ashland's distribution system. A second point of entry will provide redundancy and better ensure a reliable supply of water. However, a new point of entry can also cause disruption in a distribution system. In the submittal, the engineer has noted that previous use of an emergency interconnection to Southborough had not created any issues with the operation of Ashland's two storage tanks and that an automatic control valve include as part of the interconnection would ensure that the hydraulic impact could be controlled.

   c. Design Parameters:

      i. Hydraulic: As noted, Ashland's plan calls for flows of up to up to 1.6 mgd from Southborough, taken intermittently, with the periods when water can be taken limited by a local by-law. The Engineer has indicated that Ashland would operate the interconnection as needed to meet its demands.

      ii. Chemical Feed System: As outlined, the chemical feed system will be used to add a phosphate solution to the water coming from Southborough. The submittal indicates that the target dose is 2.2 mg/l. Estimates of chemical use in the submittal range from 0.46 to 2.28 gallons per day.

2. Meter Vault Details: As described in the submittals, the work will consists of the following components:

   a. Site Work and Exterior Piping: The vault will be located on Oregon Road at the Town line between Ashland and Southborough. In the clarifications, the consultant has indicated that the site is above the 100-year flood elevation. The plans indicate that the vault will be installed adjacent to the paved roadway, with a paved parking area and bollards around the vault provided. Exterior piping shown on the plans includes 12-inch diameter ductile iron pipe that will connect to the Southborough system, 8-inch diameter pipe to connect to the vault, and valves. For flushing, the plans indicate that both the Southborough and Ashland have existing hydrants that can be used to flush the piping; similarly, there are also existing valves that, when combined with the new valves, allow for isolation of the station and flushing.

   b. Structural/Mechanical/Electrical: The plans indicate that the vault will be a pre-cast concrete structure, with interior dimensions of 14 feet long, 6 feet wide, and 7 feet high. For access into the vault, the plans provide for two 36-inch by 30-inch hatches, with the top of the hatches located 6-inches above grade, and a fiberglass ladder with a "ladder-up" style safety post and door-latch style intrusion limit switch. Mechanical equipment in the vault shown on the plans includes an exhaust fan and vent pipe, and sump pump; the consultant has indicated that a heater would also be provided in the vault. The plans also provide for lighting fixtures to be provided in the vault.

   a. Interior Piping: The plans indicate that the pipe running through the vault will be 8-inch diameter ductile iron pipe, with a venture-type flow meter and a motorized butterfly valve that will serve as the control valve. Appurtenances on the piping shown on the plans include pressure gages & transmitters on both sides of the control valve.

   c. Chemical Feed Equipment: As previously noted, a phosphate feed system has been included so that an orthophosphate residual could be maintained in the water coming from Southborough. The information submitted indicates that the system will consist of a solution tank, chemical feed pump, and piping and appurtenances. The components of the system are described below.

      i. Solution Tank: The plans call for a 10-gallon capacity solution tank to be provided for the storage of the phosphate. The tank is described as constructed from HDPE and will be provided with a drain valve and molded graduations. The specifications call for the tank to be labeled and have gradation marking. For containment, the plans call for a 15-gallon spill containment basin. To measure chemical use, the specifications indicate that a weight scale will be provided.

      ii. Chemical Feed Pump: The submittal indicates that a single chemical feed pump will be provided in the vault, with a back-up pump stored at Ashland's water treatment plant. The specifications indicate that the feed pump will be a positive displacement type pump, with a capacity of between 0.2 and 1.6 gpm. The submittal indicates that the pump will have adjustable speed and stroke settings, with the speed of the chemical feed pumps based on the flow through the meter in the vault. The engineer has clarified that the feed pump will be installed over the containment container.

      iii. Chemical Feed Piping and Appurtenances: The specifications indicate that HDPE tubing will be used for the chemical fed system piping. On the suction pipe, the plans show that a foot valve and strainer will be provided at the end of the suction pipe and that a calibration column

will be connected to the suction pipe. On the discharge of the chemical feed pump, the plans indicate a pressure relief valve, with the discharge shown as piped to the solution tank, and a back-pressure valve will be provided. At the injection point, which is shown as located within the vault, the plans call for an injector assembly. For monitoring the process, the submittal indicates that a sample station will be installed approximately 100 feet from the vault, with clarifications indicating that an additional sample tap to be provided in the vault on pipe prior to the chemical injection point.

iv. Controls: The submittal indicates that the pump will be powered through the vault panel. The submittal provides for flow pacing of the feed pump, with the flow paced by a signal from the flow meter in the vault.

d. Instrumentation & Controls: Instrumentation provide for on the plans and in the specifications includes the flow meter and signal, a signal for the control valve state, pressure monitors and gages on the suction and discharge piping, intrusion detection, and a flood sensor. The plans provide for a panel for SCADA equipment that will be integrated into Ashland's SCADA system. While there is no local control panel for the chemical feed pump included on the plans, the Engineer has indicated that the feed pump can be operated in manual mode by using controls provided as part of the pump.

e. Electrical Service: The plans indicate that a new electrical service will be provided, with the power supplied from a utility pole shown located at the site. The plans provided for electrical the service components to be installed in a cabinet outside of the vault. The plans also indicate that a weather-proof generator receptacle will be provided.

Approval & Conditions

Pursuant to the Department's authority under 310 CMR 22.04(7) to require that each supplier of water operate and maintain its system in a manner that ensures the delivery of safe drinking water to consumers, this permit is made subject to the following conditions:

1. Changes/Modifications: Construction shall be completed in strict accordance with the submitted plans. Any changes made to the submitted plans or specifications affecting the capacity, hydraulic conditions, operating units, functioning of water treatment processes or quality of water to be delivered, shall receive prior written approval of the Department's Northeast Regional Office Drinking Water Program. Any such changes made without prior approval shall constitute a violation of the "Regulations" which may result in legal actions by MassDEP including revocation of this permit, criminal prosecution, court imposed penalties or civil administrative penalties assessed by MassDEP.

2. Additional Requirements: As a condition of approval, the applicant shall incorporate the following features into the construction:

   a. Separation of Water Mains from Sanitary Sewer, to include Hydrant Locations: The Guidelines include certain requirements for separation of sewer and water mains and appurtenances. The installation of the water pipe and hydrants shall conform to those requirements.

   b. Access Ladder: As noted, the plans provide for a ladder for access into the vault. The ladder shall fully conform to the requirements of the Guidelines for access ladders to pump station.

c. Security and Fencing: The plans do not include provisions for a perimeter fence. The Guidelines state that a pump station should be located within a secure area, such as inside a chain linked fenced area. The engineer has provided an opinion that the level of security is appropriate for the location. In light of the fact that there are security measures included in the plans, to include the intrusion detection system, the Department will allow the project to be constructed as designed; however, the Department reserves the right to require the installation of fence or other measures if it determines that the facility is not adequately secured against vandalism, sabotage and entrance by unauthorized persons or animals.

d. Equipment Accessibility: The equipment shall be located so as to be accessible for servicing and removal, as called for in the Guidelines.

e. Pulsation Dampeners: The plans do not include provisions for pulsation dampeners for the chemical feed lines. Pulsation dampeners can reduce the potential for damage to chemical feed lines and improve the flow of chemicals. If the system experiences leaks or cannot provide a continuous feed of chemical, the Department reserves the right to require the installation of pulsation dampeners.

3. Compliance with Other Approvals: The applicant shall obtain all required local, State, and Federal approvals as condition of this approval. All work shall be completed in accordance with applicable laws, codes and regulations.

4. Operation During Construction: As noted in the project documents, the work will be performed while the facilities may be producing water for the public.

   a. At all times, the existing facilities shall be operated as necessary to comply with the requirements of the Massachusetts Drinking Water Regulations and provide the Public Water System with a continuous source of supply.

   b. The use of any temporary equipment shall be subject to MassDEP approval. Please refer to the requirements for requesting final approval.

5. Use of Approved Materials, Equipment and Technology: No chemicals, drinking water additives, or treatment devices or equipment that come into direct contact with drinking water, shall be installed unless such devices or equipment have received the prior written approval of MassDEP.

6. Water Treatment Chemicals:

   a. All chemicals added to the drinking water shall be approved for use in Massachusetts and comply with NSF Standard 61 and AWWA specifications. A properly certified operator shall be present when any deliveries of chemicals are made and shall verify that the proper chemical has been received and pumped into the correct storage tank. A copy of the SDS for each chemical stored and the recommended Personal Protective Equipment shall be available at all times at the facility.

   b. The project will be used to feed a phosphate compound. The compound shall be the same as the chemical used at Ashland's Water Treatment Plant. No substantial changes in the chemical being fed shall be made without the Department's prior written approval.

7. Disinfection: Prior to being placed in service, all facilities and equipment in contact with potable water shall be disinfected in accordance with the applicable AWWA Standard and shall be free of

coliform bacteria prior to being place into service. To determine adequate disinfection, samples from the completed facilities shall be collected and analyzed for coliform bacteria. The samples shall be collected no earlier than seven calendar days prior to when the facilities are to be placed on line. All samples shall be collected in accordance with good operating practices and analyzed by a laboratory certified by MassDEP for the analysis of coliform bacteria. All lab reports shall be prepared on MassDEP approved forms. Copies of the laboratory analysis shall be provided to MassDEP for review and approval prior to the final inspection.

8. Final Inspection & Approval:

   a. A Request for a Final Inspection shall be submitted to this office in accordance with MassDEP Policy 88-19 and the Guidelines.

      1. The request shall include a Determination of Compliance prepared by the consulting engineer or water system representative that inspected the work that certifies the following:

         (1) that the facility is fully operational, tested, and ready to be placed on line

         (2) that the work was completed in accordance with MassDEP's approval,

         (3) that all conditions of the approval letter have been met,

         (4) that all chemicals, materials, equipment and technology have received approval for use in drinking water,

         (5) that the operations and maintenance procedures have been prepared and are available,

         (6) that the operators have been trained and are ready to begin operating the facility,

         (7) that all alarms have been tested and are operating properly.

      2. A copy of the punch list and water quality reports shall also be provided with request.

   b. After a review of the letter and the sample results, MassDEP will then contact the applicant to arrange a final inspection if MassDEP determines such an inspection is necessary.

   c. During the final inspection, the applicant shall demonstrate the proper operation of the facility and equipment, with the facility running to waste unless otherwise approved by the Department. As part of the final inspection, the applicant shall be prepared to demonstrate that the facilities and equipment can operate as intended.

   d. The applicant shall not operate any of the facilities or treatment units & equipment until MassDEP grants its Final Approval.

9. Operation and Maintenance:

   a. O&M Manual and Procedures

      1. The O & M Manual for the facility shall be prepared for the operation and maintenance of the new equipment. Once the O&M manual has been prepared in accordance with these

requirements, the applicant shall operate the facilities in accordance with the procedures and complete all recommended maintenance and inspections.

2. The Operations & Maintenance Manual shall include a stand-alone schedule of inspections, testing, and preventative maintenance recommendations shall be provided for all the components of the system. That schedule shall incorporate the recommendations of the equipment manufacturer(s) and the design engineer.

b. Interconnection Operation:
   1. Ashland shall develop written procedures for the activation and use of the interconnection.

   2. Ashland shall operate the interconnection in a manner consistent with the MEPA Certificate.

   3. Ashland shall ensure that the interconnection is operated in a manner that does not adversely impact the distribution systems' pressures or water quality. The activation of an interconnection may cause changes in flow patterns within the distribution system, which in turn could result in disturbances in the distribution system. These disturbances may cause colored water, increased chlorine demand, and potential health risks, such as bacterial contamination. In light of this potential impact, Ashland should develop a plan, as necessary, to prevent nuisance conditions and mitigate risks when activating the interconnection. These measures should include public notice as appropriate.

c. Chemical Feed Equipment

   1. A calibration curve shall be prepared for each chemical feed pumps as called for in the Guidelines.

   2. As noted, the submittal calls for the day tank to be filled by transferring chemical from containers brought to the vault. In response to Department concerns about the need to use this procedure, Ashland has confirmed its willingness to transfer chemicals as proposed. Written procedures detailing the transfer process shall be prepared. Those procedures shall include measures needed to protect operators and the release of chemical.

10. Monitoring & Compliance:

a. As noted, the chemical feed system will be used for corrosion control. In light of that potential impact on corrosion, the Department will be evaluating the need for additional lead and copper tap sampling rounds as it deems necessary to evaluate the impact of the system on corrosion.

b. Ashland shall add sufficient chemical as necessary to maintain an effective coating needed for corrosion control. The orthophosphate residual shall match the residual at the water treatment plant unless otherwise demonstrated that another residual is needed. Ashland will also need to implement quality control procedures that include a monitoring component to ensure that the residual is within its target range.

c. As required under the Regulations, Ashland shall monitor the amount of chemical added and the residual concentration each day while the system is in use, and report the required information to the Department each month on the Department's Chemical Addition Report form.

d. As noted, the interconnection will represent a new point of entry. In light of that, additional monitoring under the Total Coliform Rule and the Disinfection Byproduct Rule may be justified. The Department will be evaluating the need for additional sampling rounds as it deems necessary to evaluate the impact of the new point of entry.

e. In addition to any monitoring required for compliance with any SDWA Rules, Ashland should implement monitoring as it sees appropriate to ensure that it continues to provide water that is fit and pure to its customers and that it can identify impacts in a timely manner.

11. Requirement to Treat: Terminating phosphate addition can result in disruption of scales in a distribution system, resulting in increases in lead and copper levels at consumers' taps. In light of that risk, Ashland shall operate the chemical feed system whenever the interconnection is in use unless otherwise approved by the Department and shall not terminate the use of the system without consulting with the Department in writing.

12. MEPA Certificate Requirements:

    a. Ashland shall fully comply with all requirements of the Certificate dated June 29, 2018. The Certificate included certain mitigation measures, to include measures related to Water Quality and Conservation. As a condition of approval, Ashland shall implement those measures as called for in the Certificate.

    b. As noted, Ashland has a by-law that limits when the interconnection may be used. Ashland shall notify the Department in the event of any changes in the by-law. The Department reserves its right to

13. Staffing: The facility has meets the classification of a I-T treatment facility. Staffing of the facilities shall conform to the requirements of 310 CMR 22.11B.

14. Emergency Planning: The facilities shall be incorporated in the system's emergency response planning. As called for in the Certificate, a revised Emergency Response Plan that meets the requirements of 310 CMR 22.04(13) shall be prepared prior to final approval of the completed facility.

15. Security: Ashland shall implement sufficient measures to prevent unauthorized access to the facilities and equipment.

16. Maintenance of Records: The applicant/operator shall maintain a copy of this letter and the complete permit application for as long as the facilities described herein are in service.

From: Todd Carpentier
To: Lori Esposito
Subject: Tomasso App for outdoor dining
Date: Monday, August 24, 2020 2:35:01 PM
Attachments: Outdoor dining application.pdf

[EXTERNAL]

Hello Lori,

Thank you very much for helping out with this.

Attached is the application and a picture of our signed ABCC license by the town.

The last 2 pages on the application PDF will show the area we intend on having outdoor dining.

The 2nd to last page is a birds eye view. The area circled in blue is where we will be having outdoor dining. The area circled in Red is currently being used by Hola for their outdoor dining.

Last page is the permission from Capital Group Properties to use the parking lot area for outdoor dining.

In regards to barriers, Capital Group will be providing us with the barriers – as they have with Hola.

We will be using our own furniture for the outdoor dining (tables / chairs). They are solid, stained and finished wood – easy to clean / sanitize between use.

As indicated, I still have not secured a tent. I am working on that now.

Thanks!

Sent from Mail for Windows 10

Town of Southborough, Massachusetts

TEMPORARY LICENSE EXTENSION

On June 6, 2020, Governor Charlie Baker declared that the Commonwealth had entered Phase II of its reopening plan. According to the Governor and the Executive Office of Housing and Economic Development, licensees for on-premises consumption of alcohol may commence outdoor seated service, provided food is prepared on-site under a retail food permit issued by a municipal authority pursuant to 105 CMR 590.000.

This is to certify that the Board of Selectmen of the Town of Southborough has granted a temporary license to:

L Carpentier Inc., d/b/a Tomasso Trattoria & Enoteca
154 Turnpike Road

DESCRIPTION OF OUTDOOR PREMISES:

Four (4) parking lot spaces immediately adjacent to the sidewalk in front of the restaurant, with a total of up to 7 tables, containing 4 seats per table, for a maximum outdoor occupancy of 28.

FOR THE SALE OF: **All Alcoholic Beverages**

This license is granted and accepted upon the express condition that the license shall, in all respects, form to all the provisions of the Liquor Control Act, Chapter 138 of the General Laws as amended, and any rules or regulations made thereunder by the Board of Selectmen.

IN TESTIMONY WHEROF, the undersigned have hereunto affixed their official signatures on August 28, 2020

_____

_____

_____

_____

_____

Expires: November 1, 2020 or until the order is rescinded, whichever comes first

Board of Selectmen (Local Licensing Authority)

RECEIVED
By Town Clerk/amb at 2:47 pm, Sep 24, 2020

TOWN OF SOUTHBOROUGH

BOARD OF SELECTMEN Meeting Minutes

Meeting Date: Tuesday, September 8, 2020, 6:30 P.M.
Location: Virtual Meeting through Zoom
Present: Marty Healey, Lisa Braccio, Chelsea Malinowski, Brian Shea, Sam Stivers and Town Administrator Mark Purple

I. Chairman Healey called the meeting to order at 6:30 P.M. Chairman Healey read the following statement:

Pursuant to Governor Baker's March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, §18, and the Governor's March 15, 2020 Order imposing strict limitation on the number of people that may gather in one place, this meeting of the Southborough Board of Selectmen will be conducted via remote participation to the greatest extent possible. Specific information and the general guidelines for remote participation by members of the public and/or parties with a right and/or requirement to attend this meeting can be found on the Town of Southborough's website, at https://www.southboroughtown.com/. For this meeting, members of the public who wish to watch or participate in the meeting may do so in the following manner by finding the meeting at: https://www.southboroughtown.com/remotemeetings. No in-person attendance of members of the public will be permitted, but every effort will be made to ensure that the public can adequately access the proceedings in real time, via technological means. In the event that we are unable to do so, despite best efforts, we will post on Southborough's website an audio or video recording, transcript, or other comprehensive record of proceedings as soon as possible after the meeting.

II. Public Comment

Paul Cimino (3 Austin Kelly Lane) stated he is speaking as a citizen and veteran and not the Town Moderator. He described his displeasure over the lack of progress from Crown Castle in removing the cell tower from the Flagpole at the Town House. He felt the lease partner could have removed it by now and asked the Board for leverage to ensure the flagpole is reverted to its original state in a more timely manner. He suggested Town Counsel involvement.

Chairman Healey agreed and stated the issue needed to be addressed. He added the Board was reluctant to pursue legal remedies due to cost but it may be time to do so. Ms. Braccio agreed and would like the flagpole restored by Veteran's Day. Mr. Shea stated it is likely time to consult Town Counsel and Mr. Stivers agreed. Mr. Purple stated he has been in contact with Crown Castle and AT&T and they are willing to work with the Town but have not taken any action. Chairman Healey said he would reach out to Town Counsel. The Board agreed.

III. Scheduled Appointments

6:30PM HEARING: Class II Used Car Dealer license application for Stefco, 264 Cordaville Rd

At 6:45 P.M. Chairman Healey read the public hearing notice into the record. Mr. Stefaniak described his business plans for his shop at 264 Cordaville Road which included specifications to sell used cars and basic auto repair and services. He stated the current license allows for eight spots to sell vehicles and he is applying for the same. He explained the lot and his plans to continue to clean the area and work with the community. Ms. Braccio acknowledged the

concerns stemming from the previous owner's use of the lot and addressed them with Mr. Stefaniak. He replied that he will not repeat those mistakes. He also agreed to keeping the sightline from the corner of Woodland Road and Cordaville Road clear for drivers. He stated his hours will be Monday - Friday 8:00 A.M.-5:00 P.M. and Saturdays 8:00 A.M. – 2:00 P.M. Ms. Malinowski asked if he planned on hiring staff and he stated he planned on one additional employee for the office. Mr. Stefaniak stated he may have to light the cars for sale on his lot and Mr. Stivers directed him to work with the Building Inspector and Planning Board before doing so.

Flavia Montvitt (202 Woodland Road) stated she was not in support of selling used cars on the lot and she described the issues she had with the previous owner. She stated Mr. Stefaniak was spray painting at his place of business and the smell polluted her property. Mr. Stefaniak apologized for using spray paint and explained it was his last project from his previous work and he would not spray paint in the future. Mr. Shea stated that it is not fair to hold Mr. Stefaniak accountable for the mistakes of the previous owner.

Linda Zawadzki (259 Cordaville Road) expressed her concerns of having a junkyard and over twenty cars on the lot as the previous owner had and Mr. Stefaniak stated he will not exceed the eight cars for sale and there will be no flags or late nights.

Ms. Braccio made a motion to close the public hearing at 7:20 P.M. Mr. Stivers seconded. The motion passed all in favor (5-0-0) by roll call vote, Braccio, aye; Malinowski, aye; Shea, aye; Stivers, aye; Healey, aye.

Mr. Stivers made a motion to approve the application for a Class II Used Car Dealer license for Stefco, 264 Cordaville Road as presented with the following conditions:

1. There will be no junk cars on the property.
2. Spray painting is not permitted on the premises.
3. The acceptance of the Class II Used Car Dealer license is subject to confirmation that all building permits are in order and with the appropriate business use.
4. Any appropriate approval for lighting and signage be in conformance the Town bylaws.

Ms. Malinowski seconded. The motion passed all in favor (5-0-0) by roll call vote, Braccio, aye; Malinowski, aye; Shea, aye; Stivers, aye; Healey, aye.

<u>Southborough Police:</u>

i. Appoint Tyler L. Lu as Special Police Officer, effective September 15, 2020

Chief Paulhus introduced Mr. Lu and gave background on his experience. He requested the Board appoint him as Special Police Officer. He added that Mr. Lu will be the second hire funded for January 1, 2021 per Town Meeting approval.

Ms. Malinowski asked Mr. Lu why he transitioned from the private sector to the Police Department. Mr. Lu explained his desire to be more involved in the community. Mr. Stivers asked Mr. Lu what prompted him to apply to the Southborough Police Department. Mr. Lu replied that after looking into the Town, he found that it was beautiful, the community was welcoming and he felt it would be a great place to live and work.

Mr. Stivers made a motion to appoint Tyler L. Lu as Special Police Officer, effective September 15, 2020. Ms. Braccio seconded. The motion passed all in favor (5-0-0) by roll call vote, Braccio, aye; Malinowski, aye; Shea, aye; Stivers, aye; Healey, aye.

ii. Update on accreditation, hiring and policing policies

Chairman Healey explained that part of the goal setting meeting was for the Board to have ongoing dialogues with departments and committees in Town and the Police Department was invited to discuss their role in inclusion and how it relates to hiring, training and reporting. Chief Paulhus explained that there are 344 standards the Department has to adhere to for their accreditation and gave details into policies and procedures for hiring, training and reporting and how it relates to inclusion of minorities and equal opportunities. He added that there were a record number of applicants for Department openings in May and they are one of the only departments that do not require an advanced degree to apply. Chairman Healey asked Chief Paulhus to describe the Department's approach to training. Chief Paulhus described the best practices and benchmarks provided by the Massachusetts Police Accreditation Commission that have to be achieved annually or bi-annually. Chairman Healey asked about training regarding apprehending a suspect and use of force. Chief Paulhus stated that there is a 42-page policy on use of force that is reviewed annually. He added that there is annual weapons training and the officers have ben trained to intervene when they witness another officer mishandling a situation. Chief Paulhus described the reporting policy for use of force and complaints.

Ms. Malinowski praised the Chief and Department for keeping the Town safe and their hiring processes. Mr. Shea urged the Board to remember the importance of training and safety of the officers during budget discussions. Mr. Stivers asked if the Department will be expanding the use of the Mental Health Clinician who supports the officers during mental health responses. Chief Paulhus explained how the Department works with the Mental Health Clinician. Lieutenant Newell gave details on how she collaborates with officers regarding substance abuse, mental abuse and suicide calls for service. Chief Paulhus described the Department partnership with Southborough Youth and Family Services to follow up with residents and ensure the help needed is provided to avoid future police intervention. Chairman Healey asked Chief Paulhus to work with his management team and Mr. Purple to create a report with data showing use of force and any complaints on a quarterly or half-year basis. Chief Paulhus agreed.

<u>8:00PM Volunteer Interviews:</u>

i. Michael Weishan: Historical Commission, term 6/30/23

Mr. Shea recused himself and left the meeting at 8:16 P.M. Ms. Braccio stated that she was the last remaining Board member that was present at Mr. Weishan's request for reappointment in 2018. She said she watched the video from that meeting and reflected on her participation and the circumstances. She asked Mr. Weishan if there were anything he would change during that discussion with the Board in 2018. Mr. Weishan stated that the incident was due to a failure of communication on his part and the Historical Commission. He added that the incident was a result of a first time use of a new bylaw with no training. He said that if he were to change anything, he would not have spoken up and he has learned a lot since. Ms. Braccio asked if there were any perceived conflicts overseeing the conservation restriction at 84 Main Street. Mr. Weishan replied there were none. He explained how he worked well with various boards and committees to create the Adaptive Reuse bylaw and some of his goals for the future of the Historical Commission. Chairman Healey asked that if in the future there are any issues with the Board or any members, that Mr. Weishan reach out to anyone on the Board before using outside

resources for recourse. Mr. Weishan agreed. Chairman Healey made a motion to appoint Michael Weishan to the Historical Commision, term 6/30/23. Ms. Braccio seconded. The motion passed (4-0-1) by roll call vote, Braccio, aye; Malinowski, aye; Stivers, aye; Healey, aye. Mr. Shea recused.

Mr. Shea returned to the meeting at 8:34 P.M.

ii. David Candela: Recreation Commission, term 6/30/23 and Community Preservation Committee [Recreation Commission Representative], term 6/30/21

Ms. Malinowski stated she asked Mr. Candela to attend the meeting because she had questions regarding his commitment to the Recreation Commission. She stated she had concerns with his availability to attend meetings and asked if he could be committed to the role. Mr. Candela replied that he did not know what Ms. Malinowski was referring to and the he attends most meetings. Ms. Malinowski explained that she reviewed attendance from June 2019-June 2020 and out of eighteen meetings, he was absent eight times. Mr. Candela stated that the Board would suggest he attended almost every meeting and he is very committed. Ms. Malinowski stated that he is the Recreation Commission representative for the CPC and he has missed many CPC meetings as well. She stated she was concerned because CPC has issues meeting quorum. She stated she was hesitant to appoint someone who is present at approximately 50% of the meetings. Ms. Braccio stated she reviewed the meetings as well and Mr. Candela was absent many times unless the issue is with the accuracy of the minutes. Mr. Candela asked the Board to ask the Commission and CPC if he attends. He stated that he was surprised this was an issue and apologized for running a second Zoom meeting during this one.

Ms. Braccio asked the Board to hold this appointment. Mr. Candela stated that he was ok with not being reappointed. Chairman Healey interjected that he accepts Mr. Candela's word that he is committed and asked that there will be no quorum issues in the future. Mr. Candela agreed. Mr. Stivers stated he has seen Mr. Candela's participation and engagement in meetings and he supports the appointment. Ms. Braccio asked the Board to hold the appointment because there was a volunteer form from another resident interested in these positions. Chairman Healey stated that this will be discussed at the next meeting.

<u>Deerfoot Road Extension Residents – Discussion of Brendon Construction building</u>

Denise Eddy (128 Deerfoot Road) explained her initial support for the construction by Brendon Homes in 2018 and the issues with water runoff from these properties onto 124, 126 and 126A Deerfoot Road. She explained the report from their engineer, Dr. Desheng Wang which did not support the engineering report from Brendon Homes. Chairman Healey asked Ms. Eddy what she was looking for from the Planning Board and Conservation Commission. Ms. Eddy replied that they are meeting with the Planning Board in two weeks and will be asking them to monitor the amount of vegetation removed from A&R lots and to address any issues if more is taken down than outlined in the initial plan. She added that they are asking the Conservation Commission to install an additional catch basin prior to resurfacing of the road and to oversee water control. She stated that the Conservation Commission only has control over lot 124 as there is an order of conditions on that property. Ms. Eddy stated because the Board has jurisdiction of the streets through the DPW, they are asking for oversight on the impacts of the water runoff onto Deerfoot Road.

Brendon Giblin, (6 Nichols Street) President of Brendon Homes stated that he is familiar with these concerns and the project was appropriately designed by Bohler Engineering. He stated that A&R lots use country drainage and therefore it took time to address the issues. He added that they have taken steps to alleviate these issues and defended the calculations in his engineering report. Mr. Giblin stated they have worked with the DPW and Conservation Commission and described the work yet to be done. He stated that his timetable to complete the work is 7-10 days and once the topcoat is applied to the roads, the problems will be fixed. Mr. Giblin stated he does not dispute the issues and has worked with Ms. Eddy to try and resolve them. He added that when the work is complete the site will operate as intended. Mr. Stivers stated that the Conservation Commission discussed installing additional catch basins in the drainage system and he felt that could be done relatively inexpensively. He added that he hopes there are contingencies in place if the construction does not solve the water issues. Ms. Braccio empathized with the frustration from the residents and stated that she is unaware of how the Board can help alleviate the situation as their authority is limited. Mr. Giblin said he would work with the DPW to help solve these issues.

Lisa Dunderdale (122 Deerfoot Road) described her concerns with the water trespass on her lot and 122 and 120 Deerfoot Road. She requested someone visit her property to assess the issues and damage. Chairman Healey stated that the Board does not have authority over private property. Marguerite Landry (134 Deerfoot Road) asked the DPW to install more catch basins. Melissa DaCosta (120 Deerfoot Road) explained the location of her property and stated that the water runoff from these properties overflows onto Deerfoot Road and if not addressed, will continue to do so.

Chairman Healey stated that there are multiple Boards that have some jurisdiction in the matter and he volunteered Mr. Shea to work with Ms. Galligan and Mr. Purple to understand what steps could be taken to address the issues. The Board agreed. Ms. Galligan explained how the piping and catch basin systems worked and what work needs to be completed before pavement is laid. Chairman Healey asked for a timeframe for the street to be finished. Ms. Galligan stated that she could not give a definite date but most likely by the end of September or beginning of October. Chairman Healey asked that residents continue to work with the Planning Board and Conservation Commission. The Board agreed. Chairman Healey asked that Mr. Shea, Ms. Galligan and Mr. Purple discuss possible next steps. They agreed.

<u>Brian Ballantine, Finance Director CH suggested moving to next meeting. Board agrees.</u>

i. Approval of bond sale

Chairman Healey and Ms. Malinowski recused themselves. Mr. Ballantine explained the bonding and that lowering rates on current bonds is saving the Town approximately $65,000. He added that the Library project and the last portion of the Public Safety Building have been permanently financed. He stated the Board needs to take a formal vote to accept the bonds.

Mr. Shea made a motion to approve the bond sale as presented by Mr. Ballantine and included in the packet. Mr. Stivers seconded. The motion passed (3-0-2) by roll call vote, Braccio, aye; Shea, aye; Stivers, aye. Chairman Healey and Ms. Malinowski recused.

ii. Budget updates

Chairman Healey requested this topic be move to the next meeting. The Board agreed.

Judi Barrett, Barrett Planning LLC – Discussion of Downtown Business Village District

Chairman Healey introduced Ms. Barrett as the consultant hired by the EDC to review potential zoning issues that may hinder the revitalization of downtown. Ms. Barrett explained the EDC has focused on an overlay district. She explained what an overlay district is and how it works in our current zoning map. She said creating an overlay district is no longer best practices and stated that creating a town center district may be more appropriate. She explained the risks for both options and felt that creating a town center district will fix zoning issues and could be done without making any property non-conforming. Chairman Healey asked if the procedure for approval of both an overlay district and a zoning change are the same. Ms. Barrett answered both would need Town Meeting approval. Ms. Braccio stated that the Planning Board had concerns regarding creating nonconforming lots. Ms. Barrett stated that the Planning Board is an integral part of this discussion as the permitting board and she would like to understand their needs and wants for the downtown. Chairman Healey asked if Ms. Barrett had reviewed the current zoning map and any potential hardships that could come about while creating a separate zone. Ms. Barrett replied that she had and she does not think anyone would have to be made nonconforming. She stated she is an advocate for fixing zoning. Ms. Barrett added that she is creating a report for the revitalization of downtown and is unclear as to what is wanted there. She added that input from the Planning Board on this is essential. Chairman Healey stated the next step is to meet with stakeholders to make decisions for the future of the downtown revitalization. Ms. Barrett agreed and stated that she is being asked to draft zoning changes without an understanding of what the vision is for downtown. Ms. Malinowski asked who the key stakeholders were and Ms. Barrett replied the policy makers such as the Board of Selectmen, the Planning Board and the EDC. Chairman Healey stated there will be a meeting October 6th with these boards and asked for a discussion document from Ms. Barrett. Ms. Barrett agreed to provide one.

Julie Connelly, member of the EDC, stated that zoning was identified as a top priority when the downtown revitalization project began and while working with the Planning Board, it was agreed that an overlay district was the resource needed to execute the project. She added that the EDC will reach out to Ms. Barrett regarding the vision for downtown.

Claire Reynolds (104 Main Street) stated that the report from Ms. Barrett was received today and the EDC had not had time to review it. She added that the EDC has used survey results and reports from the master plan in 2010 and multiple recent surveys from residents regarding the vision for downtown. She added that input from the Planning Board is essential.

Karen Galligan, DPW Superintendent – Policy on Complete Streets

Chairman Healey explained that the most important aspect of a Complete Streets proposal is to ensure the 80 points needed from the State to qualify for the grants have been met. Ms. Galligan agreed. Chairman Healey said he would like to see a hybrid of Ms. Galligan's draft and Mr. Stiver's draft at the September 22nd meeting. Mr. Shea stated he had not seen Mr. Stivers draft and would like time to review. He added that the proposal should allow for flexibility as there are rural streets that may not be a good fit. Mr. Stivers stated that the version presented will suffice for the requirement of points but would like more diverse language. Ms. Galligan stated that if the policy is too difficult to implement, it could hinder the ability to complete regular work and maintenance. Chairman Healey stated he will draft a hybrid of both draft policies for the next meeting. He asked Mr. Stivers if his version outlined the creation of a new committee and Mr. Stivers replied in the affirmative. Ms. Braccio added that the Public Works Planning Board

was involved in drafting the policy with Ms. Galligan and requested to hear from them. Chairman Healey asked if taking more time to review will hinder progress. Ms. Galligan replied that the process can start as long as discussion continues.

IV. Reports

Town Administrator Report

i. Main Street project update

Ms. Galligan stated that the DPW is working closely with Charter, Eversource, AT&T and Verizon to move their poles. She said it is intended for this work to be completed in the fall. The curbing and pouring concrete and asphalt on sidewalks will start in the coming week. She stated that not all sidewalks or driveway aprons are complete and the project should be 99% complete before winter. She added the rest will be completed in spring.

Chairman's Report

i. Point of contact for inquiries to Selectmen email address

Chairman Healey proposed a revolving assignment be made for all requests and inquiries to the general Selectmen email as the Board cannot respond as a group. The Board agreed.

Members' Reports

i. Discussion of Selectmen office hours

Chairman Healey suggested rotating virtual office hours on a weekly basis to be advertised on the blog and Twitter. The Board agreed.

iii. 8/31 Capital Committee presentation on TS

Chairman Healey moved this discussion to the September 22, 2020 meeting.

Mr. Shea stated that last year the Board collaborated with the golf course to host an ALS fundraiser on Heritage Day to remember Mr. Wilson and Mr. Shifrin. He said he would be happy to reach out to see if this could be done again this year. The Board agreed. Chairman Healey said he spoke with Mrs. Shifrin regarding a field dedication in August and suggested November 16th for the dedication to acknowledge the one-year anniversary of Mr. Shifrin's passing and possibly tying this in with the fundraiser. Chairman Healey said he will review this proposal with the golf management company.

Mr. Stivers stated he has made progress on the tree removal guidelines and hopes to have something to present at the next meeting. He stated he is working with Ms. Luttrell from the Planning Board and Town Counsel.

V. Consent Agenda

a. Chairman Healey made a motion to approve Open Session Minutes: August 18, 2020. Mr. Shea seconded. The motion passed all in favor (5-0-0) by roll call vote, Braccio, aye; Malinowski, aye; Shea, aye; Stivers, aye; Healey, aye.

b. Ms. Malinowski asked to hold Consent Agenda item "b." She noted that the date on the first application is incorrect as it reads "9/20/27." Mr. Purple confirmed there is only one application for the first date. Chairman Healey made a motion to approve the One-Day alcohol license applications, Chestnut Hill Farm Events: September 20 and September 27, "Fall Fun on the Farm" with the above revision. Mr. Shea seconded. The motion passed all in favor (5-0-0) by roll call vote, Braccio, aye; Malinowski, aye; Shea, aye; Stivers, aye; Healey, aye.

c. Ms. Malinowski asked to hold Consent Agenda item "c." Ms. Malinowski asked where the items will be stored when not in use. Mr. Wood of the EDC stated the tents break down to be very small and could be stored in his basement. He added these tents would be used by restaurants, gyms and other businesses that would have outdoor patronage. He said the EDC would manage the items on a first come, first serve basis. Chairman Healey made a motion to approve the EDC grant proposal for Shared Streets and Spaces program. Mr. Shea seconded. The motion passed all in favor (5-0-0) by roll call vote, Braccio, aye; Malinowski, aye; Shea, aye; Stivers, aye; Healey, aye.
Ms. Braccio left the meeting at 11:02 P.M.

VI. Other Matters Properly Before the Board

FY21 BOS Goals

Chairman Healey asked the Board to send any updates to Mr. Purple. Mr. Stivers suggested prioritizing the goals and delegating responsibility for follow up on progress. Chairman Healey agreed and stated he will ensure they are updated in the Member's Report.

Route 85 sidewalk discussion – Public Safety complex

Mr. Litt (148 Woodland Road) stated that the Public Safety Complex is not accessible to anyone not in a car and the building and its services should be accessible to the entire community. He said the issue was discussed by the ADA Committee and it was agreed this was an open issue. He stated that he spoke with the Public Safety Building Committee regarding his concern that the plans do not have a sidewalk from any direction and he said they replied it was too complicated to execute. Mr. Litt requested the Board meet with the DPW, public safety officials, Planning Board and ADA to recreate a town wide policy or requirement that the Public Safety Building be accessible to the entire public. Chairman Healey asked what the ADA required for compliance. Mr. Litt stated he spoke with someone from the Office of Disability who confirmed a driveway is considered adequate access to the building. Mr. Shea stated that a sidewalk was not on the plan when the Public Safety complex was being built nor was it needed for approval from the Planning Board. He added that the Town does not have the funds for this project and described the unlikeliness of someone needing foot access from Route 85 to the building. He suggested if a sidewalk were approved by Town Meeting, constructing through Woodward may be the best option. Chairman Healey stated he would like to know the cost for undertaking this project and if it is required by the ADA. He added that if sidewalks are required, it is a much different project than if it is something that is simply the right thing to do.

VII. Public Comment

None

VIII. On a motion made by Chairman Healey, seconded by Mr. Shea and voted by roll call all in favor, Braccio, aye; Malinowski, aye; Shea, aye; Stivers, aye; Healey, aye, the meeting was adjourned at 11:22 P.M.

Upcoming Meetings
September 22, 2020
October 6, 2020

Respectfully submitted,

Kathleen Barry, Recording Secretary

List of Documents referred to at the September 8, 2020 BOS Meeting:

- Public Hearing Notice dated August 25, 2020
- Copy of Legal Notice from MetroWest Daily News
- Application for License to buy, sell, exchange or assemble second hand motor vehicles or parts
- Law Enforcement Accreditation Program Overview
- Letter from Chief Paulhus to BOS dated September, 1, 2020
- Permanent Note Issuance and Refunding Bonds Letter from Brian Ballantine to BOS
- Budget Update Presentation dated September 8, 2020
- Citizen Activity Form, Michael Weishan
- Letter from David Candela to Lori Esposito dated August 10, 2020
- Flood and Drainage Study 136-128 Deerfoot Road, July 20, 2020
- Letter from Karen Galligan to Mark Purple re: Complete Streets Policy 7.21.20
- Draft Village Mixed Use Zoning Language
- Meeting Minutes, August 18, 2020
- Application for One-Day Alcohol License, Chestnut Hill Farm
- Shared Streets and Spaces Letter of Intent from the EDC dated September 1, 2020
- Letter from Jason Malinowski to Mark Purple re: Capital Planning - Town House dated September 2, 2020

THE COMMONWEALTH OF MASSACHUSETTS

_____ OF _____

APPLICATION FOR A LICENSE TO BUY, SELL, EXCHANGE OR ASSEMBLE SECOND HAND MOTOR VEHICLES OR PARTS THEREOF

I, the undersigned, duly authorized by the concern herein mentioned, hereby apply for a 2 class license, to Buy, Sell, Exchange or Assemble second hand motor vehicles or parts thereof, in accordance with the provisions of Chapter 140 of the General Laws.

1. What is the name of the concern? STEFCO

Business address of concern. No. 264 Cordaville Rd St., Southborough City — Town.

2. Is the above concern an individual, co-partnership, an association or a corporation? individual

3. If an individual, state full name and residential address.

John M Stefaniak
5 Forest Ave Ashland MA 01721

4. If a co-partnership, state full names and residential addresses of the persons composing it.

5. If an association or a corporation, state full names and residential addresses of the principal officers.

President _____

Secretary _____

Treasurer _____

6. Are you engaged principally in the business of buying, selling or exchanging motor vehicles? _____

If so, is your principal business the sale of new motor vehicles? _____

Is your principal business the buying and selling of second hand motor vehicles? ✓

Is your principal business that of a motor vehicle junk dealer? _____

7. Give a complete description of all the premises to be used for the purpose of carrying on the business.

Purchase & sales of used motor vehicles. Repair & service of vehicles

8. Are you a recognized agent of a motor vehicle manufacturer? NO (Yes or No)

If so, state name of manufactuer _____

9. Have you a signed contract as required by Section 58, Class 1? NO (Yes or No)

10. Have you ever applied for a license to deal in second hand motor vehicles or parts thereof? Yes (Yes or No)

If so, in what city — town Ashland MA

Did you receive a license? Yes (Yes or No) For what year? 2005

11. Has any license issued to you in Massachusetts or any other state to deal in motor vehicles or parts thereof ever been suspended or revoked? NO (Yes or No)

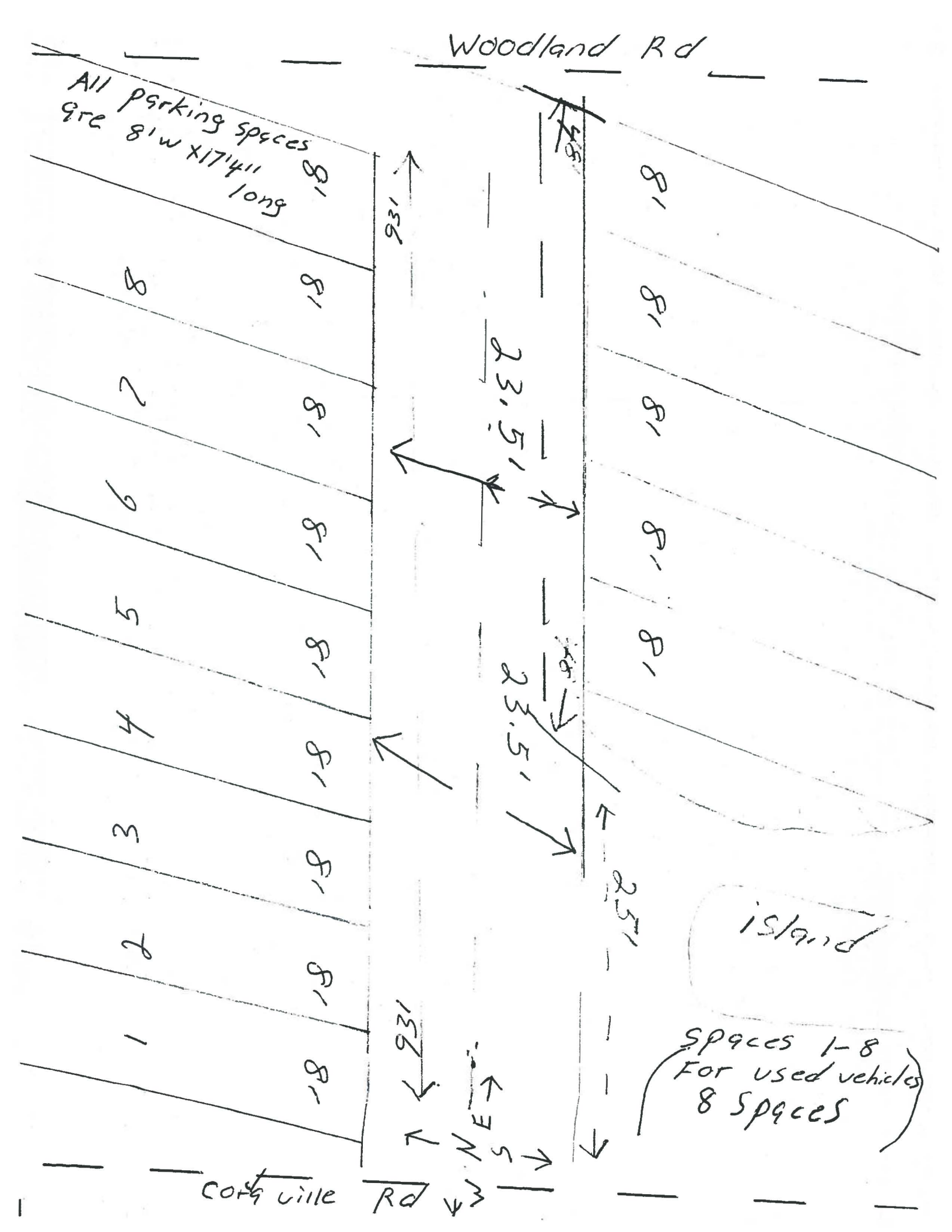
Sign your name in full _____
(Duly authorized to represent the concern herein mentioned)

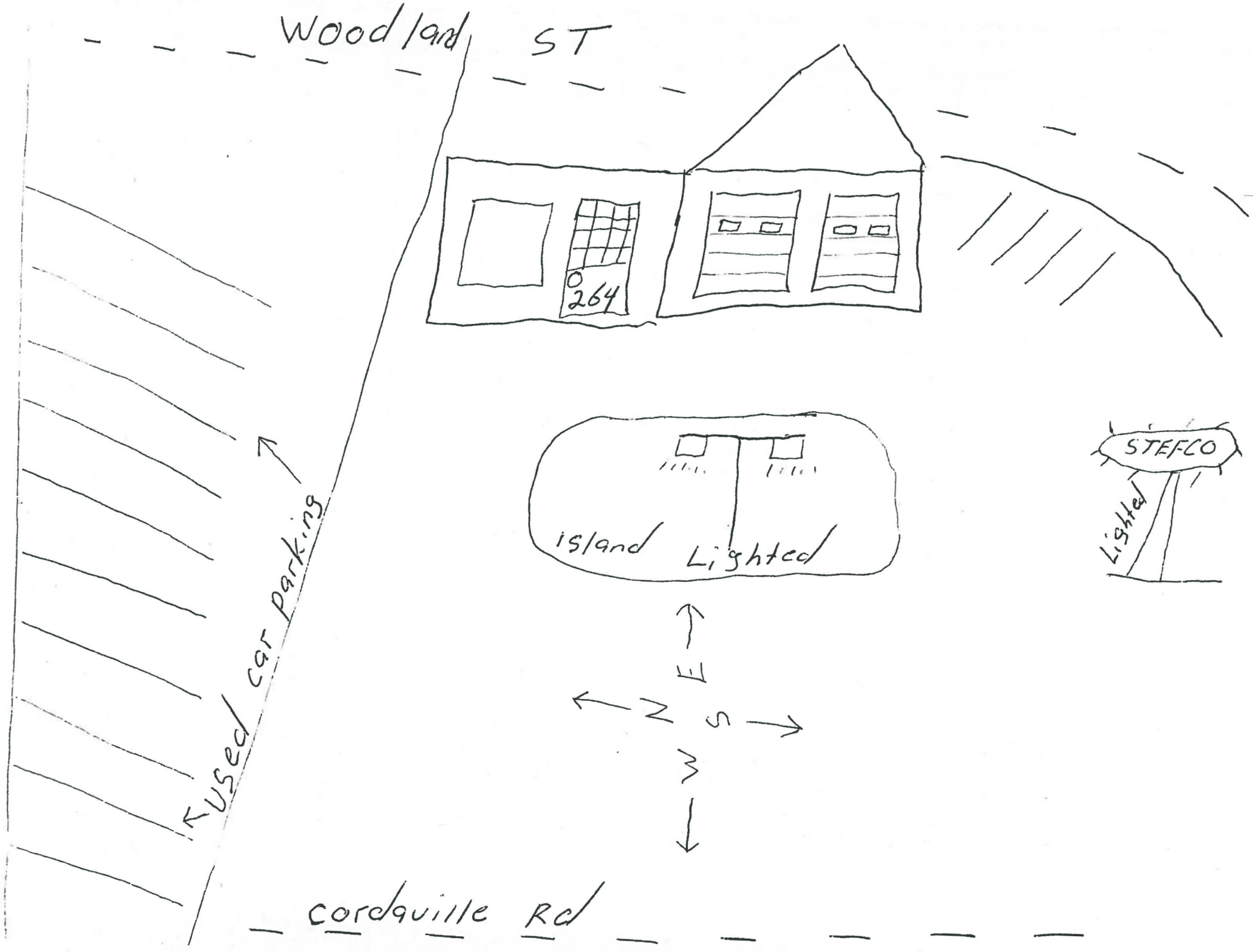
Residence 5 Forest Ave Ashland MA

IMPORTANT

EVERY QUESTION MUST BE ANSWERED WITH FULL INFORMATION, AND FALSE STATEMENTS HEREIN MAY RESULT IN THE REJECTION OF YOUR APPLICATION OR THE SUBSEQUENT REVOCATION OF YOUR LICENSE IF ISSUED.

NOTE: If the applicant has not held a license in the year prior to this application, he must file a duplicate of the application with the registrar. (See Sec. 59)


Woodland Rd
All parking spaces are 8'w x 17'4" long
8
7
6
5
4
3
2
1
93'
23.5'
23.5'
23'
island
Spaces 1-8
For used vehicles
8 Spaces
N
E
S
Corkville Rd


Woodland ST
264
Used car parking
island
Lighted
STEFCO
Lighted
E
N
S
W
Cordaville Rd

Town of Southborough
BOARD OF ASSESSORS
Southborough, Massachusetts 01772
Phone: (508) 485-0720
Fax: (508) 480-0161

ABUTTERS LIST REQUEST

Date 8/12/2020

Location of Property 264 Cordaville Rd Map _____ Lot _____

Property Owner PJH management

Requested By John Stefaniak

Company Name STEFCO

Phone # 508-281-0068 Email jmstefaniak@aol.com

Reason for Request

Project Description Purchase/sales of used motor vehicles

_____ Zoning Board of Appeals (300')

_____ Conservation Commission (100')

_____ Conservation Commission (Storm Water) (300')

_____ Planning Board (300')

_____ Other (Please Specify) _____

FEE IS $10.00 PER REQUEST PLUS .25 PER PARCEL THAT IS WITHIN THE REQUIRED DISTANCE (FEE INCLUDES MAILING LABELS).

We will contact you when the list is complete. Payment is required prior to release of list.
Make checks payable to Town of Southborough.

Questions: Contact Coryn Dias at 508-485-0720, cdias@southboroughma.com

APPLICATION FOR ONE-DAY ALCOHOL LICENSE

TOWN OF SOUTHBOROUGH

Board of Selectmen

17 Common Street, Southborough MA 01772

TOWN USE ONLY	
Date:	8-25-20
Paid: $	50.-
Check#	
Cash	✓
Lic.#	SL 20-5

Special or "one-day" licenses for the sale of alcoholic beverages are available to the responsible event manager of any activity conducted by an organization which, in the opinion of the Town of Southborough Select Board, complies with all State and local requirements and demonstrates satisfactorily that granting of the license is in the best interests of the Town of Southborough. This application must be submitted at least 30 days prior to the event.

RECEIVED
AUG 25 2020
Southborough Selectmen's Office

(X) **WINE/MALT ONLY** ( ) **ALL ALCOHOL** [for non-profits only]

License Fee: $50.00, non-refundable, check or cash only, payable to Town of Southborough

APPLICATION DATE: 8/24/20

Susan Eastland — 508-599-0646
Event Manager/Applicant Name — 24-Hour Contact Telephone Number

5 Chestnut Hill Rd Southborough, MA 01772
Event Manager/Applicant Address

seastland@thetrustees.org
Event Manager/Applicant Email Address

The Trustees, Chestnut Hill Farm — 5 Chestnut Hill Rd Southborough, MA 01772
Organization Representing — Address of Organization

Fall Fun on the Farm — 9/20/27 — 9/26/20
NAME OF EVENT / PURPOSE — **DATE OF EVENT** — **RAIN DATE**

LOCATION OF EVENT Chestnut Hill Farm
( ) Inside (X) Outside

Is the organization you are representing non-profit* X YES _____ NO

*If 'Yes' and applying for "All Alcohol" license, acceptable proof of non-profit status must be attached

"Alcohol Awareness Server Training Affidavit" and Server Certificates attached X YES ____ NO

Hours of Sale/Consumption of Alcoholic Beverages 12pm AM/PM to 6pm AM/PM

What is the maximum number of expected attendees? 200 people total, four-90 minute time slots with 50 people maximum at one ti

What is the predominate age group of the expected attendees? Families

Is an admission fee to be charged? X Yes _____No

Are tickets being sold in advance for this event? X Yes _____No

How will alcoholic beverages be dispensed or served? (*Please check all that apply)*

_____Waiter/Waitress

_____Bar with bartender

_____By the glass

X By the bottle

_____Self-serve

Name and address of company providing bartending service, if applicable:

_____

_____

If any attending are under age 21, what method will be used to check identification and what procedures will be followed to make certain that those under age 21 are not served and are not allowed to consume alcoholic beverages?

Certified person will ID those being served.

_____

Have you consulted with the Police Department about the need for a security plan or detail officer required for the Event? X Yes _____No

If Yes, with whom and what date? Name Chief Paulhus via email Date 8/25/20

Will a police detail or other security be required? _____Yes ✓ No

If Yes, # of details and name and address of provider (if applicable)?

_____

_____

APPLICATION FOR ONE-DAY ALCOHOL LICENSE

ALCOHOL AWARENESS SERVER TRAINING AFFIDAVIT

I hereby certify that I have read the Training Requirements for Liquor License Holders and Employees. I understand that failure to comply with this policy may result in the revocation or non-renewal of the license. Below is a current roster of my employees and the related alcohol awareness server training information.

*****NOTE: Copies of all original certificates MUST accompany this form.*****

The Trustees, Chestnut Hill Farm

Company/Organization

Susan Eastland — 8/24/20

Manager [Note: Manager training MUST be current] — **Date**

Manager/Employee Name	Date of Hire	Type of Training [certification]	Date Valid	Date of Expiration
Susan Eastland	8/1/19	AIM	n/a	9/16/22

Any applicant for a one-day liquor license shall, as a condition of their being granted the license, ensure that at least one person to be engaged in the sale/service of alcoholic beverages at their event has been certified in a program from the list of Board of Selectmen sanctioned programs. On-line ["e-training") training is not an acceptable means of obtaining certification. A copy of their certification must accompany the application.

Listed below are the only programs currently available that meet the requirements of this policy approved by Board of Selectmen on September 17, 2013 [telephone numbers and contacts are provided as of date of policy]:

1. **ServSafe Alcohol** offered by the National Restaurant Association [www.servsafe.com/alcohol, then click on "Find a Class"]
2. **SAFE ID Check** offered by J.B.S. Professional Services, LLC [617-539-0118]
3. **Alcohol Intervention Methods [A.I.M.]** offered by Campbell/Trent [508-756-8542]
4. **Training for Intervention Procedures by Servers of Alcohol [TIPS]** offered by Health Communication, Inc. [www.gettips.com, then click on "Get Tips Certified, 'training session'" to find a class. NOTE: "Online training with eTIPS" is NOT ACCEPTABLE]
5. Approved for OFF-PREMISE sales license only: Beverage Alcohol Training [B.A.T.] offered by the Massachusetts Package Store Association [Mass Pack Contact: Frank Anzalotti 800-322-1383, or, to find a class, go to www.masspack.org/servertraining]

I understand that anyone holding a Special License must purchase alcoholic beverages from a licensed wholesaler/importer, manufacturer, farmer-winery, farmer-brewery or special permit holder. Purchasing alcoholic beverages from a package store is prohibited by the ABCC. A list of authorized sources to purchase alcohol can be found on the ABCC website www.mass.gov/abcc or you can contact the ABCC directly at (617) 727-3040.

Initial SE

I understand that the license holder must provide a Certificate of Liability Insurance with a liquor liability policy with $1M coverage, naming the Town of Southborough as the certificate holder.

Initial SE

I certify under penalty of perjury that I shall be responsible for the proper observance of all applicable Alcohol Control Laws of the State of Massachusetts, policies and regulations of the Town of Southborough, and conditions governing this license; all information contained in this application is true and correct; and this License is being sought for the exclusive benefit and use of the Non-Profit Sponsor and its members.

Initial SE

LIABILITY DISCLAIMER FOR ONE-DAY ALCOHOL LICENSES

By exercising the privileges of this license in serving persons with alcoholic beverages, the licensee is potentially exposed to significant liability for injuries and damages to persons served or to others who are injured or damaged by the persons served. Your acceptance and exercise of this license will be deemed to be acknowledgement that you are aware of this potential liability. You are encouraged to discuss the risks associated with exercising your privileges of the license and the precautions appropriate to avoid injuries, damage, and liability to others with your legal and/or insurance advisors. The Town of Southborough, and the Select Board as Local Licensing Authority, shall not be liable to the licensee or others if injury or damage shall result from the exercise of the license.

I, Susan Eastland, in consideration of having been granted a special
(Event Manager/Applicant)
license for the service of alcoholic beverages, hereby agree to defend, indemnify and hold harmless the Town of Southborough ("Town"), its officers, boards, employees and agents, from any liability for any and all loss, damage, cost, claim, expense, compensation and cause of action arising out of, or in connection with, the issuance or exercise of the special license granted to me by the Select Board acting as the Town's Local Licensing Authority.

Susan Eastland , 8/24/20

Event Manager/Applicant Signature Date

APPLICATION FOR ONE-DAY ALCOHOL LICENSE

REQUIRED FORMS TO SUBMIT WITH APPLICATION:

☒ Completed license application with cash/check

☒ A Certificate of General Liability Insurance with a Liquor Liability for $1M, naming the Town of Southborough (17 Common Street, Southborough MA 01772) as Certificate Holder*

☒ Completed 'Alcohol Awareness Server Training Affidavit' form, including copies of training cards

☒ List of designated drivers to be available for transporting attendees considered unable to drive Uber/lyft

IF APPLICABLE:

☒ Invitation/flyer/letter of explanation regarding event

☐ Proof of non-profit status (for 'All Alcohol License' only)

*Voted May 18, 1993: To maintain the policy that was put in effect October 25, 1988 with the stipulation that the Board of Selectmen does have the authority to waive the requirement for a one million dollar insurance policy if it is so voted by a majority of the Board.

GUIDELINES:

- Application for Special One-day License must be submitted at least 30 days prior to event
- A police detail may be required, depending upon the number of people and the event. *It is the applicant's responsibility to contact the Southborough Police Department prior to application submission: 508-485-2147*
- Events can only be held on day and date approved on license. No refund is possible after a Special One-Day License has been issued. Rain dates for events must be noted on the application prior to approval. If no rain date is listed, the event cannot be held on date other than date specified.
- Special One-day Licenses can only be issued for events occurring between 11:00 a.m. – midnight on Monday – Saturday, and noon - midnight on Sundays.
- License must be posted in the most conspicuous place at the location of event
- DO NOT allow anyone to bring their own alcoholic beverages to your event
- A one-day license CAN NOT be granted to:
  - any person for more than a total of 30 days per calendar year
  - any person that has an on-premises annual license application pending
  - any premises that has an alcoholic beverages license.

FOR TOWN USE ONLY

LOCAL LICENSING AUTHORITY DECISION DATE: _____

☐ **APPROVED**

☐ **DENIED**

License # SL20-5 Notice Sent to ABCC (within 10 days of issuance) _____

Payment received: 50.00 Date 8-25-20 Cash ✓ Check# _____

Remarks: _____

_____

ACORD®

CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
4/1/2020

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Arthur J. Gallagher Risk Management Services, Inc. 470 Atlantic Avenue Boston MA 02210	CONTACT NAME: PHONE (A/C, No, Ext): 617-261-6700 FAX (A/C, No): 617-646-0400 E-MAIL ADDRESS:
	INSURER(S) AFFORDING COVERAGE — NAIC #
	INSURER A : Philadelphia Indemnity Insurance Company — 18058
INSURED TRUSOFR-01 Trustees of Reservations 200 High Street, 4th Floor Boston MA 02210	INSURER B :
	INSURER C :
	INSURER D :
	INSURER E :
	INSURER F :

COVERAGES **CERTIFICATE NUMBER:** 321842118 **REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS	
A	X COMMERCIAL GENERAL LIABILITY			PHPK2116028	4/1/2020	4/1/2021	EACH OCCURRENCE	$ 1,000,000
	CLAIMS-MADE X OCCUR						DAMAGE TO RENTED PREMISES (Ea occurrence)	$ 100,000
							MED EXP (Any one person)	$ 5,000
							PERSONAL & ADV INJURY	$ 1,000,000
	GEN'L AGGREGATE LIMIT APPLIES PER:						GENERAL AGGREGATE	$ 2,000,000
	X POLICY PRO-JECT X LOC						PRODUCTS - COMP/OP AGG	$ 2,000,000
	OTHER:							$
	AUTOMOBILE LIABILITY						COMBINED SINGLE LIMIT (Ea accident)	$
	ANY AUTO						BODILY INJURY (Per person)	$
	OWNED AUTOS ONLY / SCHEDULED AUTOS						BODILY INJURY (Per accident)	$
	HIRED AUTOS ONLY / NON-OWNED AUTOS ONLY						PROPERTY DAMAGE (Per accident)	$
								$
	UMBRELLA LIAB OCCUR						EACH OCCURRENCE	$
	EXCESS LIAB CLAIMS-MADE						AGGREGATE	$
	DED RETENTION $							$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY Y/N						PER STATUTE / OTH-ER	
	ANYPROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? N/A						E.L. EACH ACCIDENT	$
	(Mandatory in NH)						E.L. DISEASE - EA EMPLOYEE	$
	If yes, describe under DESCRIPTION OF OPERATIONS below						E.L. DISEASE - POLICY LIMIT	$
A	Liquor Liability			PHPK2116028	4/1/2020	4/1/2021	Each Cause Limit: Aggregate:	$1,000,000 $1,000,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)
The Town of Southborough is included as additional insured with respects to the General Liability Policy. Coverage subject to policy terms and conditions.

CERTIFICATE HOLDER

Town of Southborough
17 Common Street
Southborough MA 01701

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE
Patrick J. Veale

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The ACORD name and logo are registered marks of ACORD

CERTIFICATION NUMBER:

91413

ALCOHOL INTERVENTION METHODS

CERTIFIES:

Susan Eastland

CAMPBELL TRENT

508.756.8542

EXPIRES:

SEP 16 2022

Listing on our website:

~ ~ ~

Fall Fun on the Farm at Chestnut Hill Farm

Fall is a special time of year in New England: the weather cools, the leaves change to beautiful oranges, reds and yellows and celebrations of the harvest season begin. What could be a better place to enjoy this quintessential time of year but at Chestnut Hill Farm. Join us every Sunday from 12-6pm to enjoy live music, walking trails, Storywalk, hayrides, a scavenger hunt, and a visit with our friendly goats. Food from alternating food trucks and craft beer will be available for purchase.

Details:

- Every Sunday starting September 19th through November 8th.
- Timed ticketing is available to adhere to COVID guidelines of a maximum of 50 people on-site at a time. Time slots available: 12-1:30pm, 1:30-3pm, 3-4:30pm & 4:30-6pm.
- Pre-registration is **required**.
- Ticket entrance includes access to trails, Storywalk, one hayride, a scavenger hunt, and live music.

Visitors are required to follow COVID-19 protocols. Please wear a face mask and comply with 6ft. social distancing so you and others can safely enjoy this activity. Thank you!

~ ~ ~

Pre-registration is required, and only 50 tickets will be sold per 90-minute time slot. Families will have all of the farm to enjoy: the trails, the large pastures, and the orchard area with picnic tables - lots of space to spread out and social distance. Picnic tables have been placed at least 10 feet apart. Masks will be required.

Per Governor Baker's new mandates on alcohol sale with food sale, we will be requiring visitors to purchase food from our food truck *before* they can purchase beer. People who buy food will receive a customized CHF stamp on their hand, after which our certified server will sell them beer.

APPLICATION FOR ONE-DAY ALCOHOL LICENSE

TOWN OF SOUTHBOROUGH

Board of Selectmen

17 Common Street, Southborough MA 01772

TOWN USE ONLY	
Date:	8-25-20
Paid: $	50.-
Check#	
Cash	✓
Lic.#	SL20-6

Special or "one-day" licenses for the sale of alcoholic beverages are available to the responsible event manager of any activity conducted by an organization which, in the opinion of the Town of Southborough Select Board, complies with all State and local requirements and demonstrates satisfactorily that granting of the license is in the best interests of the Town of Southborough. This application must be submitted at least 30 days prior to the event.

RECEIVED
AUG 25 2020
Southborough Selectmen's Office

(X) **WINE/MALT ONLY** ( ) **ALL ALCOHOL** [for non-profits only]

License Fee: $50.00, non-refundable, check or cash only, payable to Town of Southborough

APPLICATION DATE: 8/24/20

Susan Eastland — 508-599-0646
Event Manager/Applicant Name — 24-Hour Contact Telephone Number

5 Chestnut Hill Rd Southborough, MA 01772
Event Manager/Applicant Address

seastland@thetrustees.org
Event Manager/Applicant Email Address

The Trustees, Chestnut Hill Farm — 5 Chestnut Hill Rd Southborough, MA 01772
Organization Representing — Address of Organization

Fall Fun on the Farm	9/27/20	10/3/20
NAME OF EVENT / PURPOSE	**DATE OF EVENT**	**RAIN DATE**

LOCATION OF EVENT Chestnut Hill Farm
( ) Inside (X) Outside

Is the organization you are representing non-profit* X YES _____ NO

*If 'Yes' and applying for "All Alcohol" license, acceptable proof of non-profit status must be attached

"Alcohol Awareness Server Training Affidavit" and Server Certificates attached X YES ____ NO

Hours of Sale/Consumption of Alcoholic Beverages 12pm AM/PM to 6pm AM/PM

APPLICATION FOR ONE-DAY ALCOHOL LICENSE

What is the maximum number of expected attendees? 200 people total, four-90 minute time slots with 50 people maximum at one ti

What is the predominate age group of the expected attendees? Families

Is an admission fee to be charged? X Yes _____No

Are tickets being sold in advance for this event? X Yes _____No

How will alcoholic beverages be dispensed or served? (*Please check all that apply)*

_____Waiter/Waitress

_____Bar with bartender

_____By the glass

X By the bottle

_____Self-serve

Name and address of company providing bartending service, if applicable:

_____

_____

If any attending are under age 21, what method will be used to check identification and what procedures will be followed to make certain that those under age 21 are not served and are not allowed to consume alcoholic beverages?

Certified person will ID those being served.

_____

Have you consulted with the Police Department about the need for a security plan or detail officer required for the Event? X Yes _____No

If Yes, with whom and what date? Name Chief Paulhus via email Date 8/25/20

Will a police detail or other security be required? _____Yes ✓ No

If Yes, # of details and name and address of provider (if applicable)?

_____

_____

APPLICATION FOR ONE-DAY ALCOHOL LICENSE

ALCOHOL AWARENESS SERVER TRAINING AFFIDAVIT

I hereby certify that I have read the Training Requirements for Liquor License Holders and Employees. I understand that failure to comply with this policy may result in the revocation or non-renewal of the license. Below is a current roster of my employees and the related alcohol awareness server training information.

*****NOTE: Copies of all original certificates MUST accompany this form.*****

The Trustees, Chestnut Hill Farm

Company/Organization

Susan Eastland

Manager [Note: Manager training MUST be current]

8/24/20

Date

Manager/Employee Name	Date of Hire	Type of Training [certification]	Date Valid	Date of Expiration
Susan Eastland	8/1/19	AIM	n/a	9/16/22

Any applicant for a one-day liquor license shall, as a condition of their being granted the license, ensure that at least one person to be engaged in the sale/service of alcoholic beverages at their event has been certified in a program from the list of Board of Selectmen sanctioned programs. On-line ["e-training") training is not an acceptable means of obtaining certification. A copy of their certification must accompany the application.

Listed below are the only programs currently available that meet the requirements of this policy approved by Board of Selectmen on September 17, 2013 [telephone numbers and contacts are provided as of date of policy]:

1. **ServSafe Alcohol** offered by the National Restaurant Association [www.servsafe.com/alcohol, then click on "Find a Class"]
2. **SAFE ID Check** offered by J.B.S. Professional Services, LLC [617-539-0118]
3. **Alcohol Intervention Methods [A.I.M.]** offered by Campbell/Trent [508-756-8542]
4. **Training for Intervention Procedures by Servers of Alcohol [TIPS]** offered by Health Communication, Inc. [www.gettips.com, then click on "Get Tips Certified, 'training session'" to find a class. NOTE: "Online training with eTIPS" is NOT ACCEPTABLE]
5. Approved for OFF-PREMISE sales license only: Beverage Alcohol Training [B.A.T.] offered by the Massachusetts Package Store Association [Mass Pack Contact: Frank Anzalotti 800-322-1383, or, to find a class, go to www.masspack.org/servertraining]

I understand that anyone holding a Special License must purchase alcoholic beverages from a licensed wholesaler/importer, manufacturer, farmer-winery, farmer-brewery or special permit holder. Purchasing alcoholic beverages from a package store is prohibited by the ABCC. A list of authorized sources to purchase alcohol can be found on the ABCC website www.mass.gov/abcc or you can contact the ABCC directly at (617) 727-3040.

Initial SE

I understand that the license holder must provide a Certificate of Liability Insurance with a liquor liability policy with $1M coverage, naming the Town of Southborough as the certificate holder.

Initial SE

I certify under penalty of perjury that I shall be responsible for the proper observance of all applicable Alcohol Control Laws of the State of Massachusetts, policies and regulations of the Town of Southborough, and conditions governing this license; all information contained in this application is true and correct; and this License is being sought for the exclusive benefit and use of the Non-Profit Sponsor and its members.

Initial SE

LIABILITY DISCLAIMER FOR ONE-DAY ALCOHOL LICENSES

By exercising the privileges of this license in serving persons with alcoholic beverages, the licensee is potentially exposed to significant liability for injuries and damages to persons served or to others who are injured or damaged by the persons served. Your acceptance and exercise of this license will be deemed to be acknowledgement that you are aware of this potential liability. You are encouraged to discuss the risks associated with exercising your privileges of the license and the precautions appropriate to avoid injuries, damage, and liability to others with your legal and/or insurance advisors. The Town of Southborough, and the Select Board as Local Licensing Authority, shall not be liable to the licensee or others if injury or damage shall result from the exercise of the license.

I, Susan Eastland, in consideration of having been granted a special
(Event Manager/Applicant)
license for the service of alcoholic beverages, hereby agree to defend, indemnify and hold harmless the Town of Southborough ("Town"), its officers, boards, employees and agents, from any liability for any and all loss, damage, cost, claim, expense, compensation and cause of action arising out of, or in connection with, the issuance or exercise of the special license granted to me by the Select Board acting as the Town's Local Licensing Authority.

Susan Eastland , 8/24/20

Event Manager/Applicant Signature Date

APPLICATION FOR ONE-DAY ALCOHOL LICENSE

REQUIRED FORMS TO SUBMIT WITH APPLICATION:

☒ Completed license application with cash/check

☒ A Certificate of General Liability Insurance with a Liquor Liability for $1M, naming the Town of Southborough (17 Common Street, Southborough MA 01772) as Certificate Holder*

☒ Completed 'Alcohol Awareness Server Training Affidavit' form, including copies of training cards

☒ List of designated drivers to be available for transporting attendees considered unable to drive Uber/lyft

IF APPLICABLE:

☒ Invitation/flyer/letter of explanation regarding event

☐ Proof of non-profit status (for 'All Alcohol License' only)

*Voted May 18, 1993: To maintain the policy that was put in effect October 25, 1988 with the stipulation that the Board of Selectmen does have the authority to waive the requirement for a one million dollar insurance policy if it is so voted by a majority of the Board.

GUIDELINES:

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- Events can only be held on day and date approved on license. No refund is possible after a Special One-Day License has been issued. Rain dates for events must be noted on the application prior to approval. If no rain date is listed, the event cannot be held on date other than date specified.
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  - any person for more than a total of 30 days per calendar year
  - any person that has an on-premises annual license application pending
  - any premises that has an alcoholic beverages license.

FOR TOWN USE ONLY

LOCAL LICENSING AUTHORITY DECISION DATE: _____

☐ **APPROVED**

☐ **DENIED**

License # SL20-6 Notice Sent to ABCC (within 10 days of issuance) _____

Payment received: $50 Date 8-25-20 Cash ✓ Check# _____

Remarks: _____

_____

CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY): 4/1/2020

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

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PRODUCER Arthur J. Gallagher Risk Management Services, Inc. 470 Atlantic Avenue Boston MA 02210	CONTACT NAME: PHONE (A/C, No, Ext): 617-261-6700 FAX (A/C, No): 617-646-0400 E-MAIL ADDRESS:
	INSURER(S) AFFORDING COVERAGE — NAIC #
	INSURER A : Philadelphia Indemnity Insurance Company — 18058
INSURED TRUSOFR-01 Trustees of Reservations 200 High Street, 4th Floor Boston MA 02210	INSURER B : INSURER C : INSURER D : INSURER E : INSURER F :

COVERAGES **CERTIFICATE NUMBER:** 321842118 **REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS	
A	X COMMERCIAL GENERAL LIABILITY			PHPK2116028	4/1/2020	4/1/2021	EACH OCCURRENCE	$ 1,000,000
	[ ] CLAIMS-MADE [X] OCCUR						DAMAGE TO RENTED PREMISES (Ea occurrence)	$ 100,000
							MED EXP (Any one person)	$ 5,000
							PERSONAL & ADV INJURY	$ 1,000,000
	GEN'L AGGREGATE LIMIT APPLIES PER:						GENERAL AGGREGATE	$ 2,000,000
	X POLICY [ ] PRO-JECT [X] LOC						PRODUCTS - COMP/OP AGG	$ 2,000,000
	OTHER:							$
	AUTOMOBILE LIABILITY						COMBINED SINGLE LIMIT (Ea accident)	$
	ANY AUTO						BODILY INJURY (Per person)	$
	OWNED AUTOS ONLY / SCHEDULED AUTOS						BODILY INJURY (Per accident)	$
	HIRED AUTOS ONLY / NON-OWNED AUTOS ONLY						PROPERTY DAMAGE (Per accident)	$
								$
	UMBRELLA LIAB [ ] OCCUR						EACH OCCURRENCE	$
	EXCESS LIAB [ ] CLAIMS-MADE						AGGREGATE	$
	DED RETENTION $							$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY Y / N						PER STATUTE / OTH-ER	
	ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? [ ] (Mandatory in NH)	N/A					E.L. EACH ACCIDENT	$
	If yes, describe under DESCRIPTION OF OPERATIONS below						E.L. DISEASE - EA EMPLOYEE	$
							E.L. DISEASE - POLICY LIMIT	$
A	Liquor Liability			PHPK2116028	4/1/2020	4/1/2021	Each Cause Limit Aggregate	$1,000,000 $1,000,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

The Town of Southborough is included as additional insured with respects to the General Liability Policy. Coverage subject to policy terms and conditions.

CERTIFICATE HOLDER

Town of Southborough
17 Common Street
Southborough MA 01701

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

Patrick J Veale

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The ACORD name and logo are registered marks of ACORD

CERTIFICATION NUMBER:
91413

ALCOHOL INTERVENTION METHODS

CERTIFIES:

Susan Eastland

CAMPBELL TRENT
508.756.8542

EXPIRES:
SEP 16 2022

Listing on our website:

~ ~ ~

Fall Fun on the Farm at Chestnut Hill Farm

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Details:

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- Timed ticketing is available to adhere to COVID guidelines of a maximum of 50 people on-site at a time. Time slots available: 12-1:30pm, 1:30-3pm, 3-4:30pm & 4:30-6pm.
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~ ~ ~

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Per Governor Baker's new mandates on alcohol sale with food sale, we will be requiring visitors to purchase food from our food truck *before* they can purchase beer. People who buy food will receive a customized CHF stamp on their hand, after which our certified server will sell them beer.

Budget Update

Closeout of Fiscal 2020
Update on 1st Qtr. of Fiscal 2021
Planning for Fiscal 2022

Board of Selectmen Meeting

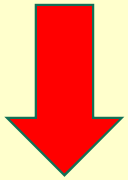
September 8, 2020

Fiscal Year 2020

- Ended on June 30, 2020;
- Annual Audit – Ongoing. May be slightly delayed - no significant audit issues known;
- Audit report will be released in December and shared with Board;
- Free Cash generated at end of FY20 as a source of funds for FY22 will be certified by end of September (pending DOR) and distributed to BOS and Advisory;
- Tax rate to be set next month.

Fiscal Year 2020 – Department Turnbacks and Local Revenue

- Departmental turn backs: $158,183 higher vs FY19



- Local Revenue: $467,320 lower vs FY19

Fiscal Year 2020 – Department Turnbacks

Department	FY20	Department	FY19	Department	FY20	Department	FY19
Moderator	25.00	Moderator	25.00	Fire Department	3,355.37	Fire Department	6,059.56
Advisory	1,770.00	Advisory	626.00	Building Department	8.24	Building Department	2,533.84
Reserve Fund	28,578.00	Reserve Fund	47,147.03	Civil Defense	1,000.00	Civil Defense	-
Board of Selectmen	1,214.97	Board of Selectmen	13,277.96	School Department	118,036.39	School Department	400.13
Audit	100.00	Audit	140.00	Regional School Assessments	1.00	Regional School Assessments	834.00
Accounting	10,862.18	Accounting	3,985.30	Department of Public Works	2,639.33	Department of Public Works	193.74
Assessor	127.52	Assessor	132.63	Board of Health	3,495.37	Board of Health	2,251.39
Treasurer	2,776.64	Treasurer	363.20	Council on Aging	35,096.22	Council on Aging	305.29
Legal	1,725.22	Legal	-	Veterans' Services	17,749.83	Veterans' Services	11,740.60
Special Legal Counsel	324.19	Special Legal Counsel	311.96	Youth Commission	84.06	Youth Commission	1,318.87
Personnel	9,046.77	Personnel	9,934.22	Library	12,228.92	Library	2.71
MTC	1,000.00	MTC	-	Recreation	5,152.35	Recreation	4,031.62
MIS	9,215.63	MIS	853.69	Historical	40.16	Historical	-
Other Opp Support	99.22	Other Opp Support	6,812.14	Memorial Day	3.48	Memorial Day	717.87
Town Clerk/Elections	18,664.78	Town Clerk/Elections	934.16	Long Term Debt	(2.55)	Long Term Debt	15,000.45
Conservation	263.10	Conservation	4,090.68	Interest on Long Term Debt	(1,937.90)	Interest on Long Term Debt	20,080.58
Planning Board	272.30	Planning Board	1,444.51	Employee Benefits	113,062.44	Employee Benefits	87,688.84
Zoning	7,616.11	Zoning	17,542.27	Liability Insurance	0.04	Liability Insurance	0.40
Open Space	36.29	Open Space	-	Capital Budget	1,440.86	Capital Budget	2,171.76
Economic Development	10,498.93	Economic Development	4,564.80	Court Judgments	1,891.59	Court Judgments	0.91
Public Building	14,402.97	Public Building	1.16				
Animal Control	737.97	Animal Control	619.58	Total Budgets	**$496,841.40**		**$338,658.46**
Police Department	64,138.41	Police Department	70,519.61				
				Year to Year Change	**$158,182.94**		

Fiscal Year 2020 – Local Fees

	FY19 BUDGET	6/30/2019	FY19 vs Estimate	FY20 BUDGET	6/30/2020	FY20 vs Estimate	FY21 RECAP DRAFT
MV Excise	1,900,000	2,297,975	397,975	2,075,000	2,314,845	239,845	2,075,000
Other Excise (Hotel)	85,000	121,981	36,981	85,000	114,428	29,428	85,000
Interest - Taxes	70,000	131,757	61,757	70,000	71,055	1,055	70,000
In Lieu of Taxes	400,000	456,847	56,847	400,000	496,108	96,108	405,000
Fees	370,000	524,859	154,859	395,000	382,609	(12,391)	384,500
(Bldng, P-Detail, Rec Fields, etc)							
Rentals	25,000	35,825	10,825	25,000	33,802	8,802	25,000
Library	2,400	2,501	101	2,400	1,687	(713)	2,400
Cemetery	25,000	30,060	5,060	25,000	27,349	2,349	25,000
Other Revenue Clerk, Assessor, ZBA	6,000	35,369	29,369	6,000	26,274	20,274	6,000
Licenses & Permits	420,000	523,946	103,946	420,000	512,703	92,703	420,000
Liquor, Dump Stickers, BOH, etc.							
Fines & Forfeits (RMV, Court, CML, etc)	75,000	77,411	2,411	75,000	81,866	6,866	75,000
Investment Income	65,000	287,705	222,705	165,000	235,489	70,489	80,000
Misc Revenue Medicaid Reimb		92,663 51,347	92,663 51,347		121,255 32,877	121,255 32,877	
Misc/State Revenue Misc. Non-Recurring		63,049	63,049		113,630	113,630	
G-Fund TOTAL	3,443,400	4,733,296	**1,289,896**	3,743,400	4,565,976	**822,576**	3,652,900

Fiscal Year 2020 - cont'd

Balances of Various Funds:

- Other Post Employment: **$1,855,362**
  - $250,000 added on July 1 per Town Meeting
  - Next actuarial study in FY22
- Stabilization Fund: **$606,627**
  - $0 added/used on July 1 per Town Meeting
- Community Preservation Fund: **$2,205,210**
  - Additions and withdrawals subject to tax billing and project expenses

Fiscal Year 2021 to date

- 1st two months of FY21 similar to FY20:
  - $12,039,105 July-August 2019 versus $12,076,940 July-August 2020 (estimated).
  - Will have clearer picture once September revenues are posted in mid October.
- Not seeing any issues with budget as voted at Town Meeting – no unexpected equipment failures, etc.
- Excess levy capacity was estimated to be $3,953,895
- Bond sale completed:
  - Affirmed AAA rating; stable.
  - Library Project (Community Preservation Project)
  - Public Safety Complex – last bond
- COVID expenses continue to be monitored – approximately $100K expected to be reimbursed. Expenses are segregated in separate account.

Fiscal Year 2022

- FY22 budget process to begin shortly, Departments now undergoing training for ClearGov software; capital module under review;
- Budget Directive to be sent out in conjunction with new FY22 budget requests.
- FY22 could start with significant excess levy capacity;
- Capital requests up significantly; however, still under review for recommendations to BOS and Advisory.

Decisions and Comments

- Board position on supporting any new services and new hours – Board previously voted to not support new positions;
- Any special information Departments should prepare to disseminate? Ex: Alternative budget scenarios, any restrictions on increases, etc;
- Any changes to the budget process itself?
- Any other comments or direction the Board would like to pass on to Departments as they begin preparing their FY22 recommendations?

Next Dates of Importance

- Budget Planning Group – meet mid October;
- Budgets released this month and collected in October;
- BOS Budget Update – Late October/Early November;
- Budgets and Capital reviewed by TA and FD October/November 2020;
- Advisory concurrently review Capital and Budgets;
- Capital Committee: Ongoing Capital reviews and structuring the recommended capital plan;
- December 2020 – January 2021 BOS/Advisory review period;
- BOS votes on recommended budgets late January, 2021;
- Annual Town Meeting March, 2021

trator to negotiate a host community agreement with Delivered Inc.

Legal Notices

KNOLLENBERG
LEGAL NOTICE
Commonwealth of Massachusetts
The Trial Court
Probate and Family Court
Middlesex Division
Docket No. MI20P3201EA

INFORMAL PROBATE PUBLICATION NOTICE

Estate of: Lee H. Knollenberg, Sr.

Also Known As: Lee Knollenberg

Date of Death: 5/12/2020

To all persons interested in the above captioned estate, by Petition of

Petitioner **Michelle Carter** of **Marlborough MA**

a Will has been admitted to informal probate.

Michelle Carter of **Marlborough MA** has been informally appointed as the Personal Representative of the estate to serve without surety on the bond.

The estate is being administered under informal procedure by the Personal Representative under the Massachusetts Uniform Probate Code without supervision by the Court. Inventory and accounts are not required to be filed with the Court, but interested parties are entitled to notice regarding the administration from the Personal Representative and can petition the Court in any matter relating to the estate, including distribution of assets and expenses of administration. Interested parties are entitled to petition the Court to institute formal proceedings and to obtain orders terminating or restricting the powers of Personal Representatives appointed under informal procedure. A copy of the Petition and Will, if any, can be obtained from the Petitioner.

AD#13908337
MWDN 8/24/20

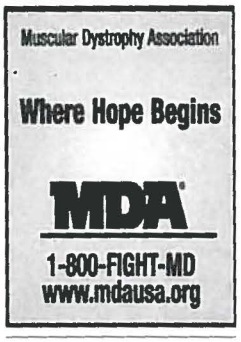
SOUTHBOROUGH
264 CORDAVILLE ROAD
LEGAL NOTICE
PUBLIC HEARING
Town of Southborough

The Southborough Board of Selectmen shall hold a public hearing on Tuesday, September 8, 2020 at 6:30 p.m. to consider an application from Stelco for a Class II Used Car Dealer's license to be located at 264 Cordaville Road in Southborough. The public hearing will be held in a virtual meeting and may be viewed by the public through a link located at https://www.southboroughtown.com/remotemeetings. All interested parties are encouraged to view and/or participate.

Southborough Board of Selectmen

August 24, 2020

AD#13908414
MWDN 8/24/2020



VILLAGE MIXED USE DISTRICT (VMUD)

1 Purpose

It is the purpose of the Village Mixed Use District (VMUD) to make mixed-use development options more readily available in the downtown area, and to encourage thoughtful and distinctive development or redevelopment opportunities that prioritize a diversity of uses, use and design compatibility, accessibility, innovative parking solutions and overall compliance with the performance and design standards to follow. More specific objectives of the VMUD include to:

1) Promote revitalization of Southborough's downtown area by encouraging and facilitating a mixed-use environment.
2) Foster a diverse mix of retail, office, residential, and recreational uses for residents, businesses, students, and visitors that are pedestrian and bicycle friendly.
3) Update the range of non-residential uses allowed, thereby promoting the creation of local jobs.
4) Provide more diverse local housing opportunities (within mixed-use development),
5) Encourage village-style streetscapes and uses, in part through modification of existing dimensional requirements.
6) Increase the town's tax base by creating a thriving small business environment, helping existing businesses and attracting new enterprises,
7) Permit uses that promote conversion of existing buildings in a manner that maintains the visual character and architectural scale of existing development within the VMUD.
8) Encourage a vibrant environment to live, work and play, and create pedestrian and bicycle-friendly walking spaces where the community can gather.

2 Establishment

The VMUD is an overlay district having a land area of approximately 15 acres that is superimposed on the downtown portion of the underlying Business Village District as shown on the map entitled "VMUD Map," attached hereto as Attachment 1. Said map is hereby made a part of the Zoning Bylaw and is on file in the Office of the Town Clerk.

3 Applicability

In lieu of and as a substitute for development pursuant to the underlying zoning, any use authorized by Section 6 below may proceed in accordance with requirements and following the procedures established for projects within the VMUD. Provided, however, that except as superseded hereunder, the provisions of the underlying zoning shall remain in full force and effect.

The provisions of Section 6 shall be applicable to all nonresidential and mixed-use development within the VMUD, and to residential development within the VMUD that consists of two or more dwelling units. The foregoing expressly includes with respect to the following:

- Constructing a new building or addition
- Adding parking
- Changing building use
- Altering the existing building façade(s)
- Adding a new accessory structure
- Adding a new curb cut.

4 Authority

In the VMUD, the Planning Board is the administering authority for site plan review. They are also responsible for granting special permits and major site plan review, where required.

5 Definitions

As-of-right (AKA by-right) - Allowable development without recourse to a special permit, variance, zoning amendment or other form of zoning relief. As-of-right development contemplates a streamlined approval process with zoning-compliant projects requiring only non-discretionary review(s) by the Building Inspector and, where non-discretionary site plan approval is required, by the Planning Board.

Mixed-use development - A development of two or more compatible land uses, each permitted hereunder as of right or by special permit, in the same building or on the same lot.

Indoor recreational facility – an establishment that provides amusement, entertainment, or physical fitness services that occur indoors for a fee or admission charge.

Live/Work unit - a single unit (e.g., studio, loft, or one bedroom) consisting of both a commercial/office and a residential component that is occupied by the same resident
Mixed-use development - A development of two or more compatible land uses, each permitted hereunder as of right or by special permit, in the same building or on the same lot.

Overlay District - An overlay district is a district superimposed upon another district which supersedes, modifies or supple-ments the underlying regulations.

Pub – Business location that is licensed to serve alcoholic beverages to the public

Brew pub – a bar serving beer brewed at a small microbrewery on the premises

6 Permitted and Prohibited Uses

6.1 Uses Allowed By Right

The following uses are allowed by right in the VMUD:

1. Mixed-use development
2. Multi-family dwellings at a density of up to twelve (12) units per acre, but only in a mixed-use development
3. Retail not to exceed 8,000 sq. ft. of gross floor area
4. Personal and consumer services not to exceed 8,000 sq. ft. of gross floor area
5. Restaurants
6. Offices
7. Banks
8. Bed and breakfast establishments
9. Indoor recreation
10. Live/Work/Gallery
11. Pub or Brew pub

6.2 Uses Allowed by Special Permit

In addition to uses allowed by special permit by, and notwithstanding any conflicting provision(s) of, the underlying zoning, the following uses are also allowed in the VMUD upon the issuance of a special permit.

1) Retail over 8,000 sq. ft. of gross floor area
2) Personal and consumer services over 8,000 sq. ft. of gross floor area
3) Multi-family dwelling without a mixed-use component, where it can be demonstrated that a commercial component is not financially viable or where such a use would be inconsistent with adjacent uses
4) Multi-family dwellings with a density in excess of twelve (12) units per acre, but only on a parcel of less than two (2) acres within existing structure(s), and where, in the opinion of the Planning Board, redevelopment of the structure(s) can accommodate such greater density and would be consistent with the architecture of the building(s).

6.3 Prohibited Uses

1) Drive-up windows of any kind
2) Gas stations
3) Any use not expressly allowed hereunder or pursuant to the underlying zoning, or expressly prohibited thereunder.

7 Restrictions

7.1 Location and Distribution of Uses

The ground floor of a mixed-use building shall be occupied by commercial use(s) only. For projects comprised of multiple buildings, commercial use shall be required on the ground floor of the principal building but residential use may be permitted on the ground floor of secondary building(s) by special permit.

7.2 Residential Density
Maximum residential density shall be twelve (12) dwelling units per acre, unless a greater density is allowed through the issuance of a special permit pursuant to Section 6.2 above. In no event shall residential density exceed 16 units per acre.

7.3 Affordable Housing
Check new Housing Production Plan and get SHOP-C's input

8 Density and Dimensional Requirements [1]

The following dimensional requirements, a.k.a. dimensional standards, shall apply in the VMUD:

1) Minimum lot area – 0 ft.
2) Minimum frontage – TBD ft.
3) Minimum yards:
   - Front – TBD
   - Side – TBD
   - Rear – TBD.
4) Maximum building coverage – TBD
5) Maximum building height – TBD

9 Parking and Loading regulations

Parking lots for new construction is prohibited within the front yard, and shall be located to the side and rear of the lot unless such a location is not feasible.

9.1 Off-Street Parking Schedule Actual number of spaces as listed below should be reviewed.
No fewer than the following number of parking spaces shall be provided:

1) Multi-family dwellings:
   i. Studio and 1 bedroom – 1 space per unit
   ii. 2 bedroom – 1.5 spaces per unit
   iii. 3 or more bedrooms – 2 spaces per unit
2) Non-residential uses (business, retail and restaurants)

Southborough's existing Bylaw says the following from Section 174-12:

General requirements. There shall be provided off-street parking and loading facilities in accordance with the requirements of this section on the same lot as the use to which they are accessory, except that parking for nonresidential uses may be provided on a contiguous lot in the same ownership and zoning district as the lot on which the principal building or use is located. The Building Inspector shall interpret and apply the requirements for parking and loading spaces. Loading or parking layout for nonresidential uses shall be shown on and approved as part of a site plan.

[1] To be discussed further with planner

B. Surfacing. Required vehicular use areas shall be paved with bituminous concrete unless serving a single-family dwelling. An alternative surface may be approved by the Planning Board upon its determination that drainage, erosion, siltation, dust and appearance will be satisfactorily controlled. Where an alternative to bituminous concrete is authorized by the Planning Board, the following shall be complied with:

1) Access drives shall be paved with bituminous concrete or other pavement authorized by the Planning Board for at least 15 feet inside of the street or property line unless the street itself is not paved.
2) Grading and materials selection shall assure that surface materials will not be carried into the street and that drainage is positively provided for.
3) If there are eight or more parking spaces there shall be provisions for identifying individual spaces through use of segmented bumper strips or other similar permanent means.

C. Dimensional requirements.

1) Loading. Each loading space shall be not less than 10 feet in width, 14 feet in height and of such length that a truck or trailer occupying the space shall be entirely in the loading space and shall not project into any street, vehicular accessway or pedestrian walk. The loading space may use common access driveways and aisles with parking spaces, where such access is adequate for both purposes. If located within 50 feet of a residence district or if used frequently at night, loading spaces shall be enclosed. Loading spaces shall not be located within the required front yard.

2) Parking. Each parking space shall be at least 9 1/2 feet wide and 18 feet long, exclusive of aisles and maneuvering space; for parking at right angles to a central aisle, the width of the aisle shall not be less than 22 feet, and an equal width shall be provided at each end of a row of parking spaces; for angle or herringbone parking at 45° or 60° and one-way circulation, the width of aisles shall be consistent with the dimensions recommended by the Institute of Transportation Engineers, provided that for parking facilities for more than five cars, the total area shall be not less than 300 square feet times the number of parking spaces. Unobstructed access to and from a street shall be provided and shall not require backing out into a street. Two or more nonresidential uses may share a combined facility, provided that its continued availability is assured and the total number of spaces equals or exceeds the number required by this section. The number of parking spaces required by the Architectural Barriers Board located nearest to and to both sides of the entrance of a building used by the public and/or by employees shall be reserved for the exclusive use of handicapped persons and shall be identified by appropriate signs at each parking space and by the wheelchair symbol painted within each such parking space. Up to 25% of parking spaces dedicated to use by employees or occupants and not by the general public and up to 15% of such spaces for use by customers, visitors or general public may be reduced to not less than 17 feet by eight feet and marked as being reserved for compact cars only.

D. Loading requirements. Not fewer than the number of loading spaces indicated in the following table shall be provided:

Floor Area of Building or Structure (square feet)	Retail Trade, Wholesale Trade, Storage, Manufacturing	Consumer Service Offices, Institutions, Dormitories, Other Nonresidential Uses
5,000 to 15,000 sq ft numbers for discussion	1	0

Is any of this applicable for the VMUD?

11 Landscaping[2]

Landscaping shall be incorporated into new and redeveloped properties in such a way as to create visual relief and interest, to provide shade for pedestrian areas, meeting/gathering areas and to screen parking and loading areas.

Landscape plans shall show the location, type, and size of all proposed plantings.

1) Parking areas (with more than x number of parking spaces shall be relieved by landscaped islands of a minimum of 8 feet in width, equal in depth to the average depth of the proposed parking spaces and located such that there is one island per 10 continuous spaces.

2) Alternatively, at least 5% of the interior area of the lot shall be devoted to landscaping. Areas described in the above shall have at a minimum one shade tree with a minimum caliper of 2.5 inches diameter breast height (DBH). Trees planted in such locations shall be planted in protected pervious areas which have a minimum dimension of 5 feet.

3) Where lots abut public rights of way, shade trees with a minimum caliper of 2 ½ inches, shall be provided within a planting strip no less than 4 feet in width and at a rate of one tree per every 6 continuous spaces.

[2] Needs to be discusses which sections of 174-13 should be included.

Landscaping for Trash and Service Areas

All service, loading and trash storage areas visible from a public right of way or from an adjacent residential property shall be screened by one or a combination of masonry, a wood screen, or evergreen plantings to reduce their visual impact.

12 Lighting

Article 29 (for approval at Fall 2020 STM) provides lighting zones. The relevant section for the VMUD would be covered in the section below - Source Warrant - Annual Town Meeting - March 28, 2020.

> E. Lighting zones. The Lighting Zone shall determine the limitations for lighting as specified in this section.
>
> LZ-2: Moderate ambient lighting Areas of human activity where the vision of human residents and users is adapted to moderate light levels. Lighting may typically be used for safety and convenience, but it is not necessarily uniform or continuous. After curfew, lighting may be extinguished or reduced as activity levels decline.
> Zoning Districts: Business Village

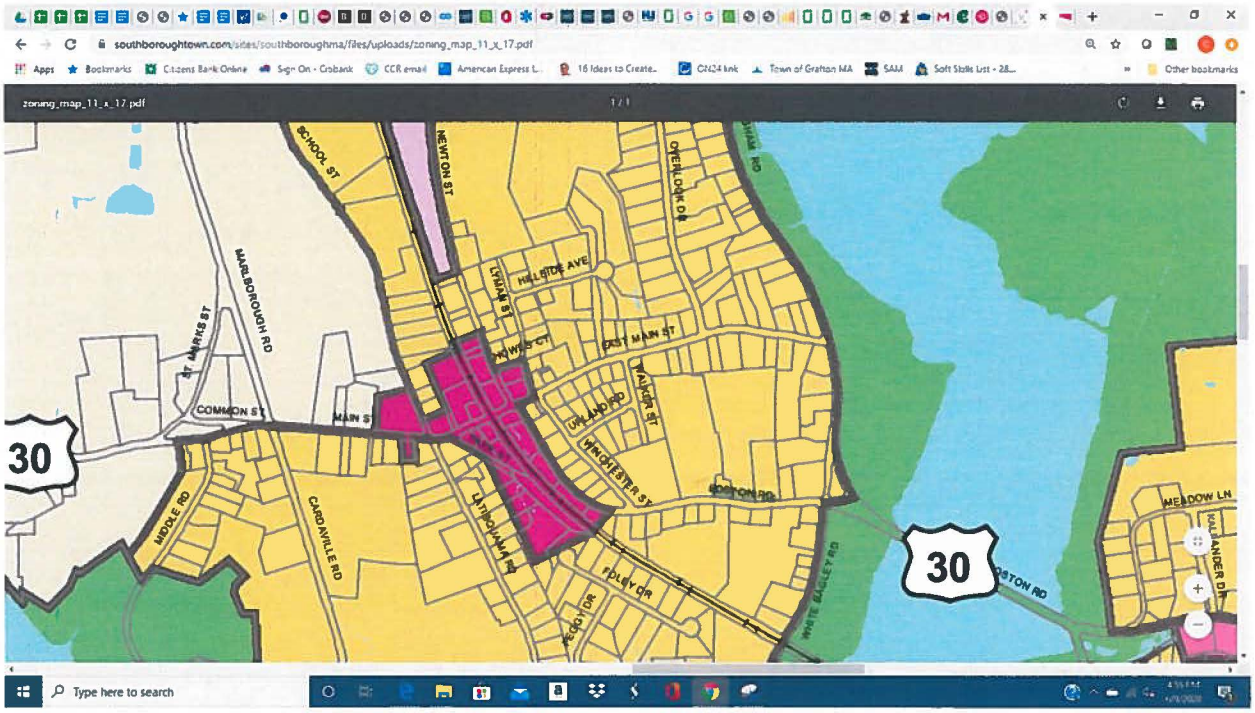
13 Signs

Use section 174-11 - relevant sections

On building - It is encouraged that signs that project from the building are to be designed in such a way that they are compatible with the nature of the Business Village (e.g. wooden "antique-style" signs).

Sign materials in the VMUD for hanging signs: should be traditional looking materials such as wood, brass, bronze, or others are encouraged, as they are most appropriate. Wooden signs should be constructed of dense wood that will accept paint readily.

Attachment 1 - VMUD Map



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Brew pub – a bar serving beer brewed at a small microbrewery on the premises

6 Permitted and Prohibited Uses

6.1 Uses Allowed By Right

The following uses are allowed by right in the VMUD:

1. Mixed-use development
2. Multi-family dwellings at a density of up to twelve (12) units per acre, but only in a mixed-use development
3. Retail not to exceed 8,000 sq. ft. of gross floor area
4. Personal and consumer services not to exceed 8,000 sq. ft. of gross floor area
5. Restaurants
6. Offices
7. Banks
8. Bed and breakfast establishments
9. Indoor recreation
10. Live/Work/Gallery
11. Pub or Brew pub

6.2 Uses Allowed by Special Permit

In addition to uses allowed by special permit by, and notwithstanding any conflicting provision(s) of, the underlying zoning, the following uses are also allowed in the VMUD upon the issuance of a special permit.

1) Retail over 8,000 sq. ft. of gross floor area
2) Personal and consumer services over 8,000 sq. ft. of gross floor area
3) Multi-family dwelling without a mixed-use component, where it can be demonstrated that a commercial component is not financially viable or where such a use would be inconsistent with adjacent uses
4) Multi-family dwellings with a density in excess of twelve (12) units per acre, but only on a parcel of less than two (2) acres within existing structure(s), and where, in the opinion of the Planning Board, redevelopment of the structure(s) can accommodate such greater density and would be consistent with the architecture of the building(s).

6.3 Prohibited Uses

1) Drive-up windows of any kind
2) Gas stations
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Maximum residential density shall be twelve (12) dwelling units per acre, unless a greater density is allowed through the issuance of a special permit pursuant to Section 6.2 above. In no event shall residential density exceed 16 units per acre.

7.3 Affordable Housing
Check new Housing Production Plan and get SHOP-C's input

8 Density and Dimensional Requirements [1]

The following dimensional requirements, a.k.a. dimensional standards, shall apply in the VMUD:

1) Minimum lot area – 0 ft.
2) Minimum frontage – TBD ft.
3) Minimum yards:
   - Front – TBD
   - Side – TBD
   - Rear – TBD.
4) Maximum building coverage – TBD
5) Maximum building height – TBD

9 Parking and Loading regulations

Parking lots for new construction is prohibited within the front yard, and shall be located to the side and rear of the lot unless such a location is not feasible.

9.1 Off-Street Parking Schedule Actual number of spaces as listed below should be reviewed.
No fewer than the following number of parking spaces shall be provided:

1) Multi-family dwellings:
   i. Studio and 1 bedroom – 1 space per unit
   ii. 2 bedroom – 1.5 spaces per unit
   iii. 3 or more bedrooms – 2 spaces per unit
2) Non-residential uses (business, retail and restaurants)

Southborough's existing Bylaw says the following from Section 174-12:

General requirements. There shall be provided off-street parking and loading facilities in accordance with the requirements of this section on the same lot as the use to which they are accessory, except that parking for nonresidential uses may be provided on a contiguous lot in the same ownership and zoning district as the lot on which the principal building or use is located. The Building Inspector shall interpret and apply the requirements for parking and loading spaces. Loading or parking layout for nonresidential uses shall be shown on and approved as part of a site plan.

[1] To be discussed further with planner

B. Surfacing. Required vehicular use areas shall be paved with bituminous concrete unless serving a single-family dwelling. An alternative surface may be approved by the Planning Board upon its determination that drainage, erosion, siltation, dust and appearance will be satisfactorily controlled. Where an alternative to bituminous concrete is authorized by the Planning Board, the following shall be complied with:

1) Access drives shall be paved with bituminous concrete or other pavement authorized by the Planning Board for at least 15 feet inside of the street or property line unless the street itself is not paved.
2) Grading and materials selection shall assure that surface materials will not be carried into the street and that drainage is positively provided for.
3) If there are eight or more parking spaces there shall be provisions for identifying individual spaces through use of segmented bumper strips or other similar permanent means.

C. Dimensional requirements.

1) Loading. Each loading space shall be not less than 10 feet in width, 14 feet in height and of such length that a truck or trailer occupying the space shall be entirely in the loading space and shall not project into any street, vehicular accessway or pedestrian walk. The loading space may use common access driveways and aisles with parking spaces, where such access is adequate for both purposes. If located within 50 feet of a residence district or if used frequently at night, loading spaces shall be enclosed. Loading spaces shall not be located within the required front yard.

2) Parking. Each parking space shall be at least 9 1/2 feet wide and 18 feet long, exclusive of aisles and maneuvering space; for parking at right angles to a central aisle, the width of the aisle shall not be less than 22 feet, and an equal width shall be provided at each end of a row of parking spaces; for angle or herringbone parking at 45° or 60° and one-way circulation, the width of aisles shall be consistent with the dimensions recommended by the Institute of Transportation Engineers, provided that for parking facilities for more than five cars, the total area shall be not less than 300 square feet times the number of parking spaces. Unobstructed access to and from a street shall be provided and shall not require backing out into a street. Two or more nonresidential uses may share a combined facility, provided that its continued availability is assured and the total number of spaces equals or exceeds the number required by this section. The number of parking spaces required by the Architectural Barriers Board located nearest to and to both sides of the entrance of a building used by the public and/or by employees shall be reserved for the exclusive use of handicapped persons and shall be identified by appropriate signs at each parking space and by the wheelchair symbol painted within each such parking space. Up to 25% of parking spaces dedicated to use by employees or occupants and not by the general public and up to 15% of such spaces for use by customers, visitors or general public may be reduced to not less than 17 feet by eight feet and marked as being reserved for compact cars only.

D. Loading requirements. Not fewer than the number of loading spaces indicated in the following table shall be provided:

Floor Area of Building or Structure (square feet)	Retail Trade, Wholesale Trade, Storage, Manufacturing	Consumer Service Offices, Institutions, Dormitories, Other Nonresidential Uses
5,000 to 15,000 sq ft numbers for discussion	1	0

Is any of this applicable for the VMUD?

11 Landscaping[2]

Landscaping shall be incorporated into new and redeveloped properties in such a way as to create visual relief and interest, to provide shade for pedestrian areas, meeting/gathering areas and to screen parking and loading areas.

Landscape plans shall show the location, type, and size of all proposed plantings.

1) Parking areas (with more than x number of parking spaces shall be relieved by landscaped islands of a minimum of 8 feet in width, equal in depth to the average depth of the proposed parking spaces and located such that there is one island per 10 continuous spaces.

2) Alternatively, at least 5% of the interior area of the lot shall be devoted to landscaping. Areas described in the above shall have at a minimum one shade tree with a minimum caliper of 2.5 inches diameter breast height (DBH). Trees planted in such locations shall be planted in protected pervious areas which have a minimum dimension of 5 feet.

3) Where lots abut public rights of way, shade trees with a minimum caliper of 2 ½ inches, shall be provided within a planting strip no less than 4 feet in width and at a rate of one tree per every 6 continuous spaces.

[2] Needs to be discusses which sections of 174-13 should be included.

Landscaping for Trash and Service Areas

All service, loading and trash storage areas visible from a public right of way or from an adjacent residential property shall be screened by one or a combination of masonry, a wood screen, or evergreen plantings to reduce their visual impact.

12 Lighting

Article 29 (for approval at Fall 2020 STM) provides lighting zones. The relevant section for the VMUD would be covered in the section below - Source Warrant - Annual Town Meeting - March 28, 2020.

> E. Lighting zones. The Lighting Zone shall determine the limitations for lighting as specified in this section.
>
> LZ-2: Moderate ambient lighting Areas of human activity where the vision of human residents and users is adapted to moderate light levels. Lighting may typically be used for safety and convenience, but it is not necessarily uniform or continuous. After curfew, lighting may be extinguished or reduced as activity levels decline.
> Zoning Districts: Business Village

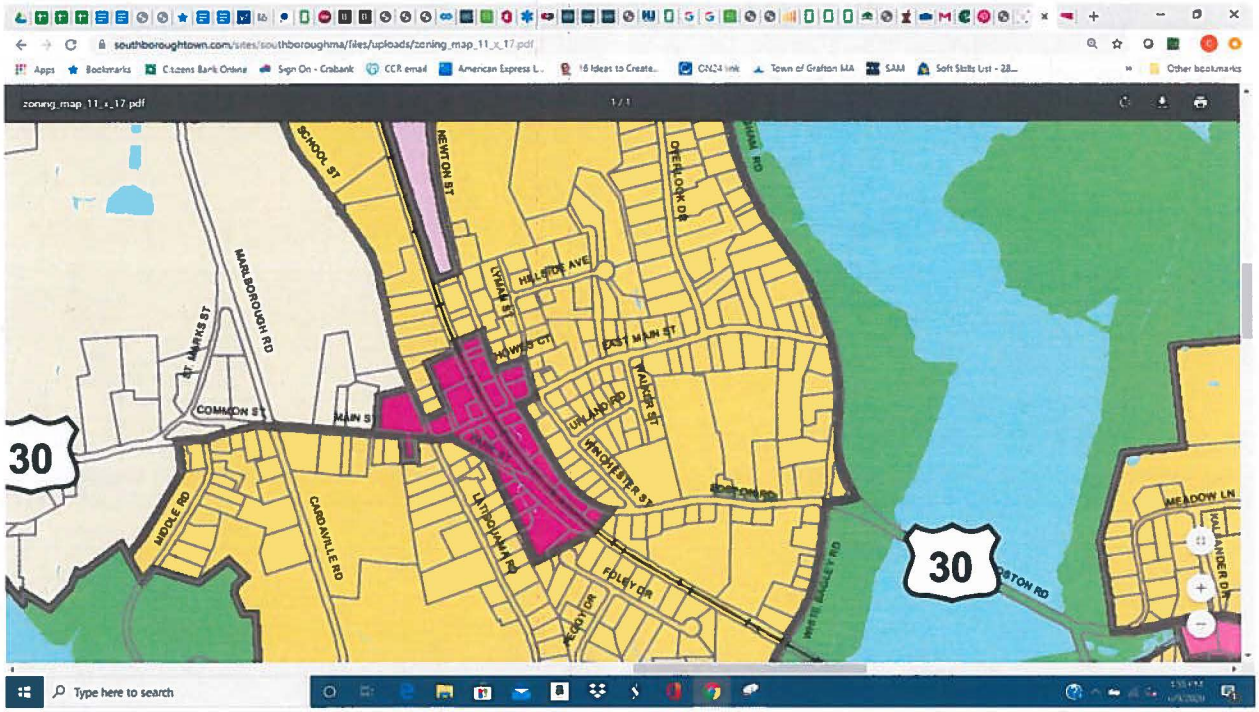
13 Signs

Use section 174-11 - relevant sections

On building - It is encouraged that signs that project from the building are to be designed in such a way that they are compatible with the nature of the Business Village (e.g. wooden "antique-style" signs).

Sign materials in the VMUD for hanging signs: should be traditional looking materials such as wood, brass, bronze, or others are encouraged, as they are most appropriate. Wooden signs should be constructed of dense wood that will accept paint readily.

Attachment 1 - VMUD Map



Creative
LAND & WATER
Engineering, LLC

www.claweng.com
P.O Box 584
Southborough, MA 01722
clawe@claweng.com
(774) 454-0266 (cell)
(508) 281-1694 (office)

July 20, 2020

Flood and Drainage Study Report
126 -128 Deerfoot Road, Southborough, MA

There is a 7-lot ANR residential development off Deerfoot Road in Southboro, MA. The development had caused significant street and home flooding. Upon the request of the impacted neighborhood on Deerfoot Road through Attorney Denise Eddy, Creative Land & Water Engineering, LLC (CLAWE) conducted a study of the ongoing flooding and drainage problems in the neighborhood due to the ongoing residential house construction in the neighborhood. Our focus is in the following aspects:

1. What is the current situation of drainage/flooding issues?
2. What are the primary causes to the flooding and drainage issues?
3. What could be done to remedy the drainage issues?

This report presents our findings and recommendations.

General Site Conditions

The area of concern is located to the south of Route 9 off Deerfoot Road with addresses: 124, 126, 126A, 128, 133, 135, 139, and 141. The ongoing development was based on an ANR plan approved 1/8/2018 by Southboro Planning Board. There were seven lots subdivided from original lot know as 135 Deerfoot Road. There are wetland and a river located along the southwest portion of the land draining to Sudbury Resevoir, which is the state reserved drinking water source. The total area of the land is about 23.46 acres, of which 7.37 acres located east of Deerfoot Road for three lots (1, 2, and 3), and 16.09 acres west of Deerfoot Road for four lots (4,5, 6, and original house lot). See Figures 1, 2, and 3 for reference. The surface hydrology pattern is generally flowing east to west on the east portion and northwest on the west portion under pre-development condition. The soil in the area consist of hydrologic soil group C/D and B. Except for the original house and lawn, the rest of the land was covered by mature oak and pine mixed woods. While the overall development construction was under one EPA NPDES SWPPP permit, some of the lots 2 and 3 (126, 126A, 135 Deerfoot Road) does not have any stormwater management related review and permitting. It was based on design assumption of less than half of each lot was to be disturbed. Lots 5 and 6 (139 and 141 Deerfoot Road) have Southboro Conservation Commission (SCC) issued Order of Conditions and Lots 1 and 4 (124 and 133 Deerfoot Road) have stormwater management permits from SCC.

During the construction, the Developer had a few violations of their permits and had to file after the fact amendments to cover their work intruded into unpermitted area. At any significant rain condition, Deerfoot Road will look like a rapid stream due to lacking adequate drainage system to handle the significant increase of the runoff from the new development house lots. Muddy runoff would cross the street and flowing through Lot 4 (133 Deerfoot Road) and eventually reach the BVW and stream in the rear of Lot 4. In the spring of 2019, 126A (Lot 3) had suffered a severe backyard flooding and water was intruded into their basement.

The proposed condition diverted runoff from about half of the uphill area and the back yard and roof runoff of 126 Deerfoot Road to 126A Deerfoot Road, which exacerbated the flooding in the backyard of 126A.

Site Investigation

We reviewed the pre-development and post-development site condition plans and available aerial photos and as-built plans. On May 14, 2020, June 8, June 11, and June 28, 2020, we also conducted field visits of the area focusing on Lots 2 and 3 and curb side view of the overall area condition. We also conducted field grade and disturbed area surveying and mapping of 126A. Here are our findings:

1. The surface drainage pattern on lots 2 and 3 had the most dramatic shift. About half HGS D soil hilly area and back yard of Lot 2 was directed to Lot 3. This violated the factual technical base of not to design a stormwater mitigation system and filing for a SMP with SCC would be needed due to this change as the proposed grading intermingled the two lot runoff and the total disturbed area is much more than an acre (roughly 1.5 acres) though each lot is slightly less than half of each lot size. The stormwater impact would be an integrated case to be considered together as said above they literally connected through the changed surface grading and the total disturbance is over an acre, therefore, a Stormwater Management Permit would be warranted from SCC per Southboro Stormwater and Erosion Control Regulations Section 3.2.
2. Based on our field measurement, the disturbance of land on Lot 3 alone is 0.8928 acres of total 1.711 acres, which is 52.17% of the lot. This would also warrant filing SMP with SCC.
3. When the land was subdivided into Lots as approved by Southboro Planning Board, surface runoff from Lot 2 and Lot 3 was flowing from East to West almost parallel to each other towards Deerfoot Road. Under the as-built condition, without any review and approval of the Town, Lot 2 is now discharging significant more water to Lot 3 without drainage easement right or proper mitigation of runoff collection and conveyance. This increased the flooding and erosion onto Lot 3. The owner had video and photos of the ongoing flooding and erosion. Some representative photos are attached to this report for a quick reference.
4. An 18" area drain (catch basin) was found to the southeast corner of the proposed driveway. We were told that the builder added in later to mitigate the flooding and erosion along the flow path to Deerfoot road.
5. The as built plan also showed that the house on Lot 3 was shifted 10 ft north, which made the implementation of the design grading harder to achieve adequate drainage function between Lots 2 and 3. This also made the surface runoff along the two lots and roof drain of Lot 3 draining across the driveway of Lot 2, which caused black ice in the winter time. This is a safe hazard to Lot 2.
6. The proposed grading design in the backyard of Lot 3 showed a very steep income grade 3:1 (H:V) to about 80:1 (H:V) outgoing grade. The as-built grading even had depression in the back yard and milder than proposed grading. This grading would require interception and ruoff collection and conveyance pipe system to get the water out of the backyard to prevent flooding, which exacerbated by significant additional runoff diverted from Lot 2 to Lot 3. See attached plan for as-built condition surveying. We kept the proposed grading lines and only showed some spot grade shots to illustrate the problem.
7. Given that over 7 acres of land from east and additional area from west of Deerfoot road changing drainage flow direction in the frontyard from flowing west to east toward Deerfoot Road, the drainage system in Deerfoot Road did not appear adequate to hand the increased runoff with all the new houses and driveways. Proper engineering analysis and calculation shall be conducted to design and upgrade the street drainage system to avoid street flooding in Deerfoot Road.

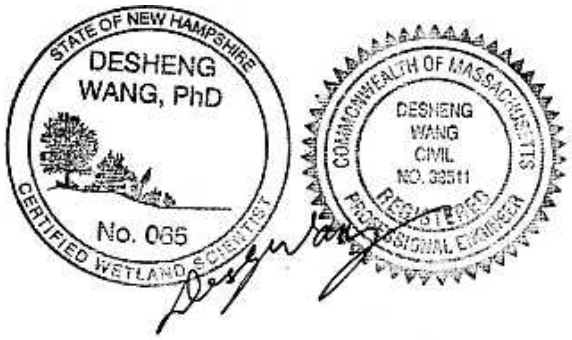
Conculsions and Recommendations

Based on our review the design plan and as built conditions of the site disturbance and drainage system, it is our professional opinion that a SMP shall be warranted for Lots 2 and 3 and a proper mitigation shall be provided to mitigate the ongoing backyard and driveway flooding.

1. One catch basin shall be added where the backyard swale of Lot 2 enters Lot 3 to intercept and collect runoff from Lot 2 backyard and house roof. The catch basin shall be connected to the street drainage system.
2. Another catch basin shall be added to the end of the mild sloped backyard of Lot 3 and connected to the existing catch basin that shall be tied to the street drainage pipe. All catch basins shall have at least 2 ft sump to prevent future clogging of the outlet pipes by sediment. Proper maintenance plan shall be provided to the owner.
3. The street drainage system shall be analyzed and upgraded to handle the flow increase from the 6 additional house lots development to mitigate and prevent street flooding.

If you have any questions, please feel free to contact us.

Creative Land & Water Engineering, LLC
By



Desheng Wang, Ph.D., P.E.
Sediment Control Specialist
Civil/Environmental Engineer
Certified Wetland Scientist
Certified Soil Evaluator

Cc: Deerfoot Neigbors, c/o Ms. Denise Eddy, esq.

Figure 1. USGS Site Locus Map

Project: Drainage Review (124, 126, 126A, 133, 135, 139, and 141)
Deerfoot Road, Southboro, MA

By: Desheng Wang, Ph.D., P.E.
Creative Land & Water Engineering, LLC
P.O. Box 584
Southborough, MA 01772
508-281-1694

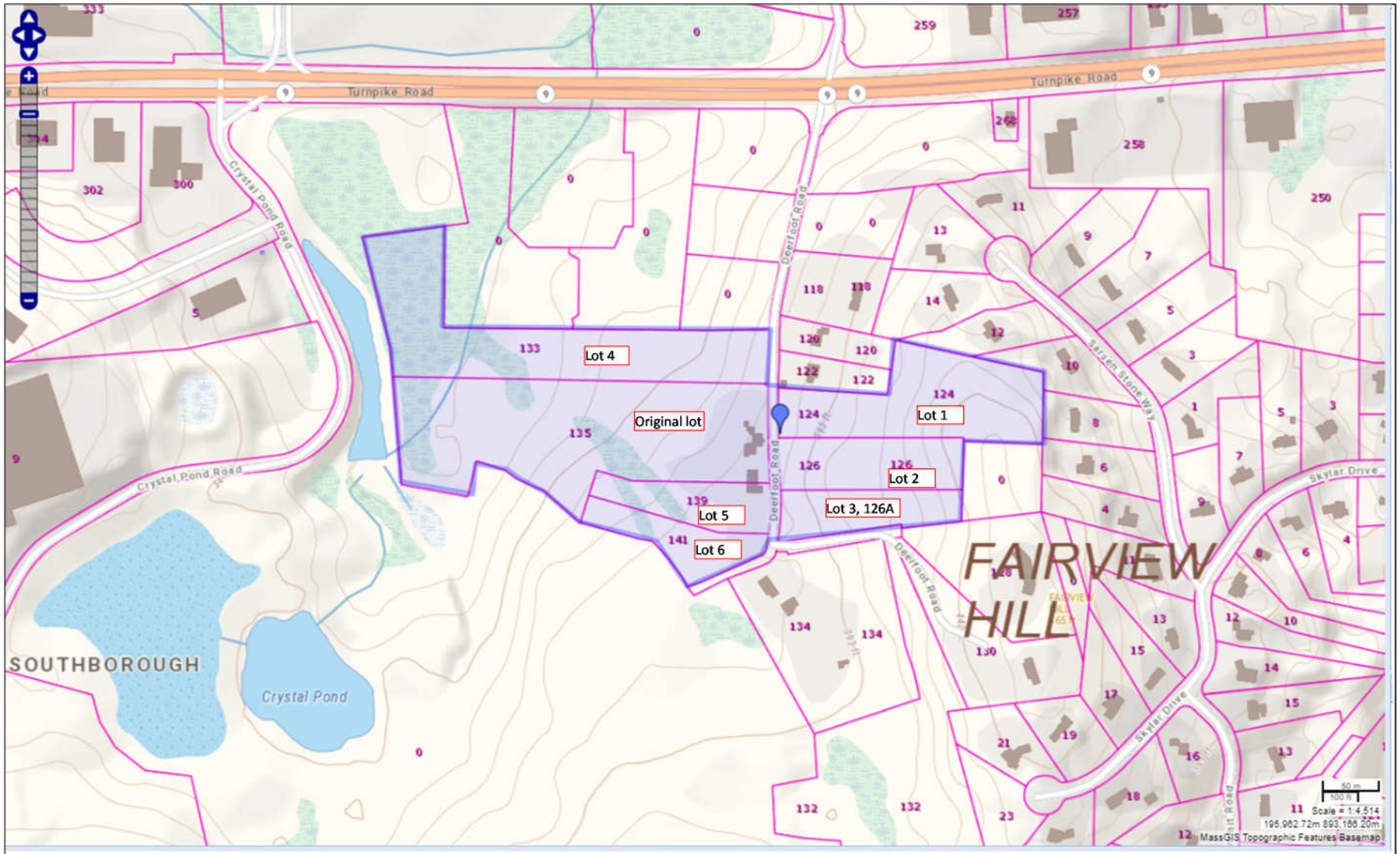


Figure 2.1

Street Map

Project:

Drainage Review (124, 126, 126A, 133, 135, 139, and 141)
Deerfoot Road, Southboro, MA

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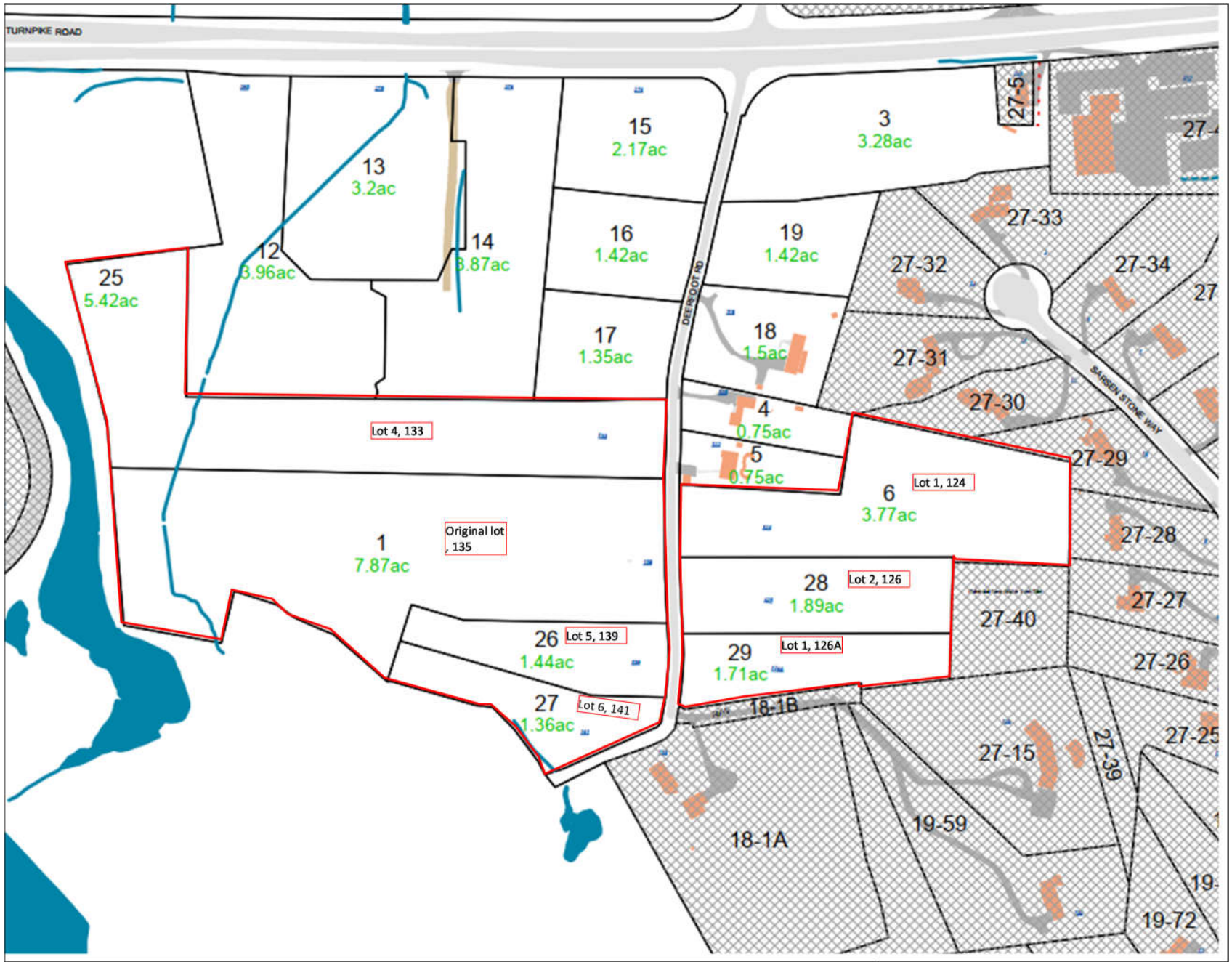

Figure 2.2

Assessors Map

Project:

Drainage Review (124, 126, 126A, 133, 135, 139, and 141)
Deerfoot Road, Southboro, MA

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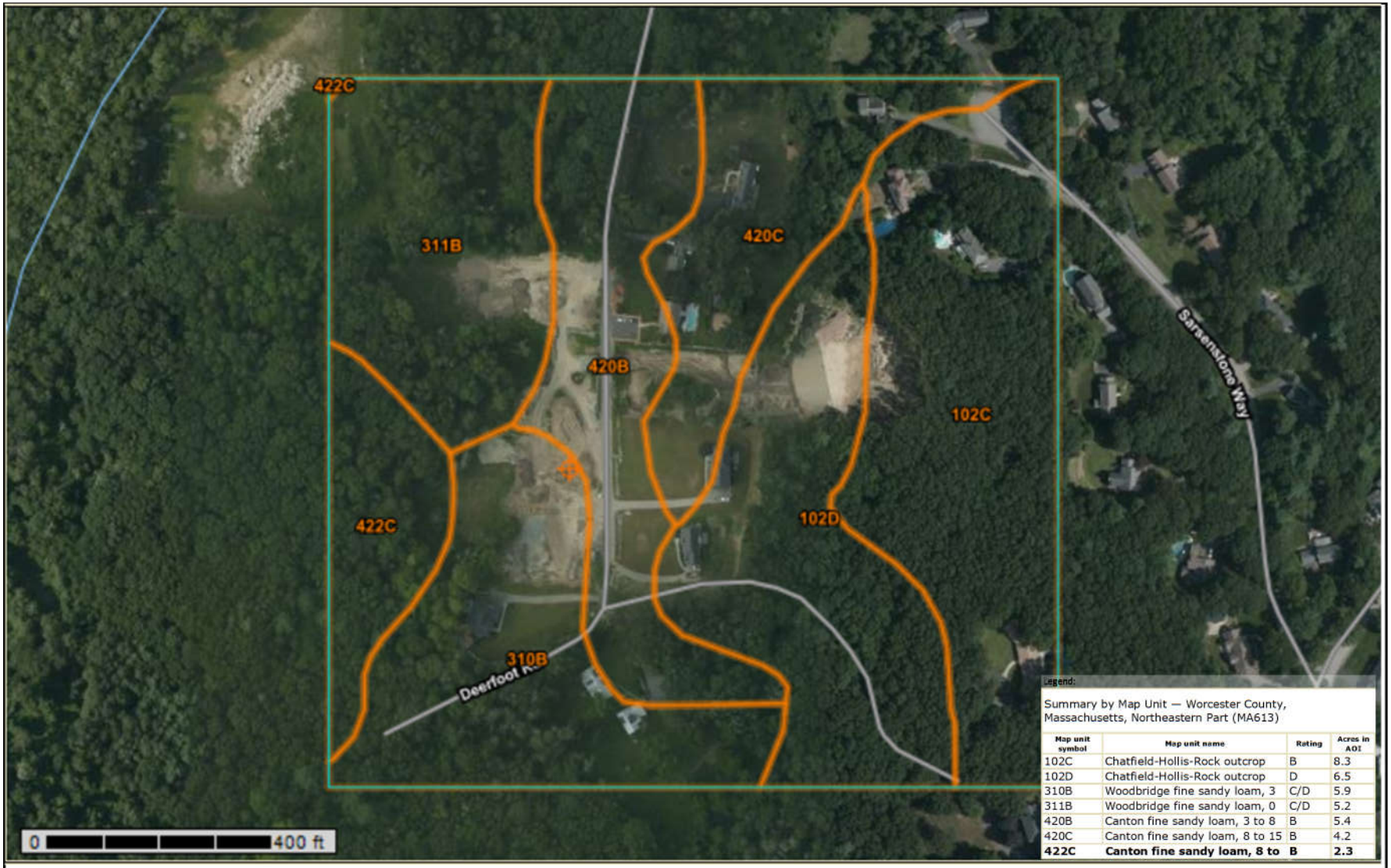

Figure 3. NRCS Soil Map

Project: Drainage Review (124, 126, 126A, 133, 135, 139, and 141)
Deerfoot Road, Southboro, MA

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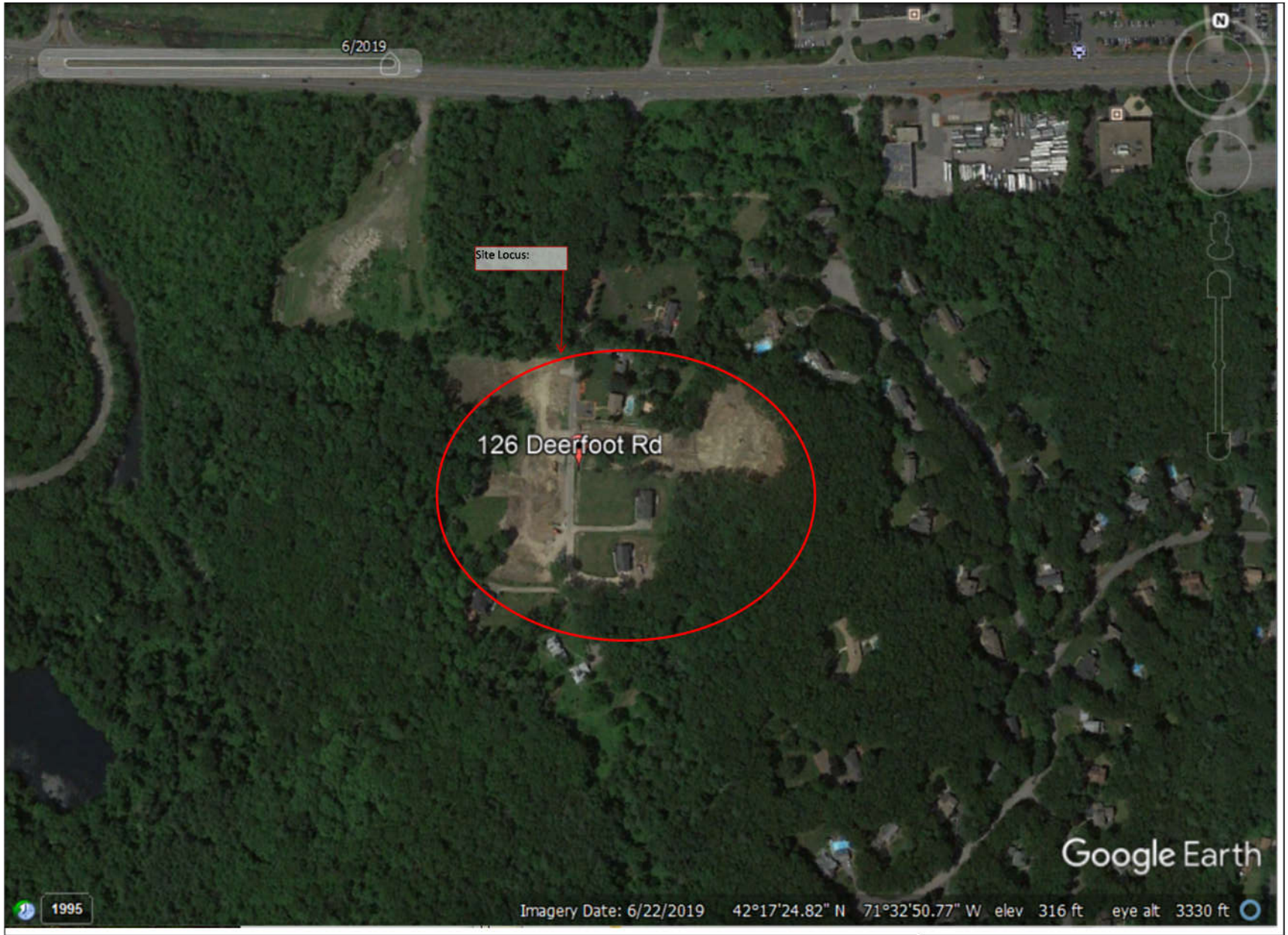

Figure 4.1 Aerial Photo - 6/22/2019	Project: Drainage Review (124, 126, 126A, 133, 135, 139, and 141) Deerfoot Road, Southboro, MA	By: Desheng Wang, Ph.D., P.E. Creative Land & Water Engineering, LLC P.O. Box 584 Southborough, MA 01772 508-281-1694

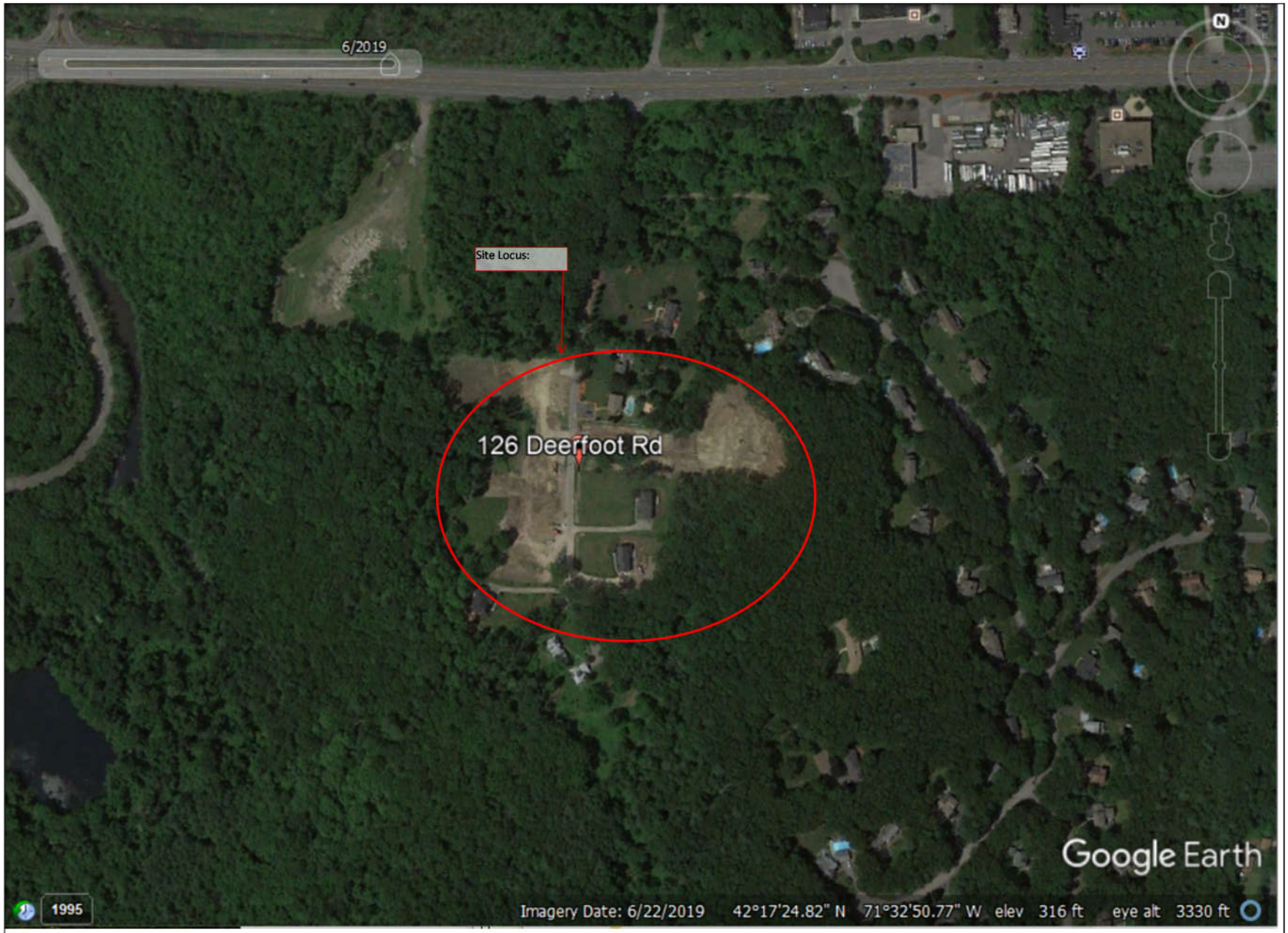

Figure 4.1

Aerial Photo - 6/22/2019

Project:

Drainage Review (124, 126, 126A, 133, 135, 139, and 141)
Deerfoot Road, Southboro, MA

By: Desheng Wang, Ph.D., P.E.
Creative Land & Water Engineering, LLC
P.O. Box 584
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508-281-1694

View of Deerfoot Road, 5/14/2020

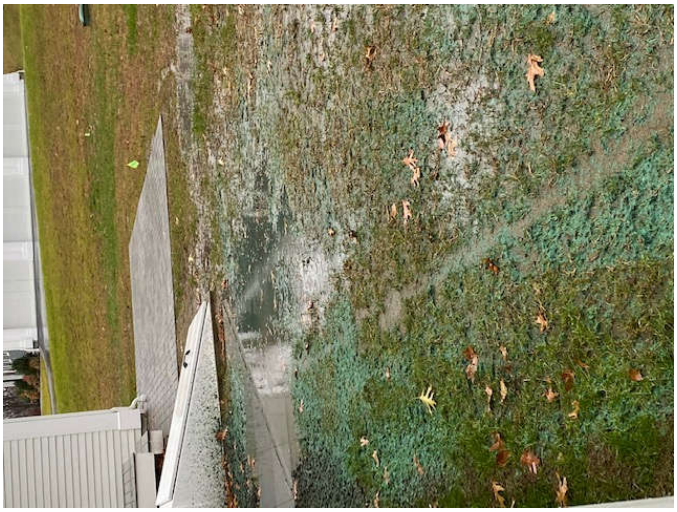
View of 126A backyard from the new CB, 5/14/2020

Inside of the catch basin, it should have 2 ft sump to prevent sediment clogging in the future, 5/14/2020

Erosion along the flow path from 126 to 126ADeerfoot Road, 5/14/2020

Roof/foundation drain of 126A towards driveway of 126, 5/14/2020

Backyard flooding of 126A in early spring 2020



Water impounding around the bulkhead of 126A, early spring of 2020

Water trapped by the erosion control near the property line between 126 and 126A, need a catch basin, 6/28/2020

Runoff from 126 to 126A with temporary erosion control, 6/28/2020

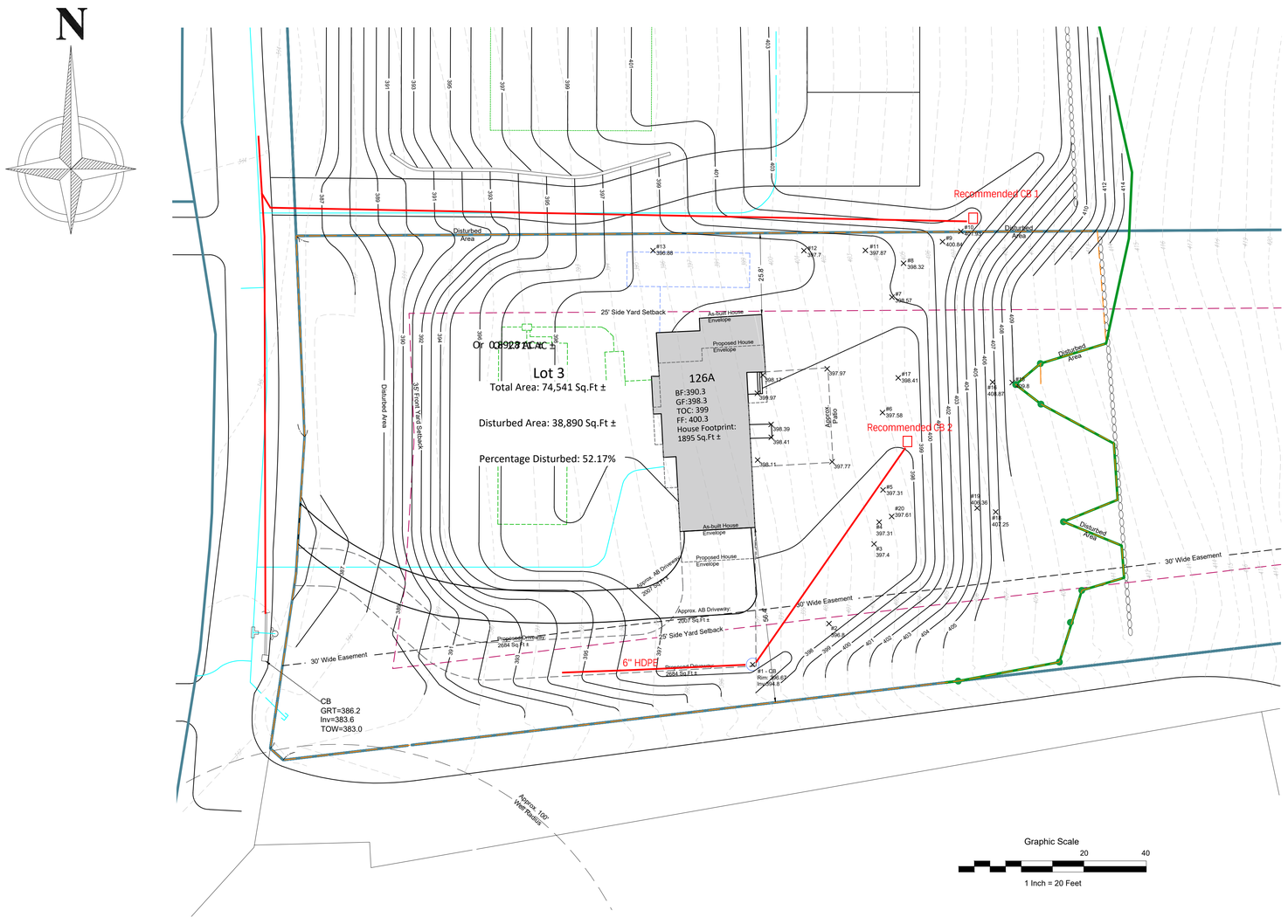
Temporary erosion control along the swale from 126 to 126A, 6/28/2020

Muddy runoff in Deerfoot Road, 6/28/2020

Erosion and muddy runoff coming down 124 driveway, 6/28/2020

View from entrance of 124 to north, 6/28/2020

Erosion continued across Deerfoot road from road drainage discharge to downstream resource area



and the spot elevations and disturbance area are field measured by Creative Land & Water Engineering, LLC.

Note: This plan integrated plans on public record and provided by the current owner for proposed and as-built condition for house location and grading

Creative Land & Water Engineering, LLC

Environmenal Scientists and Engineers

P.O. Box 584 - Southborough - MA - 01772

774-454-0266 http://claweng.com

Plan Title:	As-Built Land Disturbance and Grading
Project Name:	126A Deerfoot Rd
Site Address:	126A Deerfoot Rd - Southborough - MA
Owner:	To be completed
Client:	Same

Project No: J276-20	Drawn by: FA	Date: 06/24/2020	Sheet No: 1 of 01
Designed by: DSW, FA	Approved by: DSW	Scale: Indicated	

Rev.:	Date:	Description	By:

COMMONWEALTH OF MASSACHUSETTS
DESHENG WANG
CIVIL
NO.39511
REGISTERED PROFESSIONAL ENGINEER

PROGRAM BENEFITS

The benefits of Certification and Accreditation are many and will vary among participating agencies based on the state of the agency when it enters the process. In other words, the benefits will be more fully known when the agency quantifies the changes that were made to meet program standards. Generally, these changes involve policy writing, minor facility improvements, and in some cases, equipment purchases.

Below are some of the more common benefits of **Certification and Accreditation.** They:

- **Provide a norm for an agency to judge its performance.**
- **Provide a basis to correct deficiencies in an agency's operations before they become public problems.**
- **Require agencies to commit policies and procedures to writing.**
- **Promote accountability among agency personnel and the evenhanded application of policies.**
- **Provide a means of independent evaluation of agency operations.**
- **Provide a quality assurance review of the agency.**
- **Enhance the reputation of the agency and promote public confidence in it.**

They are also effective **risk management tools** for preventing and reducing loss in professional liability claims.

CERTIFICATION
AND
ACCREDITATION

Accomplishments highly regarded by the law enforcement community.

06/28/2020

MASSACHUSETTS POLICE ACCREDITATION COMMISSION, INC.

Per the by-laws, the Commission consists of an eleven member Board of Directors. Six members are appointed by the **Massachusetts Chiefs of Police Association**, one by the **Massachusetts Municipal Association,** and one by the **Massachusetts Police Association**. Three members are elected by the Board; all must have demonstrated expertise in law enforcement and public safety initiatives, and one must be affiliated with an academic institution.

BOARD OF DIRECTORS
2020

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Chief of Police, Hamilton Police Department

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Massachusetts Police Accreditation Program

The prestigious status of...

Law Enforcement Accreditation

A Badge of Honor

Recognizing Professional Excellence

Police Departments striving to meet and maintain standards that have been established for the profession

Program Overview

- **The Commission**
- **Program Awards**
- **The Standards**
- **The Process**
- **The Application and Fee**
- **Program Benefits**

Massachusetts Police Accreditation Commission
110 Haverhill Road - Suite 397
Amesbury, Massachusetts 01913

M: 978-834-5180 **F: 617-904-1919**
www.masspoliceaccred.net

THE COMMISSION

ORIGIN

The Massachusetts Police Accreditation Program originated in October of 1996 through the combined efforts of the assachusetts Chiefs of Police Association, the Massachusetts Police Accreditation Coalition and the Executive Office of Public Safety. Through Executive Order No. 392, a new state agency within the Executive Office of Public Safety had been established to oversee *police accreditation*. That agency was the **Massachusetts Police Accreditation Commission**.

In February of 2004, the Massachusetts Police Accreditation Commission transitioned from a state agency to a private, non-profit organization. With the Articles of Organization for the new **Massachusetts Police Accreditation Commission, Inc.** having been accepted by the Secretary of the Commonwealth, today, the Commission is a non-profit corporation organized under Chapter 180 of the Massachusetts General Laws and is an organization described in 501(c)(3) of the Internal Revenue Code.

ABOUT THE COMMISSION

The Commission offers an accreditation process for police departments in Massachusetts. Like other accreditation programs, the process consists of two major components: (1) establishing professional standards for police departments to meet; and (2) administering a voluntary assessment process by which police departments can be publicly recognized for meeting best practices.

MISSION STATEMENT

To ensure that the delivery of police services within the Commonwealth is at the highest level of professionalism and integrity.

PROGRAM AWARDS

The Commission offers two professional credentialing programs: **Certification and Accreditation**.

Accreditation is the higher of the two program awards consisting of 382 standards: 257 are mandatory; 125 are optional. Mandatory standards that do not apply to the agency are waived. Only a *percentage* of the optional standards must be met; the percentage is based on agency size.

The Certification Program consists of 159 standards, all of which are mandatory. Since these 159 standards are part of the 257 mandatory standards for Accreditation, Certification is a significant milestone towards Accreditation. It is the policy of the Commission that agencies must successfully achieve Certification before being assessed for Accreditation.

THE STANDARDS

Standards for the **Massachusetts Police Accreditation Program** are based upon national standards established by the Commission on Accreditation for Law Enforcement Agencies, Inc. (CALEA). These standards reflect best practices in police management, administration, operations, and support services. Standards generally prescribe "what" agencies should be doing but not "how" they should be doing it. Those decisions are left up to each agency to make.

Standards address areas such as:

- Agency Authority, Jurisdiction and Use of Force
- Recruitment, Selection, and Promotion of Personnel
- Training, Discipline and Internal Affairs
- Patrol, Traffic Operations and Criminal Investigations
- Victim/Witness Assistance
- Emergency Response Planning
- Detainee Transportation and Holding Facilities
- Records and Communications
- Collection and Preservation of Evidence
- Property and Evidence Control

THE PROCESS

Participation in the Massachusetts Police Accreditation Program is strictly voluntary. Program participants may withdraw from the process at any time without prejudice.

The process consists of six phases:

Information, Application, Self-Assessment
Pre-Assessment, On-site Assessment
Commission Review

Information Phase: Agencies usually begin the process with a simple request for information about Certification and Accreditation. The information generally includes an overview of the six phases, the costs (actual and potential), the standards, the benefits and the availability of support services from the Commission.

Application Phase: Once the agency decides to participate in the program, it completes the Program Application. Upon receipt of the Application and fee, instructional material and individualized training are provided to prepare the agency for the next phase of the process: Self-Assessment.

Self-Assessment Phase: This phase involves a thorough examination of the agency, by the agency. It is the most labor-intensive and time-consuming phase of the process because the activities in this phase initially begin with a comprehensive review of the standards and include activities associated with preparing for the agency's on-site assessment. The activities in this phase include: (1) analyzing each standard to determine agency compliance; (2) achieving agency compliance where noncompliance is determined and (3) documenting and centralizing agency compliance for the on-site assessors to review.

Pre-Assessment Phase: This phase of the process involves two preliminary reviews: one by the agency's peers, the other by Commission staff. Both pre-assessments give the applicant agency an indication of its readiness for an on-site assessment by Commission-appointed assessors.

On-Site Assessment Phase: The evaluation process for Certification consists of a two-day assessment in the agency's facility verifying compliance with all applicable standards. Compliance is verified by reviewing written directives and documentation, interviewing employees, and observing various aspects of the agency's facility. The assessment for *Accreditation* is conducted in three days by three assessors and includes assessment notification requirements.

Commission Review Phase: Based on the findings and recommendations of the Assessment Team, the Commission grants Certification or Accreditation for a three-year period. Upon achieving initial Certification, agencies work towards re-Certification or pursue Accreditation. Accredited agencies work towards re-Accreditation. Mid-point contact with the agency's Accreditation Manager monitors ongoing compliance with program standards in between assessments.

THE APPLICATION AND FEE

The Program Application and Invoice consists of three parts. Part I requests some information about the agency, Part II deals with the agency's eligibility to participate in the program, and Part III is the Invoice for the annual fee.

The fee is based on agency-size and *on the number of full-time police officers* in the agency, only. There are four agency-size categories. Agencies entering the program mid-year, pay a pro-rated fee per month.

Full-time Police Officers	FY2021's Annual Fee
<10	$975
10-25	$1,800
26-75	$2,300
75 >	$2,900

FOR MORE INFORMATION

Visit: www.masspoliceaccred.net
Contact the Commission: 978-834-5665
E-mail: donna@masspoliceaccred.net

KENNETH M. PAULHUS
CHIEF OF POLICE

TOWN OF SOUTHBOROUGH
POLICE DEPARTMENT

32 Cordaville Road
Southborough, Massachusetts 01772

Emergency: 9-1-1
All Other: (508)485-2121
Business: (508)485-2147
Fax: (508)485-4634
kpaulhus@southboroughma.com

To: Honorable Board of Selectmen

From: Chief Kenneth M. Paulhus

Subject: Appointment of Special Officer

Date: September 1, 2020

Dear Board of Selectmen:

Please consider my request to appoint Mr. Tyler Lu as a Special Police Officer with the Town of Southborough, effective September 15, 2020. Mr. Lu is a resident of Billerica. He is currently a Reserve Officer for the Town of Bolton, working regular patrol shifts until his resignation on 9/14/20.

Mr. Lu holds a B.S. Degree in Business Administration from Babson College. As you can see from his enclosed resume, Mr. Lu holds many advanced training certifications that will of great benefit to the Southborough Police Department.

Mr. Lu has also accepted a Conditional Offer of Employment to become a full-time officer with the Town of Southborough (at a date to be determined on/after January 1, 2021) when funding becomes available along with a full-time MPTC Academy opening. The position was approved at the June 2020 Town Meeting. Mr. Lu's appointment will allow him to work traffic details in Town while waiting for his Full-Time Student Officer appointment. He will be compensated through the Detail Account in the same manner as other Southborough Special Officers.

Please contact me with any questions or concerns.

Kenneth M. Paulhus

Kenneth M. Paulhus

Chief of Police

Protecting Our Community...Together!

Tyler L. Lu

[redacted]

Cell: [redacted] | Email: [redacted]

WORK EXPERIENCE

***Reserve Police Officer**, Bolton Police Department, Bolton, MA* — *Nov. 2019 – Present*

- Fully sworn police officer with power of arrest.
- Patrol assigned sector and enforce all federal, state, and motor vehicle laws.
- Respond to calls for emergency including medicals, domestic disturbances, and burglary alarms.
- Engagement with the community to strengthen community policing.
- Qualified with department issued pistol and rifle.

***Auxiliary Police Officer**, Newton Police Department, Newton, MA* — *May 2018 – Nov. 2019*

- Patrol the City of Newton in fully marked police cruisers, individually and with a partner.
- Assist full-time officers whenever needed in accidents, details, and community events.
- Additional training in Applied Patrol Procedures, OC, Defensive Tactics, Anti-Terrorism, and Traffic and Pedestrian Management.
- Experience in use of radio communications.

***Project Manager**, Starr Development Partners, Belmont, MA* — *June 2014 – April 2020*

- Real estate development firm that owns properties, and has affiliated entities as general contractors, property management, and developer.
- Acquire various types of financing for development deals up to $50,000,000 and 200 units.
- Assemble financial models for prospective projects and developments including development budget, sources and uses, property operating pro-formas, and cash flow projections.
- Complete any reporting requirements for investors or banks.

EDUCATION

***MPTC Reserve/Intermittent Academy**, Chelsea, MA* — Mar. 2019 – Aug. 2019

- Academy run by New England Law Enforcement Training Center
- Academic Award (Exam Scores: Constitutional Law – 100, Criminal Law – 92, Motor Vehicle Law – 94, Final Exam – 94, Defensive Tactics Written Exam – 98)

***Babson College**, Wellesley, MA* — Aug. 2010 – May 2014

- Bachelor of Science in Business Administration

***Brookline High School**, Brookline, MA* — Sept. 2006 – June 2010

- High School Diploma

SKILLS / CERTIFICATIONS

- CPR / AED Certified.
- First Responder Certified.
- Taser Certified.
- Proficient with Microsoft Office (Excel, Word, PowerPoint, Outlook)
- Conversational Chinese (Mandarin).
- Strong ability to follow directions and to follow procedures.
- Unrestricted MA LTC and MA Driver's License.

TL

Lori Esposito

From: david candela <candeladjc@msn.com>
Sent: Monday, August 10, 2020 3:52 PM
To: Lori Esposito
Subject: Reappointment to recreation and CPC.

[EXTERNAL]

Hi Lori
I would like to be reappointed to recreation committee and CPC. Thank you.

I'm sorry. I swear I went in there several weeks ago and signed both pieces of paper work. I made an appointment and everything. Sorry for the confusion.

David Candela.

Sent from my iPhone

From: Jason W. Malinowski <jmalinowski@southboroughma.com>
Sent: Wednesday, September 2, 2020 1:48 PM
To: Mark Purple <mpurple@southboroughma.com>
Cc: Martin Healey <mhealey@southboroughma.com>
Subject: Capital Planning - Town House

Hi Mark,

As discussed, here are the details for the BOS Consent Agenda item related to the Town House.

As the BOS is aware, they took prior votes in early summer to engage an outside engineering firm to review the Town House windows and exterior masonry as there was extensive capital anticipated in the next few years. We are now in receipt of their report and are working with Mr. Parent to prepare a CPC Application for consideration at the 2021 Annual Town Meeting.

In the interest of transparency and to aide in the application process, I would respectfully ask that the Board vote on the following two items:

1) The BOS is supportive of Capital Planning, in coordination with Mr. Parent, to approach the Community Preservation Committee for consideration of funding for a project related to the Town House windows and exterior masonry.
2) Given the historical significance of the building, the BOS is supportive of a preservation restriction as that will likely be a consideration required by CPC upon consideration of the application.

Please do not hesitate to reach out with any questions.

Thanks,

Jason Malinowski
Chair, Capital Planning Committee

FY 2021 Goals - Boards and Committees.	In Progress	Recent Steps	Completed
OML training and support/training for running Open Meetings.			
Promote and enforce Town Email Use Policy.			
Update, consolidate and promote compliance with general policies.			
Encourage and provide support for televising meetings.			
Encourage and provide support for composite agendas and packets.			
Enhance informational outreach and recruiting for volunteers (forum).			
Conduct public comment at beginning & end of meetings			
Review and update descriptions and charges.			
FY 2021 Goals - Community Initiatives			
Coordinate and oversee Downtown Initiative.			
Coordiate communication/roundtables with local businesses.			
Pursue PILOT initiatives, including community center and projects.			
Pursue "bike friendly" policies and explore Biking Committee.			
300th Anniversary planning, including Committee creation.			
FY 2021 Goals - Employees			
Create Employee Handbook.			
Update job descriptions for BoS staff.			
BoS review of annual staff performance reviews.			
Review staffing and BoS office organization.			
Analyze Personnel Board/Town Administrator authority.			
FY 2021 Goals - Infrastructure			
Explore municipal electric plant.			
Natl Grid parcel 54-40			
Assimilate Pine Hill Road into Town water (via MWRA).			
FY 2021 Goals - Long Range/Strategic Planning			
Explore establishing grant writing position(s).			
BoS training, reporting and hiring initiatives re: diversity and inclusion.			
FY 2021 Goals - Municipal Finance			
Additional approval/oversight on appropriation line items.			
Schedule quarterly budget updates (Finance Director).			
Establish budget narratives, including long-term impacts.			
Establish BoS budget liaisons.			
Communicate BoS position to departments re: new FTEs.			
Establish long-term capital plans (with Capital Committee).			
Explore generating additional commercial tax revenue.			
Identify and establish a roster of Town service contracts.			
Review contracted services and explore re-bidding.			
Maximize potential Covid-19 reimbursements and grants.			
Coordinated budget discussions with Advisory, Capital and Schools.			
FY 2021 Goals - Organizational			
Quarterly newsletter.			
Explore public safety regional dispatch.			
Evaluate organizational processes: postage; mailings; data exchanges.			
Budget software implementation.			
Pursue policies and projects for 40B threshold.			
Customer service survey re: Town departments.			

TOWN OF SOUTHBOROUGH
DEPARTMENT OF PUBLIC WORKS

147 Cordaville Road
Southborough, MA 01772

Tel: 508-485-1210
Fax: 508-229-4444

DATE: July 21, 2020

MEMORANDUM

TO: **Town of Southborough Board of Selectmen**
CC: **Mark Purple, Town Administrator**
FROM: **Karen Galligan, DPW Superintendent**
SUBJECT: **Complete Streets Policy**

In 2013 the Massachusetts Department of Transportation (MassDOT) issued a Healthy Transportation Policy Directive. This policy was developed to recognize the "importance of supporting projects that provide context-sensitive, multimodal transportation options on appropriate roadways". MassDOT's Complete Streets Funding Program (CSFP) was developed to support Complete Streets on local roads. According to Complete Streets Funding Program Guidance, "Complete Streets Funding Program is to reward municipalities that demonstrate a commitment to embedding Complete Streets in policy and practice with technical assistance and construction funding".

To become eligible for the CSFP a municipality must attend a Complete Streets Training program, which was done by the DPW in 2016. The municipality must also develop a Complete Streets Policy (CSP). Once adopted by a Town, the CSP is submitted to MassDOT for approval.

The CSP, is a policy that the Town, through the Town's Road Commissioners, in our case the Board of Selectmen, adopts in order to state, through policy and practice, that the travelled ways in Southborough are for everyone's use and for all modes of transportation.

The CSP is meant to guide the development of the Town's projects on the Town's existing public ways as well as when developing new public and private ways. The CSP encourages the Town to explore accommodating different modes of transportation on a street by weighing the benefits, fiscal costs, environmental costs and aesthetics attributed to the addition of a bike lane, sidewalk, or both. The CSP is not meant to require that Towns install sidewalks and dedicated bike lanes on every road getting repaved or in every subdivision being constructed.

Attached is a draft Complete Streets Policy (CSP) for Southborough. Please review the document and contact me with any questions, comments or if you are looking for clarifications. This policy was voted 4 to 1 at the January 27, 2020 Public Works Planning Board meeting.

This draft CSP coincides with the Planning Board's subdivision Rules and Regulations and does not limit the Planning Board's authority to waive or exchange requirements, i.e. exchange 100 feet of sidewalk in a new cul-de-sac neighborhood for 100 feet of sidewalk elsewhere in Town.

When approved, the Town can request a Complete Streets Grant (CSG) to have an engineer develop a Complete Streets Priority Plan (CSPP). The Town's current sidewalk list, Master Plan, and other guidance documents will be used to develop Southborough's CSPP.

Once developed the Town can apply for a CSG to fund/help fund construction of projects on the CSPP. Information about complete streets can be found on the MassDOT website at: https://masscompletestreets.com

TOWN OF SOUTHBOROUGH
DEPARTMENT OF PUBLIC WORKS

147 Cordaville Road
Southborough, MA 01772

Tel: 508-485-1210
Fax: 508-229-4444

DATE:

COMPLETE STREETS POLICY

Vision and Purpose

Complete Streets are designed and implemented to accommodate all the users of our roadways, trails and transit systems including pedestrians, bicyclists, transit riders, motorists, commercial vehicles, and emergency vehicles. Implementation of these principles will provide a safe and accessible multimodal network between residential, educational, commercial, recreational, civic, and retail destinations. The application of the Complete Street principles will contribute toward the safety, health, economic viability and overall quality of life in the Town of Southborough. Complete Streets are designed and maintained to provide safe and efficient access for all users, of all ages and abilities. The intent of this policy is to formalize a plan to incorporate the Complete Streets principles into the design, operation and maintenance of the Town's transportation system so that it is safe for all individuals that utilize this network through a variety of transportation modes. This policy directs decision makers to consistently plan, design construct and maintain streets for the accommodation of all anticipated users including, but not limited to pedestrians, bicyclists, motorists, emergency vehicles, transit, freight and commercial vehicles in a context sensitive manner. This policy shall apply to all municipal, state and federal (when allowed by Law) roadway repairs, upgrades or expansion projects within the public right of way and private developments requiring approval from the Town. Procedures will be developed to ensure Complete Streets elements are incorporated into these activities.

Core Commitment

The Town of Southborough recognizes that users of all ages and abilities, utilizing various modes of transportation; including, but not limited to pedestrians, bicyclists, transit and school bus riders, motorists, commercial vehicles, and emergency vehicles, are legitimate users of the transportation network and deserve safe facilities.

The Town of Southborough recognizes that all projects, new, maintenance, or reconstruction, are included as opportunities to implement the Complete Streets principles. The Town will, **to the maximum extent practical,** design, construct, maintain, and operate all streets to provide for a comprehensive and integrated street network for people of all ages and abilities.

Complete street design principles shall be incorporated into all publicly and privately funded projects, as appropriate and in a context sensitive manner. The following projects shall incorporate Complete Streets design principles to the greatest extent practical:

- All transportation infrastructure improvement and roadway design projects requiring funding or approval by the Town of Southborough shall reasonably adhere to the Town of Southborough's Complete Streets Policy to the greatest extent practical.

- Federal and State–aided projects including but not limited to, Chapter 90 funds, Transportation Improvement Plan (TIP), MassWorks Infrastructure Program, Community Development Block Grant (CBDG), or other State and Federal funds for street and infrastructure design shall reasonably adhere to the Town of Southborough's Complete Streets Policy, subject to and as may be modified by the funding agency guidelines and standards.

- Private developments and related, or corresponding, street design and construction components shall adhere to the Town of Southborough's Complete Street Policy.

- State owned roadways, when allowed by Law, will comply with the Town of Southborough's Complete Street Policy, including the design, construction, and maintenance of such streets within Town Boundaries, subject to and as may be modified by MassDOT guidelines and standards.

Exemptions

Exemptions to the policy are only allowed upon approval by the Board of Selectmen, in consultation with the DPW Superintendent, Police Chief and any other necessary consultant (as may be required under the circumstances of the specific project) where one or more of the following can be documented and supported:

- Facilities where specific users are prohibited by law, such as interstate freeways or pedestrian malls. An effort will be made, in these cases for accommodations elsewhere.
- Where the cost or impacts of accommodation is excessively disproportionate to the existing need, probable use or probable future use.
- A project consists solely of areas of isolated roadway maintenance (i.e. potholes, trench failures, etc.) or non-transportation improvements (i.e. drainage system, water and/or sewer upgrades).
- The existing right-of-way or adjacent land is constrained in a manner that inhibits the addition of transit, bicycle, or pedestrian improvements. In this case, the Town shall consider alternatives such as lane reduction, lane narrowing, shoulders, signage, traffic calming or enforcement.
- Where such facilities would constitute a threat to public safety or health.
- Where construction and future maintenance will create significant adverse environmental impacts to streams, flood plains, wetlands, native tree species greater than 12" in diameter and/or historical resources.
- Other Town policies, regulations, or requirements contradict or preclude the implementation of this Policy, after such policies, regulations, and requirements have been examined and updated to be consistent with the Town of Southborough Complete Streets Policy.

Best Management Practices

The Town of Southborough recognizes that Complete Streets principles could either be incorporated into a particular project or incrementally through a series of smaller improvements or maintenance activities over time. Implementation of the Policy will be carried out cooperatively within all departments in the Town of Southborough with multi-jurisdictional cooperation, to the greatest extent practical, among private developers, and state, regional, and federal agencies.

Complete Streets principles include the development and implementation of projects in a manner that will be sensitive to the Town of Southborough's physical, economical, and social setting. This context sensitive approach to the design process includes a range of goals by considering stakeholder and community values on a level plane with the project needs. It includes goals related to livability, connectivity, sustainability, and equity. The overall goal of this approach is to preserve and enhance scenic, historic, aesthetic, and environmental resources while improving and maintaining safety, mobility, and infrastructure conditions.

The latest design guidelines and standards available will be used in the implementation of this Complete Streets policy including:

- The Massachusetts Department of transportation's Project Design and Development Guidebook
- The latest edition of the American Association of State Highway Transportation Official's (AASHTO) A Policy on Geometric Design of Highways and Streets
- The Federal Highway Administration's (FWHA) Manual on Uniform Traffic Control Devices
- The Architectural Access Board (AAB) 521 CMR Rules and Regulations
- The American Planning Association's Complete Streets: Best Policy and Implementation Practices
- The Town of Southborough's 2016 Open Space and Recreation Plan

Complete Streets implementation and effectiveness should be constantly evaluated for success and opportunities for improvement. The Town will develop performance measures to gauge the implementation and effectiveness of the policies. These metrics may include, but are not limited to, the total number of improvements to accommodate bicyclists, the linear feet of new pedestrian accommodations, the number of pedestrian facilities or amenities installed or improved, rate of crashes by mode, and the number of trips by mode utilizing the roadway network.

Implementation

The Town shall incorporate Complete Streets practices as a routine approach to daily operations and shall implement the policies and principles into every transportation project and program as an opportunity to improve the transportation network for all users. In order to achieve Complete Streets, all departments, agencies and jurisdictions must work in coordination to incorporate the policy's guidelines.

The Town shall review and either revise or develop proposed revisions to all appropriate planning documents (master plans, open space and recreation plan, etc.) zoning and subdivision codes, laws, procedures, rules, regulations, guidelines, programs, and templates to integrate Complete Streets principles in all transportation projects. A committee of relevant stakeholders designated by the Town Administrator will be created to implement this initiative.

The Town shall maintain a comprehensive inventory of pedestrian and bicycle facility infrastructure that will prioritize projects to eliminate gaps in the sidewalk and bikeway network.

The Town will reevaluate Capital Improvement Projects prioritization to encourage implementation of Complete Streets practices.

The Town will train pertinent town staff and decision-makers on the content of Complete Streets principles and best practices for implementing policy through workshops and other appropriate means.

The Town will utilize inter-department coordination to promote the most responsible and efficient use of resources for activities within the public way.

The Town will seek out appropriate sources of funding and grants for implementation of Complete Streets policies.

TOWN OF SOUTHBOROUGH

BOARD OF SELECTMEN Meeting Minutes

Meeting Date: Tuesday, August 18, 2020, 6:30 P.M.
Location: Virtual Meeting through Zoom
Present: Marty Healey, Lisa Braccio, Chelsea Malinowski, Brian Shea, Sam Stivers and Town Administrator Mark Purple

I. Chairman Healey called the meeting to order at 6:32 P.M. Chairman Healey read the following statement:

Pursuant to Governor Baker's March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, §18, and the Governor's March 15, 2020 Order imposing strict limitation on the number of people that may gather in one place, this meeting of the Southborough Board of Selectmen will be conducted via remote participation to the greatest extent possible. Specific information and the general guidelines for remote participation by members of the public and/or parties with a right and/or requirement to attend this meeting can be found on the Town of Southborough's website, at https://www.southboroughtown.com/. For this meeting, members of the public who wish to watch or participate in the meeting may do so in the following manner by finding the meeting at: https://www.southboroughtown.com/remotemeetings. No in-person attendance of members of the public will be permitted, but every effort will be made to ensure that the public can adequately access the proceedings in real time, via technological means. In the event that we are unable to do so, despite best efforts, we will post on Southborough's website an audio or video recording, transcript, or other comprehensive record of proceedings as soon as possible after the meeting.

Chairman Healey noted the passing of John Mauro this week. He stated Mr. Mauro contributed vitally to Southborough in a variety of capacities and worked at St. Mark's for many years. He extended his condolences to Mr. Mauro's family.

II. **Public Comment**
None

III. **Scheduled Appointments**
Jason Malinowski, Capital Planning Committee
a. Update on Capital Planning items

Mr. Malinowski stated the Committee posted a meeting this evening but they do not have a quorum and therefore he will not call the meeting to order. He added that he has actions to ask of the Board at the end of his presentation in order for the Committee to progress with their work. Mr. Malinowski walked the Board through the presentation included in the packet. He began by stating that there is a vacancy on the Committee and asked for a resident with building or construction expertise to volunteer. He summarized the actions to date which included an initial meeting with all department heads to review their capital requests, made recommendations on most of the fiscal year 2021 capital items, reviewed fiscal year 2022 capital items and created a preliminary ten-year capital plan. He added their goal is to make a recommendation on the fiscal year 2022 capital to the Board and Advisory in October. The

Committee made reductions in the capital expenses and Mr. Malinowski stated that the Town is a much better spot for the ten-year plan. Mr. Malinowski added the Committee will have a report related to the Town House exterior and window engineering to submit to the CPC. They bundled items over four years into one package and the economies of scale they are reviewing could save on cost. He stated the Committee will be reviewing solid waste disposal options for the Transfer Station with an independent detailed study presented by Mr. Butler at their August 31st 7:00 P.M. meeting. Mr. Malinowski explained the work they are doing with the Library Board of Trustees, the Council on Aging and preliminary discussion with the Mr. Challen of the Southborough School Committee. The Committee is sending a form to the public tomorrow to voice their opinion regarding future capital projects.

Mr. Malinowski reminded the Board of the items needed to be included in a Fall Town Meeting. He added if there is not a Fall Town Meeting, then the capital items mentioned will fall to Spring Town Meeting and will impact the tax rate. He listed the Hook Lift Truck for the DPW, the Fire Chief's vehicle and the $250,000 Fire SCBA AFG Grant match to be considered for a pending Fall Town Meeting. He added that it could be beneficial to accelerate the interior renovations in the Library and Town House due to having less patrons in both buildings at this time. The Committee will be making a priority list of capital items that are urgent versus those that could be held for another year.

b. South Union School

Mr. Malinowski stated he would like the Board to explore a potential disposal of this property. He explained the process for doing so and the reasons for recommending this option which include generating cash to fund capital needs, finding a long-term solution for departments currently occupying the building and saving approximately $37,000 annually. The savings in operating expenses do not include significant capital needs over the next five years to maintain the building. He explained the feedback from the Recreation Commission, Youth Commission, Historical Commission and SHOPC. He requested the Board authorize the Committee to obtain an appraisal on the property.

Mr. Malinowski reviewed future agenda items which included obtaining an owner's project manager on retainer, ensuring projects are shovel-ready to take advantage of more grant opportunities, and beginning discussions to revitalize a stabilization fund. Mr. Malinowski requested action items for the Board to discuss and/or vote on tonight which included the approval of the revised charge included in the packet, provide clarity on a Fall Town meeting, reaction to the Committee's fiscal year 2022 timeline, feedback on the South Union School suggestion, watch the Capital Committee meeting held on August 31st and focus future discussions on grant funding.

c. Revision to Committee charge

Chairman Healey stated he was in support of proposed revisions to the Committee charge. He explained the Committee was created as ad-hoc to allow Board members to take part in discussions. He said that there is a need for longer discussions about creating a permanent committee. Chairman Healey stated that the South Union proposal is sensical and suggested two appraisals be done. He asked for one appraisal without taking into consideration historical factors and one to include those restrictions on the property. The Board agreed to watch the meeting and the Board generally agrees to discuss grant funding priorities for shovel-ready projects.

Mr. Stivers stated that he is aligned with Chairman Healey's comments and adjusting the charge is useful but creating a committee that does not violate bylaws is needed. He stated he is in favor of multiple appraisals for South Union School and is supportive of all the outlined goals.

Mr. Shea asked if the DPW study funded by the budget for the Transfer Station has begun. Mr. Purple stated the focus had changed in the final warrant before Town Meeting and the money was targeted towards the Capital Planning Committee. The focus of the funding is to be used for the study and others the Committee may need. Mr. Shea stated he agreed with the appraisals on South Union School and noted that Fayville Hall had restrictions from Town Meeting that limited the dollar value the Town was able to receive for the building.

Ms. Malinowski asked if there are dollar figures tagged to the three capital items deferred to the Fall Town Meeting understanding that the Fire Grant is $13,000. Mr. Malinowski stated the Chief's vehicle is $60,000 and the hook lift truck is a combination from the water fund of approximately $60,000 and a portion from the general fund of $160,000. Chairman Healey asked what the risks included if capital expenditures are held until a Spring Town Meeting. Mr. Malinowski stated that rising costs will impact the tax rate for fiscal year 2022.

Chairman Healey asked the Board if there are any objections to considering the revised charge. There was none. Mr. Stivers made a motion to approve the revised charge for the Capital Planning Committee as provided in the packet. Mr. Shea seconded. The motion passed all in favor (5-0-0) by roll call vote, Braccio, aye; Malinowski, aye; Shea, aye; Stivers, aye; Healey, aye.

Chairman Healey asked about discussions with the schools regarding Woodward and Neary. Mr. Malinowski replied that Mr. Challen will be adding an agenda item to their meeting to discuss these items and the Committee's potential involvement. Mr. Purple stated that a motion is needed to authorize the Committee to move forward with the appraisals at South Union School. Chairman Healey made a motion to authorize the Capital Planning Committee to seek appraisals for the South Union School. Mr. Shea seconded. Ms. Malinowski asked if the playground will be part of the appraisal. Mr. Malinowski replied that the Recreation Commission stated the playground could be repurposed for the Town. He asked if the Board requests two appraisals; one to follow historical requests and restrictions and one that does not. The Board agreed. The motion passed all in favor (5-0-0) by roll call vote, Braccio, aye; Malinowski, aye; Shea, aye; Stivers, aye; Healey, aye.

<u>Brian Ballantine, Finance Director – Update on ClearGov budget software</u>

Mr. Ballantine stated early this year the Town applied for a grant for this solution from the State and it was approved. He explained the benefits of ClearGov and stated the Finance Department uploaded data including budgets from fiscal year 2015 to fiscal year 2020. Mr. Ballantine said the budget is currently excel based and described the process through ClearGov as an all in-house system which will save time and increase ease of use and transparency. He clarified that there is an approval option in the system that he will use for submission acceptance only. Mr. Ballantine outlined a plan to schedule department head training over the next few weeks.

Chairman Healey asked if the Board could generate monthly reports for budget updates using this tool. Mr. Ballantine replied that they could. Ms. Malinowski asked how the expenses are updated in the system. Mr. Ballantine stated that expenses will not be updated in real time. He added that download could be done from the current financial software on demand. Mr.

LaFlamme stated that a weekly or bi-weekly schedule updating expenses is done currently. Ms. Malinowski asked if there was a way to flag expenses being tracked for the CARES Act for COVID-19 reimbursements for fiscal year 2021. Mr. Ballantine stated you can flag things in the budget and he is unsure on this item but he will inquire and report back. Ms. Malinowski asked who will have access to the system and what levels of access will be granted. Mr. Ballantine replied that there will be an administrator, a department head and then someone granted read-only access. He added you can further restrict a person to specific departments. Ms. Malinowski asked if capital items will be tracked in ClearGov. Mr. Ballantine stated year to year capital budget items could be included but it is not setup as a capital improvement program. Ms. Braccio asked if Advisory is aware of the uses and benefits of this software. Mr. Ballantine stated they are aware of the software but he has not spoken to them regarding their use. Mr. Stivers stated this will be an upgrade from Microsoft Excel and requested read-only access to review budget items and the capabilities of the software. Mr. LaFlamme gave a live demonstration of the software from a public use perspective.

Volunteer Interview: Lauren Richey – Youth Commission, term expiration 6/30/23

Chairman Healey asked Ms. Richey how long she has lived in Southborough and she replied that she moved in 2007 and this is her first volunteer position. Mr. Stivers asked Ms. Richey if she has attended any Youth Commission meetings and she replied that she had not. She stated she had approached Ms. Cassell to learn about the Youth Commission as a member of the 100 Women of Southborough. She wanted to nominate Southborough Youth and Family Services to 100 of Women of Southborough for donations and asked to learn more. Mr. Stivers asked if there were particular issues or programs she would like to focus on. Ms. Richey replied they would like a way to support a referral service for the entire community. Mr. Stivers thanked her and stated he supported her candidacy. Mr. Shea stated he supported her candidacy as well. Ms. Malinowski stated she supported her joining the Commission. Ms. Braccio asked Ms. Richey to give her background. Ms. Richey stated she is a veterinarian and she described how her occupation is susceptible to need the services that are offered from Youth and Family Services. Chairman Healey asked Ms. Butka if she had any comments. Ms. Butka stated Ms. Richey will be a great asset to the group. Mr. Stivers made a motion to appoint Lauren Richey to the Youth Commission, term expiration 6/30/23. Ms. Braccio seconded. Ms. Cassell stated she is appreciative of Ms. Richey's support and she will be a valuable asset to their board. Ms. Hadden said she worked with Ms. Richey for a year on Friends of Youth Commission and has done great work. The motion passed all in favor (5-0-0) by roll call vote, Braccio, aye; Malinowski, aye; Shea, aye; Stivers, aye; Healey, aye.

8:00 P.M. – Joint meeting with Town Moderator – Discussion of Fall Town Meeting; review of articles

Chairman Healey stated a number of items were deferred from the June Town Meeting and the Town Moderator, Town Clerk, Committees, Boards and article sponsors agreed to a Special Fall Town Meeting to address these items. He stated the Board is looking at whether it was possible or safe to have Fall Town Meeting. Chairman Healey said that Mr. Hegarty confirmed the cost of a Fall Town Meeting would be over $14,000. He added that the dates in September and October for Town Meeting given to Mr. Hegarty is nearly impossible from his perspective in the scope of work that needs to be done. Mr. Hegarty stated that weather would need to be factored in and the cost for a following week rain date would increase substantially. Mr. Hegarty reviewed the proposed dates for Town Meeting and due to early voting, October would be impossible to

facilitate through the Town Clerk's Office. Ms. Braccio asked if the Board of Health has given an indication if schools would allow an indoor Town Meeting this fall. Mr. Purple stated the Chair of the Board of Health reached out to him and they preferred an outdoor Town Meeting but if requested indoors, they will need to discuss the issue further. He added that Chief Achilles as the Emergency Management Director feels moving inside gives another level of nervousness. Mr. Hegarty stated he said that those surrounding towns that held an indoor Town Meeting was done when school was out of session. He added that the auditorium can hold fifty people with social distancing and the gymnasium could hold approximately seventy-five. He stated the overflow would go into classrooms that would disrupt school activity. Ms. Malinowski asked if a date were set for November and then cancelled, would the Town lose the total $14,000. Mr. Hegarty responded that it would depend how close to the date it was cancelled, but most likely the full amount would not be lost. He stated that a tent to cover the central three sections of the field would be $25,000. Mr. Shea stated that for the reasons Mr. Hegarty described, he felt it was unwise to hold a Fall Town Meeting. He said after reviewing the press release from the Board regarding the deferring of the articles from spring to fall, it was due to the need for full debate and would be moved to a time and place with fewer restrictions. He added that those restrictions have not lessened since then. Mr. Stivers agreed with Mr. Shea. Chairman Healey agreed and asked Mr. Cimino to elaborate on the discussion. Mr. Cimino stated that his hope for this meeting was that the selectmen would be able to articulate a rationale as to why a Fall Town Meeting was most likely unable to take place.

Chairman Healey stated the Planning Board unanimously agreed to postpone their articles to spring and the sponsor of the noise bylaw had an extreme preference not to wait. He did not hear back from Mr. Weishan regarding the plastics bylaw. Chairman Healey stated that the Board is not taking a position on merits of the articles, but the decision to not hold a Fall Town Meeting is based on health and logistical concerns. Ms. Malinowski asked if there were notification from the schools regarding budget adjustments needed. Mr. Purple said he has not received any formal or informal indication from schools. She added that the Board should be mindful of a March 2021 Spring Town Meeting and the feasibility of holding it indoors. Chairman Healey asked if the Board had any intention to call a vote for a Special Town Meeting. The Board did not.

<u>Aldo Cipriano, Town Counsel – Legal Update</u>

Attorney Cipriano stated he submitted three legal reports. The first being the Town Counsel Legal Service Outline Report which are the continued seminars with town boards. The only one missed was a consolidated seminar with Zoning Board of Appeals, Planning Board and Conservation Commission to clarify regulatory interaction and limits of jurisdiction. This will be held as soon as it is practical and there will be no charge. Attorney Cipriano described working with the Building Department with building and zoning code enforcement. He explained a particular case regarding a pool company and inability to receive compliance over a significant period of time. He described the creation of a demand letter written on behalf of the Building Department that made the pool company act to solve the issues. He added that the Town has numerous use violations of commercial uses in residential areas and he is creating a short list of the most relevant in Town for the Building Department to review. He explained his stance on proactive enforcement and described the process. Attorney Cipriano stated he will assist the Building Department with this initiative. Ms. Malinowski asked how often Attorney Cipriano comes across a zoning violation, where it came from and to describe the process to resolve the issue. Attorney Cipriano stated that the violations do not come from the Building Department

and he has witnessed violations traversing the principle roads of Southborough. He stated he is trying to guide the Zoning Enforcement Officer in a general way to address these acute issues. Mr. Stivers stated he has heard complaints regarding construction businesses in neighborhoods and he feels this should be a priority. Chairman Healey asked how the initiative would work. Attorney Cipriano stated it should begin with the patrol of the Building Commissioner to find issues and act. Chairman Healey asked what the increase cost to the Town would be if enforcement is increased. Attorney Cipriano stated that litigation fees would not be reimbursed and court appearances should be avoided if possible. He added that most violators will decide to comply before having to make a court appearance. Attorney Cipriano stated he met with the Building Commissioner and Mr. Purple for the first steps to identify and inspect five potential violations. Chairman Healey asked to reconvene to discuss after that process has taken place.

Attorney Cipriano gave a review of legal opinions throughout the year. He explained the process for requesting an opinion request. Ms. Malinowski asked if the request is submitted directly to him or to Mr. Purple. Attorney Cipriano replied that the request is first sent to Mr. Purple for his input into whether it should be forwarded to him.

Attorney Cipriano described the Litigation Status Report which consists of six principle cases; the three remaining Park Central cases with the principle one being the appeal of the comprehensive permit, Huang vs. Zoning Board of Appeals. He stated he received notification through a virtual meeting with the Court that a final pretrial will occur on January 5, 2021 and a virtual de novo hearing is scheduled for January 13, 2021. The other two cases are Park Central vs. ZBA pending in land court and the resolution of this case will depend heavily on the resolution of the Conservation Commission notice of intent and plan filing. The last pending case is filed by Park Central vs. Conservation Commission regarding the Commissions attempt to enforce local bylaw under the 40B comprehensive permit. He explained the Watershed Investment vs. Planning Board case that he is defending in land court. He added that discovery has been completed in this case and there may be a scheduled hearing in mid-2021. He explained the appellate tax board case of Walgreens vs. Board of Assessors that was dismissed by Walgreens after some litigation. Ms. Malinowski asked to identify who is representing the Town boards and committees. Attorney Cipriano stated that his office is representing all cases relative to the Zoning Board of Appeals and Conservation Commission. Ms. Braccio asked if the current Board is interested in pursuing a list of filings pending before the courts. The Board agreed they would like this and Attorney Cipriano stated he would furnish the Board with this information. Chairman Healey noted his interest in the Huang vs. Southborough Zoning Board of Appeals and Attorney Cipriano explained the case and Land Court in more detail. Chairman Healey asked about the Watershed Investment vs. the Southborough Planning Board case and Attorney Cipriano explained in detail. Chairman Healey said he will meet with Mr. Purple to create a process for receiving documents and to learn more about the Park Central and Planning Board cases.

Attorney Cipriano explained the tax foreclosure and collections report. He said the purpose is to collect outstanding tax money and not for attaining foreclosures. Mr. Stivers asked if the Town were caught up on these. Attorney Cipriano stated the Town has no more than about a half a dozen open cases. Chairman Healey stated the Town may view 2020 tax delinquency differently than in the past due to the pandemic and the unemployment rate. Attorney Cipriano stated he anticipates that issue and the ones acted on are intentional and pre-pandemic. Ms. Braccio asked Attorney Cipriano to review the process and timeframe of a typical tax delinquency case.

Attorney Cipriano explained the tax foreclosure procedure, tax taking procedure, petition for tax foreclosure in Land Court and the tax foreclosure by civil suit procedure.

IV. Reports

Chairman's Report

Chairman Healey explained that the upcoming meeting in September will have full agendas and explained how items are added to the Board's agendas.

- Report on goal setting meetings

Ms. Hale stated they are creating a list of goals by category that will be sent to the Board tomorrow. Chairman Healey stated he would like an abridged form added to regular agendas to show goals achieved, those where progress has been made and those outstanding.

Chairman Healey stated on August 29th there is a virtual ice bucket challenge in honor of former Selectman Brian Shifrin. He asked the public to look for details on social media. Chairman Healey said there was discussion of the Town finalizing a field naming in time for this event. He looked into this possibility and there is unanimous support to recognize Mr. Shifrin and take a naming position for an athletic field in his honor. He does not think it should be rushed to be done by August 29th. He wanted the Shifrin Family to know the Board is in support and will put this item on an agenda as soon as possible. Mr. Stivers agreed. Ms. Braccio stated that Youth Baseball approached Mr. Kolenda almost a year ago. She stated the Board at the time wanted to move forward with this item. She added, understanding that the pandemic has been a roadblock, she would like to see this approved for the event. Chairman Healey replied that he understands and he worries about setting precedent while rushing the naming process. Mr. Shea stated this discussion began when he was Chair and after attending a meeting with the Recreation Commission, there was consensus that a field at Finn would be appropriate. He added that he envisioned that the naming would coincide in the spring when the entire community could participate in an event for the dedication. He stated there are still restrictions and limitations to public gatherings. Ms. Malinowski stated she was not on the Board and asked if the process had begun. Chairman Healey stated this dedication is the right action to take but no further decisions or votes had been made. Mr. Shea agreed that no official vote had been taken and urged the Board to make a dedication that was appropriate. Ms. Braccio explained the process taken by Youth Baseball and the Recreation Commission to name a field after Eric Green. Chairman Healey stated that the Board would love to name a field in honor of Mr. Shifrin by August 29th but will delay in order to follow the correct procedure to honor him and his family in the right way.

Members' Report

Ms. Braccio stated she was able to participate with the Senior Center for a drive through meal program funded by grants and the Friends of Council on Aging. There were 85 seniors who participated and it was a success. All COVID-19 safety procedures were followed.

Mr. Stivers stated the he has sent the Master Plan survey results to the Capital Planning Committee. Mr. Stivers stated Youth and Family Services is holding a Tuesday morning Coffee Talk program where the staff and guests discuss issues relative to COVID-19. He said it was a popular online program and Ms. Hale added there have been over 900 views.

Town Administrator Report

Mr. Purple had nothing to report.

V. Consent Agenda

a. Mr. Stivers held agenda item "a." Mr. Stivers requested the comment regarding Town water on page two include "town firefighter water." Mr. Stivers asked that the word "begging" be replaced with "beginning" on page four. Chairman Healey made a motion to approve the Open Session Minutes: August 4, 2020 with the discussed revisions. Mr. Shea seconded. The motion passed all in favor (5-0-0) by roll call vote, Braccio, aye; Malinowski, aye; Shea, aye; Stivers, aye; Healey, aye.

b. Chairman Healey made a motion to accept a donation of $10.75 for Library Donation Account. Mr. Shea seconded. The motion passed all in favor (5-0-0) by roll call vote, Braccio, aye; Malinowski, aye; Shea, aye; Stivers, aye; Healey, aye.

c. Chairman Healey made a motion to accept a donation of S 100.00 for Southborough Youth and Family Services. Mr. Shea seconded. The motion passed all in favor (5-0-0) by roll call vote, Braccio, aye; Malinowski, aye; Shea, aye; Stivers, aye; Healey, aye.

d. Chairman Healey made a motion to approve the Warrant for 2020 State Primary. Mr. Shea seconded. The motion passed all in favor (5-0-0) by roll call vote, Braccio, aye; Malinowski, aye; Shea, aye; Stivers, aye; Healey, aye.

e. Chairman Healey made a motion to appoint the Alternate Building Inspector. Mr. Shea seconded. The motion passed all in favor (5-0-0) by roll call vote, Braccio, aye; Malinowski, aye; Shea, aye; Stivers, aye; Healey, aye.

f. Mr. Purple tabled the appointment of the Part-Time Technical Specialist (IT) position.

g. Chairman Healey made a motion to appoint Brandon Donahue as Probationary Full-Time Police Officer, effective 9/1/2020. Mr. Shea seconded. The motion passed all in favor (5-0-0) by roll call vote, Braccio, aye; Malinowski, aye; Shea, aye; Stivers, aye; Healey, aye.

h. Chairman Healey made a motion to accept the one-Day alcohol license applications, Chestnut Hill Farm: September 15th and September 19th Brew Moon Hikes. Mr. Shea seconded. The motion passed all in favor (5-0-0) by roll call vote, Braccio, aye; Malinowski, aye; Shea, aye; Stivers, aye; Healey, aye.

i. Chairman Shea made a motion to approve the Policy Regarding Electioneering During Early and Absentee Voting Periods. Mr. Shea seconded. The motion passed all in favor (5-0-0) by roll call vote, Braccio, aye; Malinowski, aye; Shea, aye; Stivers, aye; Healey, aye.

j. Chairman Shea made a motion to assign the Public Records request from Ginny Kramer dated August 13, 2020 to Labor Counsel for response on behalf of the Board. Mr. Shea seconded. The motion passed all in favor (5-0-0) by roll call vote, Braccio, aye; Malinowski, aye; Shea, aye; Stivers, aye; Healey, aye.

k. Ms. Malinowski asked to hold agenda item "k." She stated that Mr. Candela has served on the Recreation Commission, is a CPC representative and sat on the Master Plan Committee. After reviewing the meeting minutes from June of 2019, she voiced her concern about the number of meetings he was absent or tardy to. She requested Mr. Candela attend a meeting to discuss his absences. The Board agreed.

Reappoint David Candela:

i. Recreation Commission, term 6/30/23

ii. Community Preservation Committee [Recreation Commission Representative], term 6/30/21

VI. Update on impact of COVID-19

Mr. Purple stated that there is an uptick of appointments at the Town House and many are meeting outside to conduct business. He added that after speaking with Chief Achilles and Ms. Amico, there will be no changes at the Town House until after Labor Day. Chairman Healey asked

the capacity at the Town House daily and Mr. Purple replied the staff is staggered with about half in the offices each day.

VII. Other Matters Properly Before the Board

Continued discussion of updated Open Space and Recreation Plan

Ms. Braccio said she spoke to Ms. Danza and the Planning Board, Recreation Commission, Conservation Commission and Open Space Preservation Commission have all signed off on this plan. She explained that if the Board does not approve of the plan then it does not move forward and the process will need to restart. She stated the options the Board has which are to either approve and allow the plan to move forward to potential ease grant opportunity potential or to not support the plan and start the process again. Mr. Stivers stated the document is not perfect but he does not feel it warrants a vote in opposition. He added that he has been following the five-year process and stated the Board needs to be more involved in the future. Ms. Malinowski stated she reviewed the document and agrees with the statements made. Chairman Healey stated he reviewed documents from other towns and this one is similar but the procedure followed to create the plan was very flawed. He stated the process needs to be changed. Chairman Healey made a motion to approve the Open Space and Recreation Plan. Ms. Braccio seconded. The motion passed all in favor (5-0-0) by roll call vote, Braccio, aye; Malinowski, aye; Shea, aye; Stivers, aye; Healey, aye.

Discussion of Downtown Initiative Zoning

Mr. Wood of the EDC stated they hired Judy Barrett as a third-party planner for assistance into revising the zoning codes. The Planning Board requested the creation of a roundtable to discuss the initiative to include members of the EDC, Board of Selectmen and Planning Board. He added that there is a Zoom meeting with Ms. Barrett, Ms. Quinn, Ms. Hoecker, Ms. Reynolds and Ms. Munsiff on the 25th at 10AM. Chairman Healey requested Ms. Barrett speak with the Board to inform them of the options the Town could to take before a decision is made. Ms. Braccio agreed and requested a joint meeting with applicable boards and committees to ensure everyone is fairly represented. Chairman Healey agreed and stated he will call into the Zoom meeting on the 25th to speak to Ms. Barrett regarding holding a joint meeting instead of a roundtable. Mr. Wood explained an idea for a pop-up park Southville and Cordaville Road similar to one in Ashland. Mr. Wood stated the EDC received letters from Mauro's and a representative from the barbershop regarding the CSX item and it will be on their next agenda for discussion. Ms. Braccio asked the EDC to err on the side of caution with discussions as Mauro's has retained counsel. Mr. Wood agreed.

Discussion of tree/vegetation management

Mr. Stivers stated he met with Ms. Galligan, Mr. Purple, representatives from the Planning Board and Town Counsel to understand the State Law, DPW requirements, Planning Board role, legal liability and resident interest regarding tree removal. He said the goal is to create clear guidelines for tree removal and ensure that process is followed. He said the next step is to request an annual tree hazard and vegetation management report from the utility companies. Mr. Stivers said an inventory of trees considered for removal will also be created which will bring opportunity to solicit input from arborists regarding the state and health of these trees. He added that the guidelines will be open to the Board for input before approval. He said the DPW is open to resident feedback and added an issue may arise that there are more trees that need to be removed than the Town can afford. Mr. Stivers stated the goal is to present a draft of the

guidelines document that clearly defines processes, timeframes and stakeholders for a September meeting.

VIII. Public Comment

Timothe Litt (148 Woodland Road) stated he spoke on the June 23rd Board meeting asking for a discussion of safe pedestrian and non-motorized access to the Public Safety Building. He said he stated then that the issue has been open for approximately a year and was told it would be on an upcoming agenda. Chairman Healey stated this item will be on the September 8th agenda.

IX. On a motion made by Mr. Shea, seconded by Ms Braccio and voted by roll call, all in favor, Braccio, aye; Malinowski, aye; Shea, aye; Stivers, aye; Healey, aye, the meeting was adjourned at 10:17 P.M.

Upcoming Meetings *September 8, 2020* *September 22, 2020*

Respectfully submitted,

Kathleen Barry, Recording Secretary

List of Documents referred to at the August 18, 2020 BOS Meeting:

- Capital Planning Committee, BOS Update
- Revised Charge, Capital Planning Committee
- Letter from Brian Ballantine to BOS re: Clear Gov Update dated 8.12.20
- Citizen Activity Form, Lauren J. Richey
- Possible articles for Fall 2020 Special Town Meeting
- Letter from Aldo Cipriano to BOS re: COVID-19 Town of Southborough Overview dated 8.13.20
- Draft Selectmen's Minutes 8.4.20
- Letter from Ryan Donovan to BOS re: Donation to the Library dated 7.27.20
- Letter from Sarah Cassell to BOS re: Donation dated 7.22.20
- Warrant for 2020 State Primary
- Letter from Laurie Livoli to BOS re: Building Inspector dated 7.30.20
- Personnel Order from Chief Paulhus
- Letter from Chief Paulhus to BOS re: Appointment of Special Officer dated 7.16.20
- One-Day alcohol license applications, Chestnut Hill Farm: September 15th and September 19th Brew Moon Hikes
- Policy Regarding Electioneering During Early and Absentee Voting Periods
- Open Space and Recreation Plan Update_227 pages

Town of Southborough

FINANCE DIVISION: TREASURER AND COLLECTOR

TOWN HOUSE · 17 COMMON STREET · SOUTHBOROUGH, MASSACHUSETTS 01772-1662
(508) 485-0710 x3010 · FAX (508) 480-0161 · bballantine@southboroughma.com

DATE: September 2, 2020

TO: Honorable Board of Selectmen

FROM: Brian Ballantine, Finance Director

RE: Permanent Note Issuance & Refunding Bonds

Please be advised the short-term notes issued last year for the Public Safety Building ($2,500,000) and the Library CPC Project ($1,000,040) are coming due on 9/18/20. During the past month as we have prepared to pay this out and issue new debt, we became aware of an opportunity to bond these two projects permanently in a low interest environment.

The Town also has a "refunding opportunity," which is essentially re-financing debt already issued. Be advised that these opportunities are legally restrictive and can only be done if several conditions are in place (bond call agreements, as well as minimum interest savings), which is why you do not see these often. However, the 2008 Bonds issued for the following are eligible:

Purpose	Date	Article #	Bonded	Amount	6/30/2020
Neary Renovations 2	4/10/2006	39	9/1/2008	450,000.00	175,000.00
Neary Renovations 3	4/17/2008	14	9/1/2008	626,000.00	240,000.00
Water Improvements*	4/17/2008	20	9/1/2008	885,000.00	335,000.00

* SCADA, water mains and valves, Boland station improvements

Total savings in this refunding issuance would be approximately $52-54,000, with slightly over half being general fund monies.

As part of this sale, the Town affirmed its AAA rating, which I have attached.

As final sale results are not known at this time, I will provide more details at the next Board meeting.

Should you have any questions, please do not hesitate to ask.

S&P Global
Ratings

RatingsDirect®

Summary:

Southborough, Massachusetts; General Obligation

Primary Credit Analyst:
Lauren B Carter, Boston + 1 (212) 438 0376; lauren.carter@spglobal.com

Secondary Contact:
Victor M Medeiros, Boston (1) 617-530-8305; victor.medeiros@spglobal.com

Table Of Contents

Rating Action

Stable Outlook

Credit Opinion

Related Research

Summary:

Southborough, Massachusetts; General Obligation

Credit Profile		
US$3.445 mil GO mun purp loan of 2020 bnds due 09/01/2040		
Long Term Rating	AAA/Stable	New
Southborough GO		
Long Term Rating	AAA/Stable	Affirmed

Rating Action

S&P Global Ratings assigned its 'AAA' long-term rating to the Town of Southborough, Mass.' general obligation (GO) municipal purpose loan of 2020 bonds totaling $3.445 million and affirmed its 'AAA' long-term rating on the town's existing GO debt. The outlook is stable.

Southborough's full-faith-and-credit pledge, subject to the limitations of Proposition 2 1/2, secures part of the bonds. We understand that the town has voted to partially exclude the bonds from the limits imposed by Proposition 2 1/2. We rate the limited-tax GO debt based on the application of our "Issue Credit Ratings Linked To U.S. Public Finance Obligors' Creditworthiness," published Nov. 20, 2019). Despite commonwealth levy limit laws, we did not make a rating distinction between Southborough's limited-tax bonds and its general creditworthiness, because our analysis of its financial and economic conditions already includes the statutory limitation imposed on its revenue-raising ability.

The bond proceeds will be used to refund maturing bond anticipation notes (BANs).

Credit overview

Southborough entered the national recession triggered by the COVID-19 pandemic with a stable credit profile despite recent planned reserve drawdowns, due to a high reliance on local property taxes, with historically very strong collections, which we expect will continue, and an affluent residential tax base. Further supporting the long-term rating is the town's consistent economic growth. Pension and other postemployment benefit (OPEB) costs are manageable, but could present a budgetary challenge in the future due to our expectation of rising costs.

While we believe the town's credit profile is stable, with limited direct exposure to state aid, there is still much uncertainty on the duration and depth of the current recession. While our outlooks are generally for two years, we continue to see potential pressure across the sector over the next six-to-12 months. We will continue to monitor for any material adverse effects throughout the outlook period. For more information on the pandemic's effect in U.S. Public Finance, please see our reports "U.S. Real-Time Economic Data Suggests Hopeful Signs Of A Recovery Could Be Short-Lived" (published July 16, 2020, on RatingsDirect) and "The U.S. Faces A Longer And Slower Climb From The Bottom" (published June 25, 2020).

Southborough's GO debt is eligible to be rated above the sovereign, because we believe the town can maintain better credit characteristics than the U.S. in a stress scenario. Under our "Ratings Above The Sovereign: Corporate And

Government Ratings—Methodology And Assumptions" criteria (published Nov. 19, 2013), Southborough has a predominantly locally derived revenue source, with approximately 87% of 2019 audited general fund revenue coming from property taxes. The town also has taxing authority and treasury management independent of the federal government.

The long-term rating further reflects our assessment of the town's:

- Very strong economy, with access to a broad and diverse metropolitan statistical area (MSA);
- Strong management, with good financial policies and practices under our Financial Management Assessment (FMA) methodology;
- Adequate budgetary performance, with a slight operating surplus in the general fund and break-even operating results at the total governmental fund level in fiscal 2019;
- Strong budgetary flexibility, with an available fund balance in fiscal 2019 of 10.8% of operating expenditures;
- Very strong liquidity, with total government available cash at 18.4% of total governmental fund expenditures and 3.3x governmental debt service, and access to external liquidity we consider strong;
- Very strong debt and contingent liability profile, with debt service carrying charges at 5.7% of expenditures and net direct debt that is 50.0% of total governmental fund revenue, as well as low overall net debt at less than 3.0% of market value; and
- Strong institutional framework score.

Environmental, social, and governance factors

We evaluated Southborough's environmental, social, and governance risks relative to the town's economy, financial measures, management, and debt and long-term liability profile. We acknowledge, absent the implications of the pandemic, that we consider the town's social risks in line with those of the sector. We view environmental risks and their potential effect on taxable properties as average relative to that of peers. Management, however, has been proactive in identifying and addressing risks. It completed a hazard mitigation plan and is working through the state's Municipal Vulnerability Preparedness grant program to develop a climate resiliency action plan. We view its governance risks as in line with the sector.

Stable Outlook

Downside scenario

We could lower the rating should a trend of weak budgetary performance, driven by long-term liabilities or any other cause, lead to a material decline in the town's available reserves.

Credit Opinion

Very strong economy

We consider Southborough's economy very strong. The town, with an estimated population of 10,581, is located in Worcester County in the Worcester MSA, which we consider to be broad and diverse. The town has a projected per

capita effective buying income of 216% of the national level and per capita market value of $248,129. Overall, the town's market value grew by 4.3% over the past year to $2.6 billion in 2020. The county unemployment rate was 3.1% in 2019.

The town is in central Massachusetts, approximately 15 miles east of Worcester and 30 miles west of Boston along Interstate 495 and the Massachusetts Turnpike. Its highway and commuter rail access to employment opportunities in the Boston MSA make it an attractive location for both residents and businesses.

Southborough is primarily residential and officials report several housing projects under construction. Management expects approximately 42 housing units in various complexes to be completed in the next two-to-three years. In addition to these communities, there are also many single-family homes under construction. We believe the town's convenient location will remain beneficial to future tax base growth, notwithstanding risks to the near-term outlook stemming from the pandemic. A combination of renovations and new growth has increased assessed valuations to just over 7% in the past three years. Management expects to continue to see slow and steady growth with its tax base.

Strong management

We view the town's management as strong, with good financial policies and practices under our FMA methodology, indicating financial practices exist in most areas, but that governance officials might not formalize or monitor all of them on a regular basis.

Specifically, management uses five years of trend analysis to build its budgets. Results attest to officials' conservative revenue estimates. Budget-to-actual performance is monitored regularly and reported at least quarterly to the governing body. Adjustments to spending are made if needed to maintain budgetary balance. The town maintains a basic five-year financial projection that it updates annually as part of its budgeting process. It also has a comprehensive 10-year capital plan that identifies funding sources. Southborough has a formal investment policy that mirrors state guidelines, which are conservative. The board receives quarterly reports on holdings and earnings for trust funds, but prefers annual reporting for general fund reserves, which are mostly held in collateralized bank deposits. The town's fund balance policy limits reserves to no less than 5% of expenditures. Southborough's debt management policy limits net general fund debt service to 8%-10% of general fund expenditures.

Adequate budgetary performance

Southborough's budgetary performance is adequate in our opinion. The town had slight surplus operating results in the general fund of 1.0% of expenditures, and balanced results across all governmental funds of 0.4% in fiscal 2019. General fund operating results of the town have been stable over the past three years, with a result of 0.4% in 2018 and a result of 0.9% in 2017.

For analytical consistency, we adjusted for recurring transfers out of the general fund to the capital projects fund and other project funds. Over the past few years, the town has consistently outperformed the adopted budget. For fiscal 2019, management attributes its consistent operating surpluses to a focus on conservative budgeting practices, along with numerous ongoing developments aiding in revenue growth. The town receives most of its general fund revenues from property taxes and intergovernmental aid, at 74% and 18%, respectively.

For fiscal 2020, on a budget of $52.8 million, Southborough expects positive year-end results, as actuals are tracking

generally according to budget despite revenue shortfalls in the fourth quarter. To date, the town has received $80,000 of the $980,000 available in reimbursements for pandemic-related expenditures from the Coronavirus Aid Relief and Economic Security Act. Throughout the pandemic, Southborough has implemented several cost-containment measures, with any savings rolled into potential shortfalls in fiscal 2021. The town's adopted budget for 2021 assumes a 3% reduction in state aid and a $100,000 decrease in local receipts. We note that Massachusetts does not intend to cut state aid so 2021 figures will likely exceed estimates. Management intends to review budget-to-actuals and make intrayear adjustments, such as using the fund balance and decreasing discretionary spending, if necessary. We believe management is taking proactive steps to insulate the town's finances from potential revenue and expenditure variances. However, we incorporated the uncertain environment into our forward-looking view of Southborough's budgetary performance.

Over the long term, we believe pension and OPEB costs could become a budgetary stress given below-average funding ratios, limited local control, and somewhat aggressive assumptions. As long-term liability expenses increase, management is making budgetary adjustments in order to absorb them. Management works with health insurance consultants to find ways to lower health care costs for both active and retired employees, and reports the town's cost increases are below state averages. Southborough funds its actuarially determined contribution for pension costs, and is funding an OPEB trust. While we expect costs associated with pensions and OPEB to continue to rise, we expect the town will maintain stable operations despite the challenges.

Strong budgetary flexibility

Southborough's budgetary flexibility is strong, in our view, with an available fund balance in fiscal 2019 of 10.8% of operating expenditures, or $6.2 million. Over the past three years, the total available fund balance has remained at a consistent level overall, totaling 10.3% of expenditures in 2018 and 10.2% in 2017.

We include committed balances in our view of Southborough's flexibility, because even though these are assigned for use in the current budget, the town historically doesn't use appropriated reserves given its conservative budgeting practices. Southborough's policy is to only use appropriated reserves for nonrecurring costs. Given the town's policy to maintain reserves of 5%-10% of expenditures, and our expectation of continued stable performance, we don't anticipate material changes to Southborough's flexibility. The fiscal 2020 budget does not include any fund-balance appropriation; management is projecting at least breakeven results. While management annually sets aside some free cash for capital purposes as part of budgeting, it normally replenishes reserves by fiscal year-end. Due to the expectation for continued budgetary performance strength in the next few fiscal years, we expect our assessment of fund balance reserves will likely remain at least strong.

Very strong liquidity

In our opinion, Southborough's liquidity is very strong, with total government available cash at 18.4% of total governmental fund expenditures and 3.3x governmental debt service in 2019. In our view, the town has strong access to external liquidity if necessary.

Southborough's strong external liquidity reflects its issuance of GO debt and BANs in the past 20 years. The town doesn't have any contingent liquidity risks from financial instruments with payment provisions that change on the occurrence of certain events. The majority of investments are in state investment pools, which we don't consider

aggressive. Given these factors and our expectation for continued strong operating performance over the next year, we expect liquidity to remain very strong.

Very strong debt and contingent liability profile

In our view, Southborough's debt and contingent liability profile is very strong. Total governmental fund debt service is 5.7% of total governmental fund expenditures, and net direct debt is 50.0% of total governmental fund revenue. Overall net debt is low at 1.2% of market value, which is in our view a positive credit factor.

Including this issuance, the town will have approximately $30.9 million in total direct debt. Southborough does not maintain any direct-placement debt. In the near term, the town expects to issue $600,000 for a new boiler, $600,000 for a new fire truck, and $2.5 million for reconstruction of major roads and sidewalks. We do not believe additional debt plans will have a material effect on overall debt.

Pension and other postemployment benefits

- We do not view pension and OPEB liabilities as a source of credit pressure for Southborough since costs are low; however we recognize the low funded ratio of the pension plan.
- While the use of an actuarially determined contribution (ADC) is a positive, we believe some of the assumptions used to build the pension ADC reflect what we view as slightly weak assumptions and methodologies that we believe increase the risk of unexpected contribution escalations.
- Although OPEB liabilities are funded on a pay-as-you-go basis, costs remain low despite the large liability, and we expect the town will continue adding to its OPEB trust fund.

As of June 30, 2019, the town participated in the following pension plan:

- Worcester Regional Retirement System (WRRS): 43.1% funded with a $29.8 million proportionate share of the net pension liability.

Southborough's combined required pension and actual OPEB contributions totaled 5.4% of total governmental fund expenditures in 2019. Of that amount, 2.9% represented required contributions to pension obligations, and 2.5% represented OPEB payments. The town made its full annual required pension contribution in 2019. The system uses a 7.75% discount rate, which we believe is high for municipal systems and could lead to volatile contributions should market performance not meet expectations. While Massachusetts requires all pension systems to achieve full funding no later than 2040, WRRS has planned to do so by 2035. We generally view closed, short amortization schedules as positive, but for WRRS to meet its adopted funding schedule to achieve full funding in 2035, costs must rise, given the low funded ratio and the level-percent basis using a 4% payroll growth assumption. Furthermore, the system did not meet our static funding metric in the most recent year or our minimum funding progress calculation, indicating that it is not addressing current costs or making headway addressing its unfunded liabilities. In this time horizon, we believe that annual costs to Southborough might increase upward of 9% a year; however, we note costs are currently low, and therefore, annual increases will likely remain manageable given the strength of the revenue base and the broader economy.

The town also provides OPEBs in the form of health care and life insurance benefits to eligible retirees. It has established an OPEB stabilization fund to pre-fund benefits. As of June 20, 2019, the fund had an actuarial value of

assets of approximately $2.2 million, and the town had an OPEB unfunded actuarial accrued liability of $39.2 million. Costs are funded on a pay-as-you-go basis. Given claims volatility as well as medical cost and demographic trends, we anticipate that costs will escalate. If pension and OPEB costs increase substantially and, in our view, pressure the budget, our assessment of Southborough's debt and contingent liability profile could weaken.

Strong institutional framework

The institutional framework score for Massachusetts municipalities is strong.

Related Research

- Through The ESG Lens 2.0: A Deeper Dive Into U.S. Public Finance Credit Factors, April 28, 2020
- S&P Public Finance Local GO Criteria: How We Adjust Data For Analytic Consistency, Sept. 12, 2013
- Criteria Guidance: Assessing U.S. Public Finance Pension And Other Postemployment Obligations For GO Debt, Local Government GO Ratings, And State Ratings, Oct. 7, 2019
- 2019 Update Of Institutional Framework For U.S. Local Governments

Certain terms used in this report, particularly certain adjectives used to express our view on rating relevant factors, have specific meanings ascribed to them in our criteria, and should therefore be read in conjunction with such criteria. Please see Ratings Criteria at www.standardandpoors.com for further information. Complete ratings information is available to subscribers of RatingsDirect at www.capitaliq.com. All ratings affected by this rating action can be found on S&P Global Ratings' public website at www.standardandpoors.com. Use the Ratings search box located in the left column.

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Notice to Abutters
via Certified Mail, Return Receipt Requested

PUBLIC HEARING
Town of Southborough

The Southborough Board of Selectmen shall hold a public hearing on Tuesday, September 8, 2020 at 6:30 p.m. to consider an application from Stefco for a Class II Used Car Dealer's license, to be located at 264 Cordaville Road in Southborough. The public hearing will be held in a virtual meeting and may be viewed by the public through a link located at https://www.southboroughtown.com/remotemeetings. All interested parties are encouraged to view and/or participate.

Southborough Board of Selectmen August 25, 2020

SHARED STREETS AND SPACES

DATE: 1 September 2020

MUNICIPALITY: Southborough
Name of Official Municipal signatory: Martin Healey, Chair of the Board of Selectmen
No Other Municipality: NA

The Town of Southborough will be the only applicant, and will take the lead role in coordinating with the state for the use of the funds. The Southborough Economic Development Department will be responsible for organizing and implementing the proposed ideas and projects as well as work closely with the local business community. Other relevant town departments and staff will assist if and where needed.
Contact: Marijke Munsiff, Economic Development Coordinator
Address: 17 Common Street, Southborough MA 01772
Email: MMunsiff@southboroughma.com
Phone: (508) 485-0710 ext. 3011

PROJECT GOALS:
To help local restaurants and small businesses stay operational by providing assistance with outdoor seating in downtown. And in the process, create a sense of place for the community.

PROJECT DESCRIPTION:
The local restaurants and businesses in downtown Southborough have been hit hard by the pandemic. To help these small businesses survive, the town would like to assist in creating designated dining spaces in downtown. The proposed project would include converting existing parking lots into safe outdoor seating areas, placing picnic tables in green spaces and purchasing large tents for our restaurants to use. The Southborough Board of Selectmen have already enacted temporary outdoor seating protocols that these businesses will follow.

Most of our local restaurants currently lack the funds to be able to purchase specialized equipment but need to stay operational to survive. Residents would frequent these restaurants more often, if there was a place to sit and eat outside. Also, large tents would protect patrons from the elements while enjoying a meal outdoors. An added advantage in our view, is that Southborough residents would have a place to gather (safely) and enjoy a meal with neighbors in their own community.

The Town of Southborough would like to purchase 4 large tents (20'x30') to lend out to restaurants, 4 gas heaters to be used by our restaurants with the tents. In addition, the town would like to purchase 2 picnic tables with umbrella and 4 planters to be permanently placed in downtown for the enjoyment of our community.

After some initial research, we estimate the total cost for the above-mentioned equipment at $24,000. The breakdown of costs are as follows:
4 tents at $4,045.19 each;
4 heaters at $540,50 each;
2 picnic tables at $1240 each +$170 per umbrella;
4 planters at $670 each.

The proposed project would achieve the goal of providing safe and functional environments for curbside or sidewalk retail, dining, and civic programming, as stated as one of your project type goals.
The purchase and placing of picnic tables and planters are permanent and have long term benefit for the town.

The tents and gas heaters will be used by our restaurants on a first come, first serve basis. Once they are no longer needed, the town will take back possession of the tents and make them available for other civic and community events as well as commercial uses as and when needed. Southborough has an active recreation department, senior center, arts council and public school community that would welcome using this equipment for some of their future programming.

PROJECT TIMELINE

The purchase of outdoor dining tents and all other equipment will happen immediately after awarding of the grant.

At the same time, the EDC will reach out to the relevant businesses in town that this equipment is available for them to use on a first-come, first-serve basis.

APENDIX A: EQUIPMENT PRICING

20x30 outdoor tent at $4,045.19

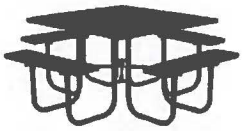
https://www.gettent.com/tents/20-x-30-canopy-frame-tent.asp?gclid=EAIaIQobChMIwdGEj6DJ6wIVjK_ICh2opgoGEAQYAiABEgKp-fD_BwE

https://www.webstaurantstore.com/42565/commercial-patio-heaters.html

patio heaters at $540.50 each

https://www.webstaurantstore.com/46981/outdoor-benches.html?filter=type:picnic-tables

picnic tables at $1240 each (with umbrella at $170)



https://www.theparkcatalog.com/metal-planters

Planters $670

RECEIVED
By Town Clerk/rhc at 9:54 am, Oct 14, 2020

TOWN OF SOUTHBOROUGH

BOARD OF SELECTMEN Meeting Minutes

Meeting Date: Tuesday, September 22, 2020, 6:30 P.M.
Location: Virtual Meeting through Zoom
Present: Marty Healey, Lisa Braccio, Chelsea Malinowski, Brian Shea, Sam Stivers and Assistant Town Administrator Vanessa Hale

I. Chairman Healey called the meeting to order at 6:30 P.M. Chairman Healey read the following statement:

Pursuant to Governor Baker's March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, §18, and the Governor's March 15, 2020 Order imposing strict limitation on the number of people that may gather in one place, this meeting of the Southborough Board of Selectmen will be conducted via remote participation to the greatest extent possible. Specific information and the general guidelines for remote participation by members of the public and/or parties with a right and/or requirement to attend this meeting can be found on the Town of Southborough's website, at https://www.southboroughtown.com/. For this meeting, members of the public who wish to watch or participate in the meeting may do so in the following manner by finding the meeting at: https://www.southboroughtown.com/remotemeetings. No in-person attendance of members of the public will be permitted, but every effort will be made to ensure that the public can adequately access the proceedings in real time, via technological means. In the event that we are unable to do so, despite best efforts, we will post on Southborough's website an audio or video recording, transcript, or other comprehensive record of proceedings as soon as possible after the meeting.

II. Public Comment
None

III. Scheduled Appointments
Volunteer Interviews

a. Annie Pfaff, Historical Commission; term 6/30/23

Chairman Healey stated based on her activity form, Ms. Pfaff would be a good fit for the Commission and he invited her to give background on why she applied. Ms. Pfaff stated she has lived in Southborough for three years and has been restoring her historic home at 50 Oak Hill Road. She stated that she renovated three other historic properties previously. Ms. Braccio asked if she had watched any Historical Commission meetings and Ms. Pfaff replied that she had not. She added that she reviewed past agendas and meeting minutes and found that the Historical Commission was of interest to her. Ms. Braccio asked if there were any priorities she would like the Commission to focus on. Ms. Pfaff replied that she does not have any at the moment but would like to immerse herself in the work and learn from other members in order to understand any opportunities for new projects or initiatives. Mr. Shea asked if Ms. Pfaff had worked with the Historical Commissions during her previous renovations. Ms. Pfaff explained the renovations done at those properties. Mr. Stivers asked her to consider ways the Historical Commission could contribute to the upcoming Town Tricentennial. Ms. Pfaff agreed.

Mr. Stivers made a motion to appoint Annie Pfaff to the Historical Commission; term 6/30/23. Mr. Shea seconds. The motion passed all in favor (5-0-0) by roll call vote, Braccio, aye; Malinowski, aye; Shea, aye; Stivers, aye; Healey, aye.

b. Seath Crandall, Recreation Commission; term 6/30/23
Chairman Healey stated based on his activity form, Mr. Crandall was interested in numerous committees. He invited Mr. Crandall to give background on why he was interested in the Recreation Commission. Mr. Crandall stated that he is a management analysist and new to Town and wanted to be more involved. He stated that he is starting a family and noticed the number of schools, fields and recreational facilities and was interested in supporting the Recreation Department. Ms. Malinowski asked if had any experience with Town Meeting or CPC funded projects. Mr. Crandall stated that he was responsible for creating and maintaining the warrant booklet for town meeting in Wayland which included working with department managers and chairs of various committees. Mr. Stivers asked if he had experience in youth coaching and Mr. Crandall replied that he had not but is interested in doing so in the future. Mr. Stivers asked if he watched any Recreation Commission meetings and he said he had and spoke with Jen Hanson the Commission Chair. Mr. Stivers asked if there were any important priorities he would suggest to the Commission. Mr. Crandall replied that he would like to immerse himself in the Commission and understand the role fully before suggesting changes.

Chairman Healey invited the Chair to speak. Ms. Hanson stated she spoke to Mr. Crandall regarding the Commission's current work and priorities and it was a pleasant conversation. She added that she felt he would be a great addition but asked the Board if there were opportunity to actively search to find a candidate with more expertise in recreation and funding. Ms. Malinowski stated that the Capital Committee plans to be more actively involved with Town funded projects and will aid in the aspects of project management. Mr. Stivers stated that it would be risky to hold off appointing a capable volunteer but it would be beneficial in the future to have more pointed recruiting. Ms. Braccio added that Mr. Crandall brings diversity to the Commission as he does not yet have children using recreational programs and could provide a different perspective.

Ms. Braccio made a motion to appoint Seath Crandall to the Recreation Commission; term 6/30/23. Mr. Stivers seconded. The motion passed all in favor (5-0-0) by roll call vote, Braccio, aye; Malinowski, aye; Shea, aye; Stivers, aye; Healey, aye.

<u>Tom Laflamme, IT Manager – Appointment of Part-Time Technical Specialist position</u>
Mr. Laflamme explained that Christopher McGinn will resign his position as Library Associate and transition to IT staff. He added that he responds to Library IT tickets currently and Mr. McGinn would provide eight after hours of support. Mr. Laflamme stated the Library Director supports this move. Ms. Braccio asked that if Mr. McGinn provided eight hours, how many hours would be held with the second position. Mr. Laflamme responded that the additional person would work approximately 11.5 hours. The Board discussed concerns regarding the marketability of an 11.5-hour position and the urgency to fill the position. Ms. Hale told the Board that she and Mr. Laflamme have been recruiting for the better part of the summer and have struggled to find a suitable applicant. She stated that they will reach out to colleges for students with appropriate skills to fill the position. She added that this will not be an internship. Mr. Laflamme stated that he is collaborating with the Advisory Committee and the Municipal Technology committee to create a long-term staffing plan to present to the Board by the end of the year. Ryan Donovan, Library Director, explained Mr. McGinn's current role at the Library and that he will need to

eventually fill the position Mr. McGinn is vacating. Ms. Malinowski asked Mr. Laflamme about training and Mr. Laflamme replied that he would hold weekly virtual meetings.

Chairman Healey made a motion to appoint Christopher McGinn as an eight hour part-time Technical Specialist. Ms. Malinowski seconded. The motion passed all in favor (5-0-0) by roll call vote, Braccio, aye; Malinowski, aye; Shea, aye; Stivers, aye; Healey, aye.

Barry Rubenstein – Renewal cable agreement for Charter Communications
Chairman Healey tabled this discussion as the cable agreement is not ready for Board review.

Lori Karlsson – Request for Local Approval for St. Mark's Faculty Childcare Option
Chairman Healey asked Ms. Karlsson to explain St. Mark's needs and the State guidance regarding the child care option she is presenting. Ms. Karlsson explained that the teachers at St. Mark's are struggling to manage their children's remote school day. She said St. Mark's would like to offer free child care to staff teaching during those remote days. She explained the exemption classification and that the school is looking to care for 8-10 children per day with Monday being the heaviest child care day with 10 children. Ms. Karlsson explained the setup of Choate House and breakout rooms that will allow for safe social distancing. Chairman Healey stated that the first step outlined by the State would be for the Board to create a Municipal Approving Authority. Ms. Hale recommended the Authority consist of the Building Commissioner, the Fire Prevention Officer and the Public Health nurse. Chairman Healey asked if the application and requirements needed for this childcare option would be approved by the Municipal Approving Authority and then it would come before the Board. Ms. Hale confirmed that was the case and the Approving Authority would perform the required inspections. Mr. Shea asked if the appointees have been contacted and agreed to be a part of this Authority and Ms. Hale confirmed they had. Mr. Shea asked if this is only available to children of St. Mark's teachers and not the public. Ms. Karlsson confirmed and stated the hours offered are 8:00 A.M. – 3:00 P.M.

Mr. Stivers asked if Town Counsel should be conferred regarding the creation and execution of duties from the Authority. He added that he felt the process of creating such a group should be clear and carefully planned. Ms. Braccio summarized questions she asked prior to the meeting and confirmed that it is unknown if there are any students on IEPs, it is unknown how many inspections should be done and St. Mark's has not announced a date for rolling out this program. Chairman Healey stated that the Authority must follow State guidelines and these must be communicated clearly and met by the applicant. There was discussion regarding what needs to be done to roll this out quickly and effectively. The Board agrees to create a list of guidelines and hold a special meeting for this approval sooner than the October 6th meeting.

Laurie Livoli, Building Commissioner, stated she has a safety inspection guide that crosses over with the Fire Department that she will send to the Board to review. Ms. Malinowski stated she wanted the Fire Chief to be a member of the Authority instead of the Fire Prevention Officer. She confirmed she spoke with Chief Achilles and he was willing to participate. Chairman Healey requested that following the Municipal Approving Authorities from other towns, he would like Ms. Livoli to be the sole member with the requirement that she consult with Chief Achilles and the Public Health Nurse before making a determination.

Chairman Healey made a motion to appoint Laurie Livoli as Southborough's Municipal Approving Authority pursuant to the Remote Learning Enrichment Program that the Commonwealth of

Massachusetts has setout through the Department of Early Education and Care with the understanding that she is the Municipal Approving Authority and any approval would only be done in consultation and agreement with Chief Achilles and Ms. Amico. Ms. Braccio seconded. The motion passed all in favor (5-0-0) by roll call vote, Braccio, aye; Malinowski, aye; Shea, aye; Stivers, aye; Healey, aye.

Brian Ballantine, Finance Director – Budget update

Mr. Ballantine walked the Board through Presentation entitled "Budget Update, Closeout of Fiscal 2020, Update on 1st Qtr. Of Fiscal 2021 and Planning for Fiscal 2022." included in the packet. Ms. Malinowski stated she felt it was misleading to present turnbacks as presented and asked that future presentations flag departments that have had transfers and what was needed from that transfer. Mr. Ballantine agreed. Ms. Malinowski asked about Board and Advisory Committee transfers and requested that for the sake of transparency, all departments are shown areas where they went over budget for deferred compensation which is a straight calc. She requested that every line item is presented when over budget along with the net amount and reason for the transfer. Mr. Ballantine agreed. Ms. Malinowski stated her concern that department level budgets are not staying within their salary and expense line items and asked that the Board create a policy for departments to follow. Mr. Ballantine stated that previously the Board had a policy that if a department were going to cross a category, they had to get Board approval. He stated this could be done again or issue a policy that there could be no cross over.

Ms. Malinowski asked if the expenses applied for reimbursement through FEMA and the CARES Act were not included in the turnback slide and Ms. McAuliffe replied in the affirmative. Ms. Malinowski asked for a timeline of these reimbursements and Ms. McAuliffe explained. She added that the schools have three grants they could apply for and they are utilizing those grants to the maximum. Mr. Stivers urged the Finance Team to be aggressive with the pandemic reimbursement grants as he had seen there are over one hundred grants available related to the pandemic.

Ms. Braccio requested the Board have a detailed copy of the expenditure ledger. Mr. Ballantine asked for clarity on how often the Board would like the report and Ms. Malinowski replied that she would like the information quarterly at least. Mr. Shea offered guidance to have a conservative approach to the budget due to the financial impact the pandemic has had on residents. Mr. Stivers agreed and asked the Board keep an open mind on new positions and look at restructuring departments. Mr. Shea reminded the Board that they decided there will be no new positions without an identified funding source to fund the position for fiscal year 2021. Ms. Braccio said she will be looking towards a level funded budget going into next year and Chairman Healey stated he will be requesting alternative budget scenarios similar to last years with a 0% increase and a 2% increase. Ms. Malinowski requested that revenue be added to the quarterly report in addition to the budget to actual numbers. Mr. Ballantine agreed. Ms. Malinowski made a motion that the Board in conjunction with the Advisory Board, develop a policy for all departments to manage salary and expenses within those lines. Mr. Stivers seconded. Chairman Healey made an amendment to manage salary and expenses and to give flexibility in terms of lines. Ms. Malinowski stated she felt it was important to keep the last clause in the motion. Chairman Healey withdrew his motion. Mr. Shea stated that the Advisory Committee should be independent of the Board and should not be working in conjunction with the Board. Ms. Malinowski agreed to amend the motion. Ms. Braccio volunteered Ms. Malinowski to draft the policy and Ms. Malinowski agreed. Mr. Stivers seconded the amended motion. The motion

passed all in favor (5-0-0) by roll call vote, Braccio, aye; Malinowski, aye; Shea, aye; Stivers, aye; Healey, aye.

8:00 P.M. – John Butler – Presentation on DPW Transfer Station

Mr. Butler presented his research regarding the Transfer Station from the PowerPoint included in the packet. Mr. Shea stated that it was found that the current Transfer Station system is not broken and there have been many discussions from previous Boards to change the station to Town funded but he is happy this report shows that it is working as is. He added that there needs to be close attention to the contract renewal with Wheelabrator to ensure the Town is continuing to provide the right services to the public. Mr. Shea added that he agreed with Mr. Butler's assessment that new residents are choosing curbside pickup as opposed to using the Transfer Station. Mr. Stivers stated it is critically important for the Board of Health to get licenses from private haulers and suggested better marketing to new residents regarding the benefits of the Transfer Station. Ms. Braccio added that the Capital Committee agreed with Mr. Butler's assessment that the Town should not reinvest to renovate the Transfer Station. Ms. Malinowski stated that residents on her street prefer curbside pickup despite the extra cost. She asked if there has been a ten-year lookback on the number of Transfer Station stickers purchased and trends. Mr. Butler replied that he did not but it is something that needs to be done in addition to understanding the tonnage for a more solid picture of customer use and trends. Mr. Butler stressed the importance of understanding all facets of the Transfer Station before the contract negotiations with Wheelabrator and how to work with the Board of Health for licenses from private haulers.

IV. Reports

Chairman's Report

i. Process for Entertainment License request

Chairman Healey stated there are entertainment request policies from other towns included in the packet that the Board was asked to review prior to the meeting. He stated that Tomasso submitted a request for outdoor entertainment and the Board should discuss the creation of an entertainment licensing policy. He stated a policy could not be created tonight and asked Ms. Hale to reach out to Tomasso to let them know the Board will be working on this but it may take a month before it is complete. Ms. Hale agreed.

ii. Department/Committee liaisons

Chairman Healey requested that each Board member send him one or two departments they are interested in working with. He said he will make a draft list to discuss how the liaison role will be carried out. The Board agreed.

Chairman Healey stated that he is including the list of goals decided upon by the Board on agendas moving forward. He added that there will be checkmarks added to those goals completed and he asked the Board to update him on any goals achieved. The Board agreed. Mr. Stivers asked that a column be added for comments. Chairman Healey stated he will work on the document.

Members' Reports

Ms. Braccio stated that Holliston has created a Rent and Relief Program covered by the CARES Act. She explained the services for up to three months rental or mortgage assistance of up to $1,200 - $2,000 per month. She asked Mr. Purple to pursue this program for Southborough.

i. Update on Deerfoot Road Ext.

Mr. Shea stated he walked the site with Ms. Galligan last week and she explained the drainage system in place and the roadway that has been newly constructed. He stated he reviewed the area from a public right of way perspective that the Board could act on and he asked the Board's consultant to look at whether an additional drainage structure is needed. Mr. Shea stated PAR is still evaluating the site and does not have an answer yet. Mr. Shea said the next step is for Ms. Galligan and the DPW to move forward with the final paving which she is trying to schedule. He said if more drainage is required, an additional twelve-inch pipe will be put in place to connect the paving. He added that once the determination comes from PAR, he will relay the information to the Board. Chairman Healey asked if any work agreed to be done within 7-10 days by Mr. Giblin at the previous meeting was completed. Mr. Shea described the landscaping on the lots and how that will help deter runoff. Chairman Healey requested an update at each meeting and Mr. Shea agreed.

Mr. Stivers stated that the recent financial report from the golf course through August indicate that revenues are 67% ahead of least year to date. He stated that an agreement could come shortly on the tree removal policy. He stated he plans to have an update at the next meeting.

<u>Town Administrator Report</u>

Ms. Hale thanked the residents and business people for their patience as the access to the driveway at Town Hall has been blocked due to Main Street construction. She added that the blue ballot mailbox is for election information or early ballot submissions.

V. Consent Agenda

a. Ms. Malinowski asked to hold agenda item "a." Ms. Malinowski asked to strike the sentence on page four reading, "Ms. Malinowski said he missed half…" as she did not get a chance to answer the question posed to her. Chairman Healey made a motion to approve Open Session Minutes: September 8, 2020 with the above revision. Mr. Stivers seconded. The motion passed all in favor (5-0-0) by roll call vote, Braccio, aye; Malinowski, aye; Shea, aye; Stivers, aye; Healey, aye.

b. Ms. Braccio made a motion to appoint Julia Fontana as Part-Time Dispatcher per Chief Paulhus' recommendation. Mr. Stivers seconded. The motion passed all in favor (5-0-0) by roll call vote, Braccio, aye; Malinowski, aye; Shea, aye; Stivers, aye; Healey, aye.

c. Ms. Braccio made a motion to declare maximum useful life of E-One Fire Truck as 20 years as condition of bond. Mr. Stivers seconded. The motion passed (3-0-2) by roll call vote, Braccio, aye; Shea, aye; Stivers, aye. Chairman Healey and Ms. Malinowski recused.

d. Chairman Healey asked to hold agenda item "d." Chairman Healey explained the different versions included in the packet and stated that he proposed a hybrid model of each. Ms. Braccio asked why an oversight committee is outlined in the policy when the Public Works Planning Board could oversee the policy. She asked how many people would be on the committee and voiced her concern about lack of volunteerism. Chairman Healey stated that other towns have an oversight committee but he is comfortable with the Public Works Planning Board taking on this role. Mr. Stivers agreed. Mr. Shea stated he preferred the Public Works Planning Board taking this role as well and suggested instead of listing "users" throughout the document that the term "users" be defined in the preamble and referenced as such throughout. Chairman Healey agreed. Ms. Malinowski suggested the Public Works Planning Board oversee the execution of the policy with the Capital Committee. Chairman Healey said he would correct scrivener's errors. Chairman Healey made a motion to approve the Policy on Complete Streets. Mr. Stivers

seconded. The motion passed all in favor (5-0-0) by roll call vote, Braccio, aye; Malinowski, aye; Shea, aye; Stivers, aye; Healey, aye.

e. Chairman Healey asked to hold agenda item "e." Chairman Healey stated that the dates indicate that the farm is blocked out from noon until 6:00 P.M. each Sunday in the fall season. He looked back at the conservation restriction and stated he could not find language that supported these sorts of events or charging for them. He stated that the language states that the tax payers of Southborough have unlimited access to the property from dawn until dusk. Chairman Healey stated he would approve the event for October 4th but wanted to send written communication to the Trustees asking for the basis for the permission to hold these events. He added he was not pleased with the communication with the Trustees and the Conservation Commission and the Commission shares the same concerns. He stated he would like to ask the Trustees if there is parking for these paid events, what steps are in order to make sure parking is available for residents to access the property while the event is taking place. The Board agreed to send the communication. Ms. Braccio stated that she received multiple phone calls with the same concerns and the fear of losing the right to the land. She requested that if the event is approved, there be a condition that the Trailhead Parking Lot be available to Southborough residents. Ms. Malinowski asked who would be monitoring the farm to ensure parking is open. Chairman Healey stated it is the obligation of the farm to do so in good faith. Chairman Healey made a motion that the license request for October 4th be approved with the condition that the Trailhead Parking Lot be reserved for non-attendees of the event. Ms. Braccio added that the lot and land be used as the conservation restriction put in place. Mr. Stivers seconded. The motion passed all in favor (5-0-0) by roll call vote, Braccio, aye; Malinowski, aye; Shea, aye; Stivers, aye; Healey, aye.

f. Ms. Braccio made a motion to approve of Capital Planning – School Research Subcommittee Charge. Mr. Stivers seconded. The motion passed all in favor (5-0-0) by roll call vote, Braccio, aye; Malinowski, aye; Shea, aye; Stivers, aye; Healey, aye.

g. Chairman Healey made a motion to appoint Jason Malinowski and Kathy Cook to Capital Planning – School Research Subcommittee. Mr. Stivers seconded. The motion passed (4-0-1) by roll call vote, Braccio, aye; Shea, aye; Stivers, aye; Healey, aye. Ms. Malinowski recused.

h. Ms. Braccio made a motion to approve Common Victualer Applications: NY Bagel Factory @ 20 Turnpike Rd. and 205 Turnpike Rd. Mr. Stivers seconded. The motion passed all in favor (5-0-0) by roll call vote, Braccio, aye; Malinowski, aye; Shea, aye; Stivers, aye; Healey, aye.

i. Ms. Braccio made a motion to approve of one-year extension Golf Course Management contract with New England Golf. Mr. Stivers seconded. The motion passed all in favor (5-0-0) by roll call vote, Braccio, aye; Malinowski, aye; Shea, aye; Stivers, aye; Healey, aye.

j. Ms. Braccio made a motion to accept resignation of Lisa Braccio from SHOPC. Mr. Stivers seconded. The motion passed all in favor (5-0-0) by roll call vote, Braccio, aye; Malinowski, aye; Shea, aye; Stivers, aye; Healey, aye.

k. Ms. Braccio made a motion to appoint Chelsea Malinowski as Board of Selectmen representative to SHOPC, term of 6/30/2021. Mr. Stivers seconded. The motion passed all in favor (5-0-0) by roll call vote, Braccio, aye; Malinowski, aye; Shea, aye; Stivers, aye; Healey, aye.

VI. Other Matters Properly Before the Board

Review of next steps for Downtown zoning

Chairman Healey stated that the Planning Board will be attending the October 6th meeting at 7:00 P.M. He stated the meeting will be for the Board, the EDC and the Planning Board to discus the next steps for Downtown zoning. He added that he would like other stakeholders such as Open Space, Trails Committee and the Cultural Arts Council to be aware of the meeting but will be

participating at a later date. Mr. Stivers requested SHOPC be made aware of the meeting. Chairman Healey agreed.

Review of ADA Grievance policy

Ms. Hale explained that the Board needs to approve an ADA Grievance Policy along with providing information of public buildings and grounds in order to meet the CMRPC grant requirements. She asked the Board to adopt the policy from the packet for the grant application. Ms. Braccio asked if the ADA Committee had reviewed the document. Ms. Hale responded that they have not met recently but Mr. Purple has been working with Mr. Sines regarding the grant. Ms. Braccio asked who the coordinator would be as outlined in section four and added that the response time to a complaint is listed as fifteen days and she would like to see that reduce to seven calendar days. Ms. Hale agreed. Ms. Braccio sited section nine regarding complaints alleging discrimination appeals to the Town Administrator who is also the ADA Coordinator and asked how that would work. Ms. Hale stated in that situation the Board could stipulate another person in his steed and suggested the Board take on the role. Chairman Healey agreed and Ms. Hale stated she would make the revision. Ms. Braccio requested the ADA review and comment on the document. Ms. Hale agreed to reach out to them.

Mr. Shea stated he agreed with reaching out to the Accessibility Committee. He added that the availability to be a conduit for the public to raise concerns is outlined in their new charge and asked how that was different from filing a grievance. Ms. Hale replied there was not a distinction. Mr. Stivers stated that the difference would be that the Committee does not have adjudication responsibility for solving the complaint and the opportunity to dispose of the problem lies with Mr. Purple. Mr. Shea outlined his suggested revisions which include removing "Town Administrator" from the last sentence in section five, a scrivener's error in section eight and to remove the call out to wheelchairs and replace with "accessible to persons with disabilities" in the third paragraph of the notice of discrimination of rights. Ms. Hale agreed to the changes. Ms. Hale stated the deadline for approval is October 9th and felt that she could make the revisions, meet with the Accessibility Committee and return with another draft by the October 6th meeting.

National Grid notice of vegetation management

Mr. Stivers stated it is unclear what utilities are required to act upon regarding vegetation management and he has been working with Ms. Galligan to understand more. He said it is clear National Grid needs to provide vegetation management plans but it is unclear as to the details required in the plan. Chairman Healey stated a thirty-day notification was supposed to be preceded by an annual notification of this type of work in March and it was not provided. He added that there is no indication of the repercussions if the utility does not comply with conditions. Mr. Stivers stated there needs to be enforcement of the annual vegetation management plan requirement and added that the Board needs to approve the plans. He said it is unclear what were to happen if the Board did not approve. Ms. Braccio asked if the Board could take a position that they are not in favor until further discussion. Mr. Stivers stated Ms. Galligan indicated that the majority of the work would be done Friday and he would follow up with her. Chairman Healey made a motion that the Board communicate to National Grid that no action be undertaken to any public tree or shared tree on a public way pending the opportunity for the Town of Southborough to respond. Mr. Stivers seconded. The motion passed all in favor (5-0-0) by roll call vote, Braccio, aye; Malinowski, aye; Shea, aye; Stivers, aye; Healey, aye.

VII. Public Comment

Tim Litt (148 Woodland Rd) stated he drafted the ADA Policy that was to create the Accessibility Committee for Town Meeting. He said the ADA is acting as it is in effect even though the Town Meeting approval has not taken place due to the pandemic. He stated that he drafted the language to allow the Town Administrator role to be distinct from the ADA Coordinator if the two are not the same in the future. Mr. Litt urged the Board to be careful not to assume the role of ADA Coordinator will always be filled by the Town Administrator. Mr. Litt also requested the Board bring an update about access to the Public Safety Building at the next meeting.

VIII. On a motion made by Chairman Healey, seconded by Mr. Stivers and voted by roll call all in favor, Braccio, aye; Malinowski, aye; Shea, aye; Stivers, aye; Healey, aye, the meeting was adjourned at 11:04 P.M.

Upcoming Meetings *October 6, 2020* *October 20, 2020*

Respectfully submitted,

Kathleen Barry, Recording Secretary

List of Documents referred to at the September 22, 2020 BOS Meeting:

- Original Agenda for September 22, 2020 Meeting
- List of FY 2021Board Goals
- Citizen Activity Form, Annie Pfaff
- Citizen Activity Form, Seath Crandall
- Letter from Vanessa Hale to BOS re: Municipal Approving Authority dated 9.17.20
- MA Department of EEC Remote Learning Enrichment Policy
- St. Mark's Remote Learning Enrichment Program
- Budget Update Presentation
- Analysis of Solid Waste Disposal Presentation
- Policy on Issuance of Outdoor Entertainment Licenses - Auburn Example
- Entertainment License Rules and Regulations - Bourne Example
- General Law - Part I, Title XX, Chapter 140, Section 183A
- Draft Regular Session Minutes, September 8, 2020
- Letter from Chief Paulhus to BOS re: Part-Time Telecommunications Officer/Dispatcher dated 9.11.20
- Resume of Julia Fontana
- Letter from Brian Ballantine to BOS re: Fire Truck Bond - June 2020 Approval dated 9.17.20
- Town of Amherst Complete Streets Policy
- Town of Lexington Complete Streets Policy
- Examples of Complete Streets Provided by MassDOT
- Redlined Draft Southborough Complete Streets Policy
- Draft Southborough Complete Streets
- Red and Blue-lined Draft of Complete Streets Policy from the DPW

- One-Day alcohol license applications, Chestnut Hill Farm Events: Fall Fun on the Farm, October 4 and October 11; Brew Moon Hike, October 10
- Capital Planning Committee - School Research Subcommittee Charge
- Common Victualer Applications: NY Bagel Factory @ 20 Turnpike Rd. and 205 Turnpike Rd.
- Amendment Two - Southborough Golf Club, Management and Maintenance Agreement
- Letter from Lisa Braccio to Martin Healey re: Resignation SHOPC dated 9.17.20
- Draft Southborough Americans With Disabilities Act Grievance Procedure
- Draft Southborough Non Discrimination Notice of Rights
- Letter from National Grid to Brian Shea re: Vegetation management dated 8.26.20

AMENDMENT TWO
SOUTHBOROUGH GOLF CLUB
SOUTHBOROUGH,
MASSACHUSETTS

Management and Maintenance Agreement

KNOW ALL PERSONS BY THESE PRESENTS that this AGREEMENT is made this ____ day of September 2020, by and between the Town of Southborough, a municipal corporation, located in Worcester County, Massachusetts, hereinafter called the "Town", and St. Mark's Golf Club, Inc., a corporation duly organized and existing under the laws of the Commonwealth of Massachusetts, with its usual place of business at P. 0. Box 462, Westwood, MA 02090, hereinafter called the "Operator".

WHEREAS, the Town is the owner of a nine-hole golf course known as and hereinafter called "Southborough Golf Club" or "Golf Club" or "Golf Course", situated on land in Southborough and generally described in Exhibit A, attached hereto and incorporated herein by reference.

WHEREAS, it is the desire and the intent of the Town and the Operator that this Agreement shall constitute a "Management and Maintenance Agreement", and not a lease or other form of agreement, and, because the parties wish to resolve any and all questions concerning the intent and purpose of this Agreement. it is hereby stated and stipulated that the Operator is not a lessee of Southborough Golf Club, but is an Operator for the purpose of the management and continued operation of Southborough Golf Club as a public recreation facility, and the Operator holds no property interest, or interest which is taxable, in the real estate which makes up Southborough Golf Club:

WHEREAS, the Operator desires to operate Southborough Golf Club as a public golf course facility:

NOW, THEREFORE, for the consideration set forth herein, the Town and the Operator covenant and agree:

1. All terms as stated in the "Management and Maintenance Agreement" between the Town and the Operator, dated February 12, 2018, shall remain in full force and effect **through end of day on December 31, 2021.**

IN WITNESS THEREOF, the parties execute this Agreement in triplicate on the day and year first set forth above.

St. Mark's Golf Club, Inc., Operator

_____

By: William J. Harrison, President

_____

Date

Town of Southborough, Board of Selectmen

_____

Chairman

_____

Vice Chairman

_____

Member

_____

Member

_____

Member

_____

Date

ATTACHMENT C
ST. MARK'S GOLF CLUB
SOUTHBOROUGH, MASSACHUSETTS

MANAGEMENT AND MAINTENANCE AGREEMENT

KNOW ALL PERSONS BY THESE PRESENTS that this AGREEMENT is made this 12th day of February, 2018, by and between the Town of Southborough, a municipal corporation, located in Worcester County, Massachusetts, hereinafter called the "Town", and St. Marks Golf Club, Inc., a corporation duly organized and existing under the laws of the Commonwealth of Massachusetts, with its usual place of business at P. O. Box 462, Westwood, MA 02090, hereinafter called the "Operator".

WHEREAS, the Town is the owner of a nine-hole golf course known as and hereinafter called "St. Mark's Golf Club" or "Golf Club" or "Golf Course", situated on land in Southborough and generally described in Exhibit A, attached hereto and incorporated herein by reference.

WHEREAS, it is the desire and the intent of the Town and the Operator that this Agreement shall constitute a "Management and Maintenance Agreement", and not a lease or other form of agreement, and, because the parties wish to resolve any and all questions concerning the intent and purpose of this Agreement, it is hereby stated and stipulated that the Operator is not a lessee of St. Mark's Golf Club, but is an Operator for the purpose of the management and continued operation of St. Mark's Golf Club as a public recreation facility, and the Operator holds no property interest, or interest which is taxable, in the real estate which makes up St. Mark's Golf Club;

WHEREAS, the Operator desires to operate St. Mark's Golf Club as a public golf course facility;

NOW, THEREFORE, for the consideration set forth herein, the Town and the Operator covenant and agree:

Article 1

1.1 The Town hereby enters into a management and maintenance agreement with the Operator as the sole and exclusive Operator and manager of the St. Mark's Golf Club facility, including the clubhouse and other buildings and structures, and associated grounds and equipment for the term of two (2) years, commencing on January 1, 2018, at 12:01 a.m. and ending on December 31, 2019, at midnight. Two (2) one (1) year extensions may be granted at the discretion of the Town upon successful negotiation between the Operator and the Town.

1.2 The residents of the Town of Southborough and the general public shall have the right to enter upon and enjoy the St. Mark's Golf Club property subject to the Conservation Restriction as adopted by the Town, and subject to the control and management of St. Mark's Golf Club by the Operator in accordance with this Agreement.

1.3 The Town, as Owner, shall have the exclusive authority to establish policies governing the management, maintenance and operation of the Golf Club, taking into account the interests of the Town and the patrons of the Golf Club. Such policies shall be established and amended from time to time by the Town through the Town Administrator or his/her designee and/or the Board of Selectmen after consultation with the Operator. The Town and the Operator will each give notice to the other party of any proposed amendment to existing polices or any proposed new policies by October 1 of each year, beginning October 1, 2018, for policies to be implemented in the following year.

Article 2

2.1 The Operator shall maintain proper books of account which show all expenditures for and receipts from the Management and Maintenance of St. Mark's Golf Club. The books of account and all financial statements concerning St. Mark's Golf Club shall be kept under the direction and supervision of a Certified Public Accountant and shall be available for inspection and full audit by the Town or its designated agents at all reasonable times.

2.2 The operation of the Golf Course is based upon a system in which the Town will receive an annual fee equal to 10% of the gross revenue to be paid to the Town. Said payments shall be made on the fifteenth (15th) day of each month from February through December. The Operator will manage and maintain the Golf Course in accordance with the specifications set forth in Exhibit C, attached hereto and incorporated herein by reference. All golf related revenues, including, but not limited to, those received by the Operator from greens fees, member fees, lost ball retrieval privileges, merchandise sales, and other miscellaneous sales, and the number of rounds played, will be fully and strictly accounted for by the Operator and reported to the Town on a monthly basis.

2.3 RESERVED.

2.4 The Operator shall recommend, install and utilize, at the Operator's expense, a computerized cash register system, approved by the Town, to record and monitor all income of the Golf Course.

2.5 The Operator hereby agrees and covenants with the Town that it will operate, manage, and maintain St. Mark's Golf Club in a high quality manner by providing good customer service

and establishing a strong quality focus by the Operator and in specific accordance with the terms and conditions of this Agreement and fully perform all obligations hereunder.

2.6 Separately from the financial records, the Operator will keep a record of the number and class (regular, senior, junior, league…) of rounds played on the course on a daily basis. These records will be presented with the monthly financial reports.

Article 3

3.1 The Operator shall provide as a minimum requirement for the operation, management and maintenance of St. Mark's Golf Club, the equipment and tools, in good working order, and golf course supplies set forth in Exhibits B-1 and B-2, attached hereto and incorporated herein by reference.

3.2 The Operator shall as a minimum requirement, observe and perform the maintenance schedule set forth in Exhibit C, attached hereto and incorporated herein by reference.

3.3 The Operator shall provide all materials, equipment and services and labor which are necessary to carry out maintenance, spraying and fertilizing schedules, aforesaid, at no cost to the Town. The Operator shall provide the maintenance, spraying and fertilizing which is necessary to maintain St. Mark's Golf Club Golf Course in good and proper condition, including any additional requirements or action which is necessary and desirable to meet the demands of use, weather, pests and disease.

3.4 The Operator shall provide management and maintenance services to the Town in accordance with its Proposal to the Town dated November 7, 2017, which proposal is incorporated herein by reference. Where the terms of the Operator's proposal may conflict with the terms of this Agreement, the terms of this Agreement shall prevail.

Article 4

4.1 The Operator will propose reasonable fees each year for the Town's prompt approval and set forth in Exhibit D, attached hereto and incorporated herein by reference, as they may be amended from time to time by the Town. Any increase in fees exceeding five percent (5%) (rounded to the nearest dollar) will require documentation for approval by the Town. The Operator will have the discretion to offer discounted fees with promotions in connection with its plan to increase play. The Operator shall be responsible for administering all tee time management policies to maximize play on the Golf Course and shall coordinate all member, league, and tournament play and instructional clinics.

Article 5

5.1 The Operator shall maintain insurance, as evidenced by certificates of insurance filed with the Town, at all times during the term of this Agreement, in accordance with the schedule of

insurance set forth in Exhibit F. The Town shall be a named insured in all policies held by the Operator. Certificates of insurance shall be from insurance companies qualified to do business under the laws of the Commonwealth of Massachusetts and in a form satisfactory to Town Counsel in his/her sole judgment. The Town shall receive notice of any cancellation of insurance at least ten (10) days prior to the effective date of cancellation.

5.2 It is expressly agreed that the members of the Board of Selectmen, the Town Administrator, the Golf Course Advisory Committee and any Town employees, agents or consultants involved in the Golf Course are not personally liable in any way under this Agreement or as to any representation pertaining to this Agreement.

Article 6

6.1 The Operator shall obtain and file annually for each year of the Agreement term with the Town, a payment and performance bond in an amount equal to the fee to be paid to the Town for that year or, in lieu of a payment and performance bond, a security deposit in the amount of Twenty-Five Thousand Dollars ($25,000) in a form acceptable to the Town, to guarantee full performance under this Agreement. Bond premiums shall be paid by the Operator. Bonds shall be obtained from a surety company qualified to do business under the laws of the Commonwealth of Massachusetts.

Article 7

7.1 The Operator hereby covenants and stipulates that no person, either directly or indirectly employed by the Operator, and no person using the Golf Course, shall be subject to any discriminatory action because of race, creed, color, sex, age, disability, national origin or ancestry, sexual orientation, genetics or military status. The Operator shall also adopt and implement a policy regarding sexual harassment which conforms to applicable federal and state laws and local by-laws.

7.2 The Operator agrees to establish, and administer in conjunction with the Town, a St. Mark's Golf Club Customer Satisfaction Policy, so that the Town may equitably arbitrate disputes and/or disagreements between the Town of Southborough, the Operator and/or St. Mark's Golf Club clientele.

7.3 The Operator agrees to establish, and administer in conjunction with the Town, a marketing plan for St. Mark's Golf Club. The policy and the plan shall be developed by January 31, 2018 and shall be reviewed annually each December by the Town and the Operator. The Operator agrees to establish an ongoing seasonal advertising campaign to promote and attract new customers and to maintain the Golf Club Web site.

7.4 During the term of this Agreement, at the reasonable request of the Town, meetings between the Town and the Operator shall be held to review the services performed by the Operator and any other related issues. The meetings shall be held as needed and shall be

attended by the Operator's manager and other key staff as appropriate or as the Town shall request.

Article 8

8.1 The Operator shall be responsible for the payment of all taxes assessed or due on the personal property owned by the Operator or in which the Operator has no equity interest which is associated with or a part of the Golf Course facility operation.

8.2 The Operator does not have any interest in the real property involved with or a part of the Golf Course facility and, therefore, no real estate taxes shall be due on any of the real property which makes up the Golf Course facility.

8.3 The Operator shall certify, under the penalties of perjury, that to the best of their knowledge and belief, all employee withholding tax returns and all state tax returns have been duly filed, and all taxes have been paid as required by law in accordance with Exhibit H, attached hereto and incorporated herein by reference.

Article 9

9.1 The Town will oversee the development and implementation of all capital improvements. Contracts for capital improvements shall be awarded on the basis of competitive bids through a process controlled by the Town and may include provisions for a clerk of the works on each project.

Article 10

10.1 The Town will snowplow the Golf Course driveways and parking areas only to the extent required to allow for winter maintenance by the Operator.

Article 11

11.1 The Operator agrees that it will pay for the cost of all necessary heat, utilities, water and electricity for the pro shop and maintenance facilities at the Operator's expense.

11.2 The Operator covenants and agrees with the Town as follows:

11.2.1 To take good care of the premises and keep them in good repair, free from filth, danger, fire or any nuisance, and return the same, at the termination hereof, in as good condition as received by or put by the Operator, usual wear and use, destruction by fire not caused by the negligence of the Operator, and providential destruction excepted.

11.2.2 To make no alteration in the premises without the consent of the Town in writing, except ordinary repairs as aforesaid; to permit the Town or its agent to enter at all reasonable times to view the premises and make such repairs and alterations as the Town may deem necessary and proper; to not use the premises or permit the use thereof in such manner as to make void or increase the rate of insurance thereon; and to comply with the By-laws of the Town and the laws

of the Commonwealth and save harmless the Town for, or on account of, all charges or damages for non-observance thereof.

11.2.3 Not to put upon or permit or allow to be put upon any part of the premises any signs, billboards or advertisements without the prior permission of the Town.

11.2.4 If any of the golf course buildings shall, without fault of the Town, the Operator or its servants, employees or guests, be destroyed or be so damaged as to become inoperable by fire or providential means, then, if the Town shall, by writing, deliver to the Operator within sixty (60) days after such damage or destruction, notice to elect to rebuild or repair, this Agreement shall remain in force and the Town, at its option, may rebuild or repair said premises within a reasonable time after such election, putting the premises in "as good" condition as they were at the time of destruction or damage and for that purpose may enter said premises; but, if the Town does not elect as aforesaid to rebuild and repair, then there shall be an adjustment in the terms of this Agreement, up to and including the right to terminate the management of said building without further liability to the Operator. In the event of an adjustment other than termination, the adjustment shall cover the period beginning with the date of such loss.

11.2.5 At the expiration of the term hereby created, or if there is a default in payment after the same is due or upon the breach of any of the covenants and agreements herein contained, the Town or its agents shall have the right to enter and take over the management of the premises and the Operator agrees to deliver same without process of law, and this Agreement shall terminate. The Operator shall be liable for any loss or damage to the Town for its failure to comply with the terms hereof, and the Operator hereby gives the Town a lien upon any and all property of the Operator kept or in use upon said premises, to be enforced in like manner as a chattel mortgage, whether exempt from execution or not, for all sums due or to become due by virtue of this Agreement.

Article 12

12.1 The premises are to be used as a public golf course facility and for no other purpose, without the written consent of the Town. The Operator will not use the premises to carry on, or permit upon said premises any offensive, noisy or dangerous trade, business, manufacture or occupation, or any nuisance or anything against public policy nor permit any auction sales to be held or conducted in or on said premises, or use or allow the same to be used for any illegal purpose, and the Operator agrees that nothing in violation of any present or future Federal, State or Municipal Law or Ordinance shall be done, maintained or permitted in or upon the premises or any part thereof.

12.2 The Operator shall pay for all labor performed and materials used by or furnished to the Operator or any Contractor employed by the Operator, and shall hold the Town and the premises harmless and free from any lien or claim therefore. All alterations, repairs, additions or improvements shall, unless otherwise provided by written agreement, become the property of the

Town and shall remain upon and be surrendered with the premises upon the expiration of the Agreement or any sooner termination thereof.

12.3 The Operator agrees to hold the Town free and harmless from any liens, judgments or encumbrances created or suffered by the Operator and from any and all liability, penalties, losses, damages, costs and expenses, causes of action, claims or judgments arising from injury during said term to persons or property of any nature occasioned by any act or acts, omission or omissions of the Operator, or of his employees, agents or servants, or Contractors, and growing out of the occupation of the premises, and also against all legal costs and charges including counsel fees, reasonably incurred in and about such matters, and the defense of any action arising out of the same, or in discharging the premises or any part thereof from any and all liens that may be placed thereon for charges incurred by the Operator.

12.4 The Operator will not commit or suffer to be committed upon the premises any waste, injury or damage.

12.5 The Town or its authorized agent shall have the right to enter upon the premises at all reasonable times during this Agreement to ensure that the terms thereof are being observed by the Operator, and, in the event any repairs are needed and not made by the Operator after thirty (30) days written notice to the Operator of the need for such repair, or after seven (7) days written notice in the case of a safety issue, the Town may, at its option, make such repairs at the Operator's expense. Nothing herein shall relieve the Operator from the obligation of making such repairs.

12.6 The Town, upon application of the Operator and proper approval, shall issue any and all licenses and permits required to operate the St. Mark's Golf Club facility. The Operator shall be subject to the same rules, regulations and procedures with respect to said licenses and permits as are generally applied to all applicants. Upon the termination of the Agreement or default by the Operator, the Operator agrees to assign all permits and licenses received from the Town, back to the Town within five (5) days of termination or default date.

12.7 The Operator shall not cause and shall not permit the storage, use or discharge of any oil or other hazardous substance at St. Mark's Golf Club except commercially reasonable amounts used in the ordinary course of the golf course and clubhouse operations and used and stored in compliance with legal and regulatory requirements. Said hazardous substances shall be completely removed from the property by the Operator should the contract be terminated or otherwise not renewed.

Article 13

13.1 The rights and obligations under this Agreement cannot be assigned or sublet without the written consent of the Town. The officers, directors, and stockholders of the corporation are as shown on Exhibit G, attached hereto and made a part hereof by reference.

Article 14

14.1 The Operator acknowledges that if the Town provides any certain equipment for use at St. Mark's Golf Club, such equipment will be inventoried according to type, location and condition and the Operator hereby agrees and covenants that it will maintain said equipment in good working order and in "as good" condition throughout the term of this Agreement as at its inception with the exception of normal wear and tear. Equipment owned by the Town shall be stored on and only used on Town property.

14.2 Said equipment, referenced in Section 14.1, shall remain the property of the Town and shall be accounted for by the Operator by annual inventory which shall describe said equipment by type, location and condition and be submitted to the Town annually on the anniversary of the date of execution of this Agreement, and upon final expiration or termination of this Agreement.

14.3 All equipment provided by the Operator listed in Exhibit B-1 shall remain the property of the Operator.

Article 15

RESERVED.

Article 16

16.1 In the event of any deficiencies or violations of this Agreement, a thirty (30) day written notice will be given to the Operator by the Town to correct such deficiencies or violations. In the event that the Operator fails to correct such deficiencies or violations within the thirty (30) day period, to the reasonable satisfaction of the Town, the Town may terminate this Agreement and hold the Operator liable for its reasonable costs related to such termination.

16.2 Upon seven (7) days written notice to the Operator, the Town may terminate this Agreement in the event of the Operator's breach or nonperformance of any of its obligations relating to the providing of insurance.

Article 17

17.1 If the Operator becomes insolvent, bankrupt or is not paying its debts, it shall be grounds for termination. In case of termination of the Agreement, the Town may, at its election (but under no obligation to do so), assume and become liable for the obligations, commitments and unsettled claims the Operator has previously undertaken and incurred in good faith in connection with said work. Should the Town so elect, the Operator shall execute and deliver an assignment of its contractual rights as the Town may require, for the purpose of fully vesting in the Town the rights and benefits of the Operator under such obligations or commitments. In the event of a termination under this paragraph or the preceding paragraph, the Operator shall not be entitled to any costs of termination or lost profits and the Town reserves the right to pursue any and all remedies available at law or in equity.

Article 18

18.1 The performance of this Agreement shall be subject to the provisions of the following documents, all of which are either attached hereto or are incorporated herein by reference as though an integral part of this Agreement. Where there is any inconsistency between the terms of the Agreement documents, they shall take precedence in the following order:

1. Any modification, including Change Orders, duly delivered after execution of the Agreement.
2. This Agreement and the Exhibits thereto.
3. Notice of Award.
4. Performance Bond.
5. Certificates of Insurance.
6. Operator's Proposal.
7. Request for Proposals.
8. Addenda to Request for Proposals.
9. Advertisements for Request for Proposals.

Article 19

19.1 No consent or waiver, express or implied by either party, to or of any breach of this Agreement or any terms, conditions or promises herein contained, or any covenant, condition or duty of the other shall be construed as a consent or waiver to or of any other breach of the same or any other covenant, condition or duty of this Agreement.

Article 20

20.1 Any and all notices, or other communication required or permitted under this Agreement, shall be in writing and delivered by hand or mailed postage prepaid, return receipt request, by registered or certified mail or by other reputable delivery service, to the parties at the following addresses, or such other address as may be furnished from time to time in writing hereafter by one party to the other party:

For the Operator:

William J. Harrison, President
P. O. Box 462
Westwood, MA 02090

For the Town: Board of Selectmen
17 Common Street
Southborough, MA 01772

Article 21

21.1 If any term or condition of this Agreement or any application thereof shall to any extent be held invalid, illegal or unenforceable by a court of competent jurisdiction, the validity, legality and enforceability of the remaining terms and conditions of this Agreement shall not be deemed affected thereby unless one or both parties would be substantially or materially prejudiced.

Article 22

22.1 The Agreement shall be governed by, construed and enforced in accordance with the laws of the Commonwealth of Massachusetts and the Operator submits to the jurisdiction of any of its appropriate courts for the adjudication of disputes arising out of this Agreement.

Article 23

23.1 This Agreement, including all documents incorporated herein by reference constitutes the entire integrated agreement between the parties with respect to the matters described. This Agreement supersedes all prior agreements, negotiations, representations, whether written or oral, and it shall not be modified or amended except by a written document executed by the parties hereto.

Article 24

24.1 The Operator acknowledges there will be a significant construction project (construction of a public safety complex) ongoing during the term of this contract that will require modification to the clubhouse location and to the layout of the Course. The Town will ensure that the golf course operation will not be interrupted at any time during the golf season which begins on or about April 1st and extends through November 30th of each year beyond what inconvenience and interruption may be reasonably expected from said construction project. Such reasonably expected inconvenience and interruption can be defined as a brief interruption of services required to be provided by the Town to the Operator for the successful management of the golf course, and the noise, dust, and unsightly view associated with the construction of the public safety complex. The town will provide at all times at their expense access to the golf course facility, parking, clubhouse that includes storage for sixteen electric carts and access to the first tee. All utilities including internet, phone, electric, water and sewer will be available to the clubhouse at the Town's expense. Water and sewer will be available to the maintenance building at the Towns expense. The Operator will be responsible for the monthly, or otherwise billed, costs of use of such services and utilities.

The Town will use reasonable efforts to minimize the time the Clubhouse and accompanying utilities to service the clubhouse may be offline for relocation during the golf season. In no event will the interruption of the clubhouse or services extend beyond a period of five days.

Sufficient notice shall be provided to the Operator of any planned interruption of services.

The Town shall provide a clubhouse with utilities and systems in good working order at the commencement of this contract and shall ensure all systems and utilities are in good working order upon completion of the relocation of the clubhouse. The Operator shall otherwise be responsible for the routine repair, maintenance, and operation for the clubhouse and maintenance garage, utilities and systems.

In the event of any deficiency or violation of this section, written notice will be given to the Town by the Operator to correct such deficiencies or violations. In the event that the Town fails to correct such deficiencies or violations within a five (5 day) period, to the reasonable satisfaction of the Operator, the Operator may terminate this contract and all deposits will be refunded.

IN WITNESS THEREOF, the parties execute this Agreement in triplicate on the day and year first set forth above.

St. Mark's Golf Club, Inc., Operator

By: William J. Harrison, President

Approved as to form:

Town Counsel

Town of Southborough, Board of Selectmen

Chairman

Vice Chairman

Member

Member

Member

EXHIBIT A

DESCRIPTION OF ST. MARK'S GOLF CLUB GOLF COURSE

Nine (9) hole golf course any buildings, structures, and equipment permanently attached or fixed to the land commonly known as St. Mark's Golf Club, 32 Cordaville Road, Southborough, MA 01772 including:

Clubhouse building including pro shop (with restrooms, offices, common area and golf cart storage facility), parking, practice facility, access road, utilities and septic system;

Golf course maintenance building located off of Latisquama Road including parking, utilities, septic system and automated irrigation system; and other equipment.

EXHIBIT B-1

OPERATOR SPECIFIED EQUIPMENT LIST

The Operator will employ, in the performance of the Agreement, the following equipment which is owned, will be purchased or will be leased by January 1, 2018.

EXHIBIT B-2

OPERATOR SPECIFIED SUPPLIES LIST

The Operator will provide, subject to the approval of the Town, the following golf course supplies:

EXHIBIT C

MINIMUM REQUIRED MAINTENANCE AND MANAGEMENT SPECIFICATIONS

In addition to items specified in other sections of the Contract, the Operator shall perform their obligations in accordance with the following terms and conditions:

EQUIPMENT STORAGE:

The Operator shall keep all of their equipment at the equipment storage and garage area of the Golf Course and shall maintain same on the premises. Infrequently used equipment such as aerifiers, etc. may be shared between multiple facilities managed by the Operator. At the termination of this Agreement, all equipment shall be removed from the site within ten (10) days of the termination date. In the event that the Operator becomes insolvent or is relieved of the Contract for any of the reasons specified in this Agreement, the equipment may be used by the Town to carry out the golf maintenance work until such time as a substitute contractor has assumed full course maintenance obligations. The Operator shall directly pay for all heat, phone and electric bills incurred in the equipment storage area and the garage.

MAINTENANCE OF ENTIRE COURSE:

The Operator shall maintain the entire Golf Course, in an attractive and reasonable condition, satisfactory to the Town. This includes: pruning; fertilization; grooming and watering areas in and around shrubs and flower beds; and the planting of trees, shrubs, and flowers if approved by the Town. It is the Operator's responsibility to maintain drainage swales and creek banks, repair service roads, bridges and golf paths now existing or later created, such maintenance to be for the purpose of reasonable travel, safety, aesthetics, and for the prevention of washed-out areas. Non-paved golf paths shall be regularly filled and leveled with a stone dust mix, or an approved alternate to provide a smooth and level surface.

CLUB HOUSE REPAIRS, MAINTENANCE OF ADJACENT AREAS AND BUILDINGS:

The Operator shall not be liable for capital improvements to the club house, however, the Operator shall be responsible for cutting, maintaining, and watering the grass, shrubbery, and any landscaping around the Clubhouse area. The Operator is responsible for daily cleaning, routine maintenance and general upkeep of the facility and equipment supplied by the Town or by the Operator. The Operator is not responsible for structural maintenance of the parking lot or for structural or mechanical repairs to the maintenance building or club house, but is liable for damage to the maintenance building, storage buildings and club house to the extent such damage is caused by their personnel and/or equipment.

OPERATOR TO FURNISH MARKERS, ETC.:

The Town and the Operator will jointly select the necessary on-course supplies required for the operation of the Golf Course. It is the Operator's responsibility to furnish these supplies including: direction markers, distance markers, litter baskets, signs, tee markers, hole cups, flags, flagpoles, out-of-bounds markers and the general equipment for golf needs, benches, ball washers, towels for same, sand trap rakes, and the maintenance, repair, and replacement of all these items.

WATER COOLERS:

The Operator shall maintain a daily supply of chilled water in two coolers on the Golf Course. The Operator will supply the ice and cups.

TRASH REMOVAL:

The Operator is responsible for policing and removing all litter and rubbish daily from the Golf Course and to dispose of such materials.

EMPLOYEE BEHAVIOR AND DRESS:

All of the Operator's personnel, including maintenance, pro shop, rangers and starters, must be uniformed in suitable work clothes of neat appearance with name tags. The Town will approve the uniforms as proposed by the Operator. Courteous behavior by the Operator and all of their personnel will be required at all times. The Operator will take necessary action to discipline or terminate employees whose behavior is found to be unacceptable.

PATRON DRESS:

The Town may decide to adopt requirements for proper dress on the part of patrons of the Golf Course. In the event that the Town does adopt such requirements, the Operator will be expected to inform patrons of the requirements.

MATERIALS RESPONSIBILITY OF OPERATOR:

All materials such as sprays, forestry equipment, sod, grass seed, loam, sand, fertilizer, gravel, herbicide, fungicide, signs, litter baskets, testing kits, etc., as mentioned anywhere in the Contract are solely the responsibility of the Operator. The Operator shall carefully store and keep accurate records of all hazardous materials and pesticides required to perform their obligations hereunder, in accordance with all applicable state and Town requirements. The Operator's workers shall be informed concerning required safety and handling practices when using hazardous materials and pesticides. The Operator shall maintain Material Safety Data

Sheets, which shall be available for inspection. The Superintendent shall be a licensed, certified pesticide applicator.

OPERATOR LIABLE FOR DAMAGES:

The Operator is liable for damage done to the Golf Course greens, tees, and fairways through the use of turf grass chemicals or the spillage of oil, gasoline, hydraulic fluid, etc., either through negligence or from leaking vehicles. In addition, the Operator is also liable for personnel and equipment mowing over sprinkler heads and damaging same. Sprinkler heads should be regularly marked to avoid damage from the Operator's equipment and golf carts. The Operator shall immediately repair, or cause to be repaired, any damage caused by persons performing services under this Agreement at the Operator's expense.

RIGHT TO CLOSE GOLF COURSE:

The Operator has the right to close the Golf Course or any part thereof, to make repairs or because of severe weather conditions which could cause damage to the Golf Course or threaten the safety of the public. A closure of the Course, or any part thereof, for more than 3 hours for any other reason shall require the prior approval of the Town.

EVIDENCE OF FINANCIAL STABILITY:

The Operator shall be required to provide evidence of financial stability satisfactory to the Town, demonstrating that it is in a financial position to carry on the work and to purchase and/or lease equipment, prior to the commencement of the work and at any time thereafter.

COURSE REPAIRS OUTSIDE OF BASIC CONTRACT:

In April of each year, the Operator shall provide the Town with a prioritized listing of repair or alteration projects that the Operator recommends should be performed to improve the Golf Course. If the Town decides to undertake such projects, the Town may request the Operator to provide a price for providing such additional work. The Operator will cooperate with the Town, its designers and contractors in relation to any repair or alteration projects.

AUTOMATIC IRRIGATION SYSTEMS:

RESERVED.

MAINTENANCE OF EQUIPMENT AND GOLF CARTS:

The Operator will lease electric golf carts for the Golf Course. The Operator may lease or rent gas golf carts temporarily for tournaments or special events. The lease will include a maintenance agreement from the lessor. It is the Operator's responsibility to perform normal daily cleaning maintenance and upkeep on its equipment and the golf carts. The Operator must, at its expense, gas the golf carts or supply electricity for charging batteries depending on the type

of carts leased.

DESIGNEE:

The Board of Selectmen will utilize the assistance of the Town Administrator or his/her designee to monitor and enforce the terms of this Agreement.

STANDARDS OF PERFORMANCE UNDER THIS CONTRACT:

The following Guidelines for Maintenance of the St. Mark's Golf Club Golf Course establish the standards for the Operator's performance required under this Agreement ("Guidelines"). These standards have been developed to ensure that the Golf Course is maintained in a manner that is consistent with a good quality golf course and permits good quality conditions for playing the game of golf. In the event that the Operator develops a course maintenance program that varies from the Guidelines, the Operator must notify the Town of the nature and reason for such variance, and receive the Town's approval of such variances, before adopting such a maintenance program.

MAINTENANCE SCHEDULE:

The Operator shall keep a detailed schedule of materials, pesticides, and fertilizers applied to the Golf Course, in a uniform format agreed to by the Town, that demonstrates the Operator's compliance with the following Guidelines for Maintenance.

COURSE SURVEY

The Operator shall request the Massachusetts Golf Association or other recognized golf association to establish officially recognized distances for all golf holes to support the generation of USGA recognized handicaps for players. These official distances will be marked with

permanent markers on the course. The Operator will bear any costs associated with the course survey.

GREENS

Greens will be maintained in a manner that produces a vigorous, healthy grass while providing the best putting conditions possible. This will be accomplished by the periodic use of fertilizer, regular watering and mowing at a height and frequency that maintains a quality putting surface.

MOWING:

Greens will be mowed a minimum of five (5) times weekly to maintain a cutting height of 5/32" to 1/4" throughout the growing season, unless exceptional conditions exist where mowing of the turf would be detrimental.

WATERING:

Greens will be watered as conditions dictate in order to provide adequate soil moisture for grass growth and healthy turf.

AERATION:

All greens will be aerified a minimum of twice a year, once in spring and again in summer. The soil cores that are brought to the surface by this aerification should be completely removed and properly disposed of.

The greens and affected apron areas should then be top dressed with material at a rate of three (3) cubic feet of sand or approved root-zone mix per one thousand (1,000) square feet depending on the soil profile. If overseeding is necessary, it shall be performed at this time.

FERTILIZATION PROGRAM:

The greens shall be fertilized sufficiently to produce continuous vibrant growth during the growing season. Minor repairs shall be undertaken to the greens as necessary. The following fertilizer specification is noted as a general requirement for frequency of applications. Soil testing should be used to determine the final proper fertilizer selected and the overall application ratios of fertilizer during each season.

Spring Fertilization

As soon as the grass shows signs of growth, apply a 15-0-30 (Scotts Greens Fertilizer) or equivalent at the rate of three (3) pounds per one thousand (1,000) square feet (1/2 pound nitrogen per 1,000 square feet). This should be evenly distributed and watered in using at least .20 inches of water. One (1) month after this application, or sooner if growth appears slow,

another application of 15-0-30 (three (3) pounds per one thousand (1,000) square feet) shall be applied. Two (2) weeks after this application, the summer fertilization program shall begin.

Summer Fertilization

The summer program shall be an application of water-soluble nitrogen applied at the rate of one-twelfth (1/12) pound of nitrogen per one thousand (1,000) square feet every two (2) weeks.

Fall Fertilization

In early September, apply a 15-0-30 (Scotts Fertilizer) or equivalent at the rate of one (1) pound nitrogen per one thousand (1,000) square feet, Around November 1st, apply a dormant application of an IBDU fertilizer (minimum 25% N from IBDU) at the rate of two (2) pounds nitrogen per one thousand (1,000) square feet.

pH Testing

The pH of the greens shall be kept between 5.5 and 6.0 throughout the year and pH test reports shall be submitted annually to the Town. The control of the acidity shall be by the use of magnesium limestone.

HERBICIDE, DISEASE AND INSECT CONTROL (IPM):

Fungicide, herbicide and insecticide applications will be made to the green, tee, and fringe areas of the Golf Course according to the IPM methodologies. These areas will be monitored daily for disease symptoms, when conditions are favorable for disease development. Spraying with the appropriate chemical is done only in the event of a disease outbreak. This method of Integrated Pest Management (IPM) minimizes the potential environmental impact created by excessive chemical spraying. Only the licensed, certified pesticide applicator may apply chemicals or fertilizer on the Golf Course.

CUP CHANGING:

Cups will be changed a minimum of every other day using a quadrant system. This system will avoid excessive wear of the putting surfaces.

TEES

MOWING:

Tees will be mowed as often as necessary to maintain a height of 3/4".

WATERING:

Tees will be watered as weather conditions dictate in order to provide adequate soil moisture for grass growth and to prevent hardening of soil.

FERTILIZATION:

Tees will be fertilized frequently enough to keep the grass growing at a rapid rate and to recover from heavy traffic. All tees should be maintained to achieve a consistent turf quality throughout the Golf Course.

Tees shall be fertilized monthly commencing each April and ending each October with the following program: the tees shall have a minimum of one-half (1/2) pound nitrogen per one thousand (1,000) square feet monthly of an appropriate turf fertilizer. The tees shall also receive one ton Dolomite lime per acre each October or November, as needed according to pH soil tests.

HERBICIDE, DISEASE AND INSECT CONTROL (IPM):

Tees shall be treated for weed, insect and fungus control according to the IPM methodology discussed in the Greens section above. Applications of approved herbicides, insecticides and fungicides should be made at the proper times for best control of the targeted pest. Such treatments shall be in accordance with the manufacturer's recommendation for the product used.

GENERAL REPAIR:

Divot holes on tees will be repaired on an on-going basis with a seed and soil mixture. Tees shall be over-seeded annually but should be aggressively maintained throughout the year to ensure continuous growth, including additional over-seeding, hand-work, and watering. The Operator shall not allow tees to suffer from bare spots or soil hardness.

TEE MARKER PROTECTION:

Tee markers will be moved daily in order to avoid excessive wear on any one area of the tee. Excessive wear may require tees to be closed at times.

AERATION/TOP DRESSING:

All tees will be aerified a minimum of twice annually, once in the spring and once in the fall. The tees shall receive three (3) applications of screened, sandy topsoil at the rate of one-half (1/2) cubic yard per one thousand (1,000) square feet in May, July and September.

PRUNING:

The Operator shall prune surrounding trees and bushes to permit sunlight to penetrate the tee areas to promote growth of tee grasses. With the prior approval of the Town, the Operator may remove trees surrounding the tees, provided, that the costs of such tree removal shall be included in the Operator's normal expenses.

FAIRWAYS

The Operator should plan the maintenance specification described below.

MOWING:

Fairways will be mowed as often as it is necessary to maintain a height of 3/4" throughout the golf season. Such cuttings will usually take place a minimum of two (2) times per week during the growing season and whenever fairways appear to have an irregular, ragged appearance. To ensure high-quality fairways, the Operator shall utilize a lightweight mower which have a maximum of five cutting units.

FERTILIZATION:

Fairways will be fertilized three times per year. The timing of the applications will be dependent on weather conditions with an application applied in the spring, summer and fall. An organic fertilizer will be used which is less dependent on irrigation, more beneficial to the fairway grasses and releases over an extended period of time.

HERBICIDE, DISEASE AND INSECT CONTROL (IPM):

Fairways shall be treated for weed, insect and fungus control according to the IPM methodology discussed in the Greens section above. Applications of approved herbicides, insecticides and fungicides should be made at essential times for best control of the targeted pest. Such treatments will generally be applied on a post emergent basis and shall be in accordance with the manufacturer's recommendation for the product used. The timing of such applications will be dependent on condition of the turf grass and weather conditions.

AERATION:

Aeration of the fairways will be at the discretion of the Operator based on current conditions in the fall of each year.

All grasses outside of fairways will be maintained at the direction of the Town.

SAND TRAPS

Sand Traps will be raked a minimum of three times per week. Edging will be performed as needed to maintain a well defined bunker area. Washed out areas will be repaired on a regular basis and sand added to the traps as necessary in order to maintain them in a satisfactory condition for play.

The Operator shall refill the sand traps with an approved sand to maintain a three (3) inch sand depth and each refilling will take place in the early spring and late fall of each Contract year. All stones of a diameter of one (1) inch or greater shall be removed. The Operator shall supply at least one (1) rake per sand trap.

IRRIGATION SYSTEM MAINTENANCE

It will be the Operator's responsibility to maintain and operate any existing or future irrigation system, including: each fall to drain and blow out the system; and each spring to reactivate the system as well as the booster pumps. The Operator is liable for damages to the system caused by their equipment and personnel.

EQUIPMENT

The Operator shall specify all equipment needed to maintain the Golf Course per the Contract specifications by completing Exhibit B-1. The Operator shall also provide the Town with an annual inventory of maintenance equipment at the Golf Course at the beginning of each season by re-submission of a completed Exhibit B-1. The Operator will own or lease all of the equipment as listed, or equivalent equipment, or any other equipment needed to fulfill obligations of this contract. The Operator will submit documents within twenty (20) days of notice of Contract award, evidencing that all equipment listed in Exhibit B-1 will be

available at the Golf Course site. All equipment must be in suitable condition to perform the work involved.

The Operator shall also specify all general purpose vehicles (pick-up trucks, dump trucks, back hoes, etc.) that they own and have available for this work. The Town may be able to occasionally provide the use of general purpose equipment to the Operator for special projects, repairs, etc. The Operator should provide utility carts for course maintenance and should not use golf carts from the rental fleet for that purpose. Whenever the Contract specifications require specialized equipment to meet the Contract performance requirements, such as the use of lightweight mowers on the fairways, the Operator shall be required to provide this specialized equipment as well as any additional equipment necessary to meet the Contract requirements, at no additional cost to the Town, regardless of whether the additional equipment is included on the equipment list shown as Exhibit B-1.

COURSE MANAGEMENT SPECIFICATIONS

The Town will provide the pro shop, Maintenance Building, cart storage and other facilities to the Operator. The Operator shall use these facilities to carry out their obligations. In no event shall the Operator's use of such facilities be considered to create a tenancy relationship with the Town. The Operator will:

1. Operate and manage the Golf Course as the Town directs and as provided in this Agreement.

2. Staff the operation with a club house manager and sufficient personnel to: collect fees; rent carts; arrange for tee times; and starters and rangers to insure a continuous flow of play. The Operator shall endeavor to utilize Southborough residents for non-professional/non-technical positions such as rangers and starters at the Golf Course whenever possible. The Town Administrator or his/her designee shall monitor the Operator's efforts in providing positions to Town residents.

3. The Town and the Operator shall agree to a procedure for the collection, security, deposit, and record-keeping for all fees, prior to commencement of play on the Golf Course. The procedure may, from time to time, be revised by the Town, in consultation with the Operator, in order to ensure better financial controls and accountability.

4. Keep the open during daylight hours during golf course and practice range operation, subject to weather conditions that may temporarily cause the Golf Course to close.

5. Implement and enforce the St. Mark's Golf Club policies relating to the reservation of tee times, which policies may, from time-to-time, be revised by the Town in consultation with the Operator.

6. Enforce the Town's policies regarding course rules and rules of conduct, which rules may, from time-to-time, be revised by the Town in consultation with the Operator.

7. Safeguard the Town's property by daily locking the Maintenance Building, and club house and storing the golf carts or pull carts in a locked area. The Operator shall be responsible for maintaining adequate security of the Golf Course and all the buildings or facilities located on the property at all times during the term of this contract. Any monthly service fee costs for a central fire/security system in the club house and Maintenance Building shall be paid by the Operator. The Operator shall promptly notify the Owner of any interruption in the security system.

PRO SHOP, GOLF PROFESSIONAL, RANGERS, STARTERS AND BAG STAFF:

1. The Operator may operate a high quality pro shop in the Clubhouse that sells golf apparel and equipment to the public.

2. The Operator shall not be required to pay the Town rent for the use of the Clubhouse pro shop area. The Town's providing the Operator with the Clubhouse pro shop space rent free shall be a consideration of the Operator's Agreement amount.

3. The Operator shall directly pay for all metered utility costs of the pro shop, maintenance building, irrigation system and other areas under the Operator's control.

4. The Operator may arrange to store or rent golf clubs for adults and children.

5. The Operator will maintain the Massachusetts Golfers' Association handicap system service in the Clubhouse for use of all players. The Operator shall provide a computer for this service. The fees for such system shall be collected by the Operator and paid directly to the Massachusetts Golfers' Association, less any reasonable service charges imposed by the Operator.

6. Course clientele shall be permitted to receive instruction from outside professionals (for a fee or otherwise). Lessons shall be on the course. Professionals shall pay regular greens fees. Instruction shall not impede the pace of play of others.

   The Operator shall use reasonable efforts to accommodate requests for instruction from Course clientele.

7. The Operator shall retain the services of a pro shop manager. The pro shop manager will manage the pro shop and golf course operations and pro shop and golf course personnel and shall be responsible for customer satisfaction. The cost of this position shall be included as part of the Operator's basic contract services.

8. RESERVED.

9. The Operator shall employ a starter to control play every day of the week during prime time as determined by the Town Administrator or his/her designee in consultation with the Operator. The starter shall also be responsible for smooth and orderly play, and insuring that all players have paid their appropriate greens and cart fees.

10. The Operator shall provide appropriate staffing levels to continuously monitor the Golf Course property for trash and litter and remove such debris on a daily basis.

11. All persons employed by the Operator shall treat golfers and the general public in a courteous and helpful manner and render any assistance that is reasonably requested.

12. The Operator shall provide appropriate staffing levels in the pro shop, and on the golf course and grounds to ensure customer satisfaction.

13. The Operator shall immediately report any medical or other emergencies or other incidents that develop, to the proper authorities and shall, as soon as reasonable, provide a written report to the Town of any such emergency or incident. The Operator will work with the Town Administrator or his/her designee to provide CPR, defibrillator, and choke saver certification to the staff. The Operator will work with the Town Administrator or his/her designee to provide EMS plans.

14. The Operator shall coordinate the activities of all tournaments held at the Golf Course, as requested by the Town. The time of such tournaments shall be registered to ensure that no conflicts arise between players.

15. The Town shall have the right to approve the Operator's initial and on-going employment of key full-time management positions on the premises at the Golf Course. These

positions may include: Pro shop Manager, and Golf Course Superintendent. The Operator shall advise the Town Administrator or his/her designee, at least twenty one (21) days prior to termination of any individual filling these positions, stating the reason for such anticipated termination. Such notice provision shall not be considered to provide the Town with the right to control the Operator's hiring practices, but to insure that key management selected by the Operator are qualified to hold the respective positions specified and perform the duties of the positions in order to satisfy the quality expectations of the Town and terms and conditions of this Contract.

This provision is especially important with respect to the Golf Course Superintendent and Pro shop Manager, who will play key roles in the maintenance and operations of the Golf Course. The Town expects that a suitable Superintendent will be an individual who will embrace the maintenance program and someone who has documented past experience in maintaining golf courses. The Town shall not be unreasonable with respect to its approval rights of proposed management personnel.

16. The Operator shall rent golf carts and pull carts. The revenues from such golf cart and pull cart rentals shall be considered part of the overall golf course revenues. The Operator shall require all golf cart users to sign a standard golf cart use contract, the terms of which have been approved by the Town and the Town Counsel.

17. The Operator shall regularly consult with the Town and provide recommendations for improving the services provided to the public. The Operator shall, from time-to-time, attend meetings to address concerns of players or the Town Administrator or his/her designee.

18. The Operator shall supply cash register receipts, course score cards, pencils, which the Operator shall distribute to the players.

19. The Operator shall verify that all persons playing golf have paid the proper fee to play and have paid to use golf carts and pull carts. The Operator will maintain records and systems, satisfactory to the Town, to keep track of play, pull carts and golf cart rentals and all receipts.

20. The Operator shall provide a credit card transaction system, accepting not less than two (2) major credit cards for all pro shop transactions.

EXHIBIT D

St Mark's Golf Course Fee Schedule

Greens Fees
2017 GOLF RATES

WEEKDAY

9 HOLES	$19.00
9 HOLES - SENIOR/JUNIOR*	$17.00
ADD 9 HOLES	$10.00
LEAGUE	$18.00
TWILIGHT - AFTER 5:00 p.m.	$15.00

WEEKEND

9 HOLES	$21.00
9 HOLES - SENIOR/JUNIOR*	$19.00
ADD 9 HOLES	$10.00
TWILIGHT - AFTER 5:00 p.m.	$16.00

FAMILY GOLF

Family golf after 5:00 p.m. seven days a week. Family golf entitles a parent and children (up to age 16) to play golf any time for only $13.00 per person. For each additional golfer the cost is $13.00 per person

CART RATES

9 HOLES	$9.00 per person
18 HOLES	$14.00 per person
SINGLE RIDER	$10.00/9 holes $18.00/18 holes
9 HOLE PUSH CART	$3.00
18 HOLE PUSH CART	$4.00

*Senior age is 60 and over
*Junior age is 17 and under

Discount Cards

The Discount Card entitles the holder to ten rounds of golf for the price set forth below. The St. Mark's Discount Card is non-refundable, non-transferable, and good for only for the 2017 golf season.

The St. Mark's Weekday Discount Card is available for weekday play, excluding holidays. The 9-hole weekday discount card must be used weekdays, excluding holidays before 3 p.m. An additional greens fee of $10 will be charged for 18 holes of play for weekday play.

2017 Discount Card Rates:

Weekday Junior		$150
Weekday Senior	$150	
Weekday Regular	$165	
Weekend	$185	

Season Passes

The season pass allows discounted play for an annual fee starting at $550.00 and a nominal greens fee each time you play. Periodic promotions will also be offered to season pass holders providing discounts on merchandise, cart fees and guest fees throughout the golf season.

SENIOR (Over 60)	$550
INDIVIDUAL	$650
HUSBAND/WIFE	$1050
JUNIOR (Under 17)	$375

In addition to the annual fee stated above, a greens fee of $5 will be charged to all season pass holders for each round he or she plays.

EXHIBIT E

Hours of Golf Shop Operations
Deleted

EXHIBIT F

INSURANCE

A. Workers' Compensation Insurance: Mandatory for all employees at statutory levels

B. Public Liability Insurance: $1,000,000

C. Property Damage: $1,000,000

D. Fire and extended coverage on contents and equipment, including golf carts, with appraised value.

The Town shall be listed as loss payee or additional insured in all insurance policies required thereunder.

EXHIBIT G

CORPORATE OFFICERS

President: WILLIAM T. HARRISON
P. O. Box 462
WESTWOOD, MA 02090

Treasurer: WILLIAM T. HARRISON
P. O. Box 462
WESTWOOD, MA 02090

Clerk: PAULA K. HARRISON
P. O. Box 462
WESTWOOD, MA 02090

Directors: WILLIAM T. HARRISON
PAULA K. HARRISON

EXHIBIT H

CERTIFICATION OF PAYMENT OF TAXES

I hereby certify that all employee withholding taxes and other taxes and tax returns due the Commonwealth of Massachusetts have been paid and filed by St. Mark's Golf Club, Inc. as required by law.

Signed under the pains and penalties of perjury.

ST MARKS GOLF CLUB INC.

Company

Title: President

ATTACHMENT D
TOWN OF SOUTHBOROUGH
ST. MARK'S GOLF CLUB
GROSS ANNUAL REVENUES

YEAR	REVENUE
2008	276,522
2009	296,559
2010	308,624
2011	272,891
2012	299,489
2013	286,543
2014	305,288
2015	277,992
2016	254,728

Southborough

Analysis of Solid Waste Disposal

Summary Report

September, 2020
by John Butler

Southborough Solid Waste Disposal

- Goal: A Comprehensive Review
  - This is a summary report
  - A variety of follow-ups are possible
- Topics
  - Context – US Situation and Mass DEP
  - Current Southborough Operations
  - Analysis of Comparable Towns
  - Analysis of Management Choices
  - Conclusions and Follow-ups

Decision Context – US and Mass DEP

- United States overview
  - Municipal Solid Waste (MSW)
    - Landfills
      - 53% of solid waste, nationwide, but in New England 24% and dropping
      - Almost all closed in Massachusetts
        - » Cheapest where land is abundant much of USA
        - » Some MA waste now ships to landfills to the west
    - Waste to Energy, abbreviated "WTE"
      - Takes 13% of US waste, but 41% in New England
      - Cleaner than ever nothing is perfect
        - » New Plants are high capital investment and face NIMB problems
      - All European countries are building WTE plants
      - Mass DEP willing to license WTE now again, after hiatus
  - Recycling
    - Takes 34% of solid waste nationwide
    - For non-plastics the markets are functioning, somewhat
    - Recycling for plastics is deeply broken and unstable 12% of total
      - Piling up worldwide, and in MA.
      - Problems: Too many to list. Has potential to work, but doesn't.
    - Subject to environmental science changes CO2 vs. Contaminants

Mass Statute and Mass DEP

- By Statute, local Board of Health has authority
  - Licensing authority for haulers – among many other powers
  - Public health was original reason for government role
  - Can set standards, consistent with DEP
    - Active in many Towns
      - At least to regulate haulers
    - Not active in Southborough for last 30 years
  - BOH notified of this study
- Mass DEP makes rules for Towns
  - We take their rules
    - But we have to assume that facts will affect them, eventually
  - Pushes recycling – by regulation and advocacy
    - Have no good answer for plastics or comingled
  - Now supports Waste to Energy for MSW

Current Southborough Situation

- We have a Town and Private Model
  - Town: Transfer Station option for Residents
    - MSW to Wheelabrator
    - E L Harvey handles recyclables
    - Mostly funded by user fee –
      Fee covers about 80% of cost
      Not Pay as You Throw (PAYT)
    - 50% of our Levy-base uses T-Station
  - Private: Curbside pickup by Contractors
    - 30% of total households, approximately
      435 households accounted for by survey
      640 households unaccounted for, presumed curbside
      Curbside % probably rising slowly tonnage unknown
    - All commercial users contract privately, 20% of Levy
      EDC, contacted. "Trash not an issue."
    - 50% of the Levy-base is via private haulers

Southborough Operations

- Wheelabrator is a Waste to Energy (WTE) Incinerator in Millbury
  Takes all our non-recyclables (MSW)
- Southborough contract is through end of 2027
  Probably stable through end of contract
  Covers "Southborough Residential and Small Business" trash
  Price per ton has CPIx*0.7 escalator
    - A good deal for Town so far

  Our current price is $69/ton
    - Average MA price is about $100 (Study did not re shop the market)
- Wheelabrator is privately held – (LLP – Private Equity)
  So, we don't have detailed financials
    - Not ideal for analysis a bit of a blind spot
    - Contract requires a $50M net worth
      The type of clause that is never effective

  Owner has large portfolio of such investments
  No current reason to believe it is unstable
- All things considered, it's great we have Wheelabrator

Southborough Operations

- The Transfer Station –physical facility
  - MSW hopper maintainable indefinitely
    - With good planning – which we have
    - $5000/yr in a good year, $10,000+ some years
    - Unlikely to suffer prolonged downtime
  - Two staff attendants required today
    - One for MSW the other for recyclables
    - Could save staff if built for better sight-lines

Southborough Operations

- E L Harvey supports our recycling area
  - Owns most of the equipment
  - Handles the major recyclables
    - Paper, newspaper, comingled and cardboard
    - Other vendors for some types – yard waste, etc
    - We have had large recent cost increases
  - Wide range of costs by type
    - Currently $57/ton for our mix
    - $100/ton for comingled
    - Would be cheaper to send comingled to Wheelabrator, but would be illegal per DEP

Southborough Operations

- Tipping Volumes and Costs by Type
  - MSW going to Wheelabrator
    - 2553 tons FY19 = tipping cost $174,000
    - Tonnage has slowly declined over 15 years
      - Per capita, and absolute totals have declined
      - It appears that tons per capita has declined from .70 to .54
        - » Even allowing for some shift from public to private disposal,
        - » Although our data is imperfect
      - This excludes commercial, which is completely unknown
    - Tipping cost down from 7 years ago due to contract revision
      - 2012 = $226,000,
      - 2019 = $174,000, up slightly from 2018
    - Our tipping fee of $69/ton compares to Statewide reported of $100/ton
  - Recyclables
    - 22% of total tipping costs
    - Unstable prices and situation
      - FY19 total fees: $50,000 up from FY16 $15,000
    - Single stream: formerly fashionable, now is most expensive
    - Comingled formerly was free, now $100/ton
    - Newsprint $40/ton, cardboard $20
- Total Municipal Disposal (Tipping) Expense $231,740 (FY19)

Southborough Operations

- Operational Costs (mixed years)

Transfer Station Operations		
Labor and Benefits, including retirement, fy21 rates	$	234,432
Other Expense (departmental FY21)	$	30,900
Capital Expense	$	46,500
Total Annual Operating Expense (not incl. disposal)	**$**	**311,832**
Disposal Expenses FY 19 Actual	$	231,740
Total Annual Transfer Station Operating Costs	**$**	**543,572**

- Note that fixed costs are large portion
  - More than 50% fixed cost
  - Variable cost probably <= $80/ton for MSW
- $140 per Disposed Ton (all types, full cost)
  - Operations and tipping combined

Southborough Operations

- Costs and Funding of Operations

Total Annual Transfer Station Operating Costs	**$**	**543,572**	**100%**
Revenues from Sticker Fees FY 19	**$**	**424,970**	**78%**
Covered by Tax Levy	**$**	**118,602**	**22%**

Southborough Total Solid Waste Costs

- Total Costs Are Important For
  - Consideration of Alternative Municipal Models
    - Municipal Curbside for example
- Total Costs are sum of:
  1. T-Station Operations
  2. Residential Private Curbside
  3. Commercial Disposal
     - But, Commercial Disposal not considered in this study, so these costs excluded
     - We have no data on Commercial at this time

Residential Estimated Total Southborough Solid Waste Costs

Transfer Station Costs	$	543,572
Residential Curbside and Private Hauling		
Known 435 subscribers at $480 avg annual fee	$	208,800
Missing 642 households (condos and unknown) est. $360 avg annual fee	$	231,120
Residential Total Estimate of Solid Waste Disposal Costs	**$**	**983,492**

Price/Volume Economics

- Fundamentals Review
  - T station has large fixed expense component
  - Variable costs $80/ton (estimated, for MSW only)
  - We have lots of excess MSW capacity, and a low cost per ton
- Our current customer economics
  - 1.6 tons per year per customer household (incl. recyclables)
  - $173/yr avg price per customer household, after all discounts
    - $250/yr avg price per non-Senior customer
  - $109/yr estimated variable costs per customer ($68x1.6)
  - Average customer yields about $64 operating margin toward fixed expenses (estimate, including all types of recyclables)
- Implications:
  1. Losing T-Station customers is bad, gaining customers is good
     - T-station competes with curbside and so must be competitive
       This the important lesson from Wayland, Sudbury, as will be seen
  2. Don't imagine we are running a monopoly
  3. More MSW volume at close to market$/ton would be beneficial

Analysis of Comparables

- Towns selected by query of Mass DOR data
  - Population, Income per Capita, Pop Density
  - No consideration of MSW handling methods
- Focus: Medfield, Norwell, Wayland, Sudbury
- Methods for gathering information
  - Analysis of public documents
  - Outreach and interview

Analysis of Comparables

- Medfield – Most like Southborough
  - T-station and private curbside –mostly T-station users
  - Low sticker fee $50, no PAYT
  - Medfield considered and rejected municipal curbside
  - Seems to be operating well and at comparable costs to ours
- Norwell
  - Town provides full residential curbside
    - Weekly pickup: MSW and Recyclables
    - Not PAYT –except for excess quantities
      Basic service covers all regular usage, very little PAYT
    - 3674 households
    - Contracted to Waste Management, Inc
      $1,133,375, or $308 per household per year

Analysis of Comparables

- Sudbury
  Town T Station, but mostly private curbside usage
  - 885 T-Station MSW vs. 4596 private curbside, estimated

  T Station Operations
  Fee $170/yr plus PAYT 30gal bag @ $2.40 ea
  3 days per week 8am to 3pm only
  Disposed 1018 tons (CY19)
  - Cost per disposed ton at the T-station is $319
    Compare to Southborough $140/ton
- Wayland
  Town T Station, but mostly private curbside
  - 1875 T-station, 3200 residential curbside, approximately

  T Station
  $165/yr plus $2.50 per 30 gal bag
  3 days per week, 7am to 4pm
  Disposed 1707 Tons in CY19
  - Cost per disposed ton at the T-station $249
    Compare to Southborough $140/ton
- Both these Towns would save a lot of taxpayer money by closing their T-Station and having a single contract Town curbside

Analysis of Comparables

- Observations/Lessons
  - Wayland and Sudbury – have very high cost per ton
    - High fixed expense of T-Station is a key economic factor
    - Lesson for us: don't take T Station customers for granted
      - Residents can drift toward private curbside
        - » Fee increases risk more residents leaving system
        - » Make it annoying PAYT, short hours $ they *run* away
      - Can get stuck with high cost per ton
        - » Wayland/Sudbury costs per ton are 177% and 227% of ours
    - DPW Chief in Wayland:
      Older residents all use T station. New families all use curbside. We should probably go all curbside but difficult to do.
  - Norwell and Medfield both have good working models
    - Lesson: Different models can work
    - Norwell the municipal curbside can work at about 15% higher cost than we have now, counting total residential cost
      - But, disadvantage is "one size fits all" and higher cost for many
      - The intrinsic value of "marketplace choices" hard to assess

T-Station vs. Curbside Price and Service

- The Market in Southborough
  - Curbside quote: $442/yr per household
    - Weekly pickup, trash and recyclables
  - T-station sticker: $250/yr
- Not much room to raise T-station price
  - Curbside pickup is regarded as a better service by many, but not all, residents
  - PAYT at T-Station?
    - Must buy and use special bags, or tags
    - Private curbside cuts the PAYT annoyance

Analysis of Comparables

- Observations/Conclusions
  - Benefits of Southborough's Current Operation
    - Choices for residents at varying price points
      - Approx $25 avg for over 65 (paid in tax bill)
      - $275 for under 65. (T-Station sticker + tax portion)
      - $525 for private curbside (average quoted price)
        - » $440 $630 quoted
    - Low tax burden on non users
      - 50% of Levy base is non users of T-station
      - Residential non users pay only $25/yr in taxes on average
        - » Less than 3/10ths of 1% of the Levy (0.0025)
      - For commercial taxpayers 96% of cost of T-Station is on residents
        - » They get no benefits and have almost zero tax burden
    - Good cost per ton among comparable Towns
    - Declining tonnage per capita
      - (Best we can tell not much info on curbside tonnage)
        - » Can estimate from pre-2008 tipping data
      - The socially beneficial direction. Tells a good story.

Analysis of Possible Choices

- Should we make any major changes?
  - Two categories of management choices
    - Operational and Op Management Options
      - Curbside instead of T-station
      - T-station reconstruction
      - PAYT
      - Adding MSW
    - Funding and Accounting Choices
      - Fees vs Levy
      - Budget, Revolving Fund, Enterprise Fund

Analysis of Op Choices

- Eliminate the T Station switch to Town-wide Curbside Only
  - Implementation choices all can be made to work
    - a) 100% Private - no Town role, all private individual contracts,
      - Boylston made this change It can work
      - Has highest total cost for residents
        - Estimate $1.8 million/yr total vs. current estimated $983,000
        - But, competition usually provides good service and choices
    - b) Town wide contract with private operator
      - Like Norwell
      - Estimate costs of $1.1 million/yr (range $925 to $1.5M)
        - Medway s best contract would place us at $925
      - Would cut costs for current private curbside users, increase for all others
      - Quality monitoring and customer response systems would be needed
    - c) Town curbside with Town trucks costs of this not analyzed
  - But, why switch to curbside from our current system?
    - Current system is functional and provides choices at reasonable costs
    - Citizen preference for curbside would be essential
      - But, must be alert to avoid sliding into Sudbury/Wayland situation
    - Might regain some land, after demolition costs of T-Station area
- Private operation of T station
  - Westborough has this.
  - Not analyzed could be, if asked to do so

Analysis of Op Choices

- Option to *Rebuild T-station*
  - Rebuild Concept
    - Benefits
      - Can be supervised by one employee
        - » Down from two with current layout
      - Could be some land repurposing, but maybe not
      - Modernization of equipment but hard to quantify value
  - Analysis of Cost/Benefit of Rebuilding
    - Save $81,000/yr (sal&ben) after 5 years transition
      - Cost $2.5 million, assume bond at 1.5%/yr
    - Breakeven is 31 years on cash flow.
    - Not a financial justification.
    - So, would require
      - Some non financial justification land repurposing?
      - Plus, belief in stability of recycling basics
        - » Highest risk: increased monitoring requirement of materials sorting

Analysis of Op Choices

- Adopt a Pay as You Throw (PAYT) at T-station
  - 137 of 350 MA communities currently use PAYT
  - Primarily a volume reduction system, not a funding system
  - Can destabilize the revenue/cost balance for the Town
    - If residents leave T station for private curbside
      - Then, fixed operating costs remain but low user revenue
      - Both Wayland and Sudbury seem to suffer this
      - Our high $Inc/Cap suggests we would be at same risk
  - Would require further analysis, if asked to do so
- Another option: shorten T-station hours per week
  - We are currently on the longer side, with 4 days
  - No analysis done of savings or issues, but could be considered
    - Might be difficult to actually gain the benefits

Analysis of Funding Choices

- Equitability analysis of our Current System
  - Good Equitability Characteristics:
    - Mostly paid by user fees (80%)
    - Low Burden on non-users
      - Private curbside and commercial pay very little
      - These are half of the tax base
    - The Senior discount also meets some equitability tests
      - Seniors impose low costs relative to other segments
        - » Eg. School costs are huge. Households with school age children, 42% (estimate) $30,000/yr average benefit per household.
        - » T station and Sr. Center costs are tiny by comparison
  - One need not consider such equitability factors
    - If one does, one may as well consider it quantitatively

Analysis of Funding Choices

- Option: Fund T-station 100% with Levy
  - Eliminate the sticker fee
  - Equitability Analysis
    - Much less equitable for non-users of T-station
      - Would pay for what they don't use, or cannot use:
        - » Residents who buy private curbside
        - » Commercial entities
    - Raise taxes on half the tax base only for the other half?
  - Administrative
    - We would still need stickers, so no savings
  - Fiscal
    - Need to add $425,000 to the Levy
      - To offset lost receipts
      - 0.9% Levy bump
    - Could be done, but not a small sum

Analysis of Funding Choices

- Some citizen responses
  - "The Levy would be tax deductible"
    - Analysis:
      - Not actually deductible for vast majority of taxpayers in Southborough. No savings.
  - "Fairness advantage of the Levy"
    - More valuable properties pay more
    - Analysis
      - Real-estate tax not normally regarded as "progressive". In fact, the opposite.
      - Low-income groups that would be hurt:
        - » Seniors and Apartment dwellers

Analysis of Funding Choices

How can we balance Revenue and Costs?

1. Lower costs, by rebuilding T-station to save labor
   - Economics not attractive – 30+ year payback
2. Increase Revenue, selling more MSW tonnage
   - We have low costs and spare capacity
     - In 2005 we moved 2700 tons more than in 2019
     - Our <= $80/ton for MSW is very good right now
   - Consider ways to take in more MSW at market or close to market prices
     - From sources in Town $25-75,000 realizable, maybe
       - » 1100 tons (estimate) going through curbside
       - » Unknown commercial tonnage in Town
   - This concept would require further investigation
     - But, if we sold the T-station to a private operator, and required they keep the current resident prices, this is what they would do, I think.
     - Not a promise that this would work

Analysis of Accounting Choices

- Change to Enterprise or Revolving Fund
  - Not carefully analyzed in this study
    - What problem would we be solving?
  - Observation: Revolving fund restrictions have caused problems in Wayland
    - "Deficit not permitted" resulted in potential crisis
    - Wayland DPW Chief now looking to terminate Revolving Fund accounting
  - Sudbury has Enterprise Fund and very high costs
    - Accounting hasn't fixed management

Analysis of Licensing Choices

- My Strong "Information" Recommendation
  - Recommend Board of Health license private haulers
    - With a low license fee, to cover administration only
    - Require haulers to provide annual information
      - Number of tons and type of material
      - Number of customers
      - Disposition of refuse by type
      - Other, based on review of Towns that have license requirement
      - DEP wants this info
  - Quick check suggests many Towns license private haulers:
    - Wayland, Sudbury, Lancaster, North Attleborough, Northbridge, Salisbury, Somerville, Great Barrington, hundreds do it
  - We need five years of good data before 2027 renegotiation with Wheelabrator
    - Otherwise we are negotiating almost blind
    - Half our tax base MSW is completely invisible to us now
      - We don't know tonnage, costs, or composition
    - I suggest BOS and Advisory politely request BOH to implement

Concluding Summary

- Fundamentals:
  - MSW Wheelabrator looks good best solution
  - Recycling is unstable, globally
    - Expect continued volatility, particularly of prices, maybe of process
- Lessons from Other Towns:
  - Other models can work, such as municipal curbside
    - But would need a reason to make the change
  - Management mistakes are possible, if not careful
    - Get stuck with high costs and low perceived value
    - Sudbury and Wayland for example
- Choices:
  - Rebuilding the T station
    - Would need some non financial justification
  - Consider adding MSW tons at market price/ton
    - Might work, might not, but needs further analysis
  - License private haulers
    - Require data on quantities and disposition of tonnage

Concluding Summary

- Our current system works well !
  - Reasonably efficient municipal operation
    - Cost-effective service delivery overall
    - Currently avoiding pitfalls of some other Towns
    - Stable – to the extent possible
  - Provides citizen choices
    - At different price points
  - A reasonably equitable funding system
    - Mostly user supported
    - Cost benefit for seniors –classically lower income
    - Low tax impact – less than 1/3 of 1% of Levy (.0026)

Follow-up

- Suggested
  - Research BOH regulations of other Towns
    - Draft suggested topics
  - Investigate additional revenue potential of capturing more MSW tonnage
    - A feasibility review
- For consideration, but only if desired
  - Manage resident survey on curbside service
  - Manage survey of new residents for usage trends
  - Investigate private ownership/operation of Transfer Station

Appendix

Mass DOR Data from Selected Towns

DOR Code	Municipality	County	2018 Population	FY 2020 Single Family Tax Bill	FY 2017 DOR Income Per Capita	FY 2018 EQV Per Capita	Land Area	Population Density	2018 Total Road Miles	Assessed Value Residential	Assessed Value Commercial	Assessed Value Industrial	Assessed Value Pers Prop	Total Assessed Value	R/O % of Total Value	CIP % of Total Value
277	Southborough	WORCESTER	10,169	10,569	117,088	253,902	14.02	725	85.77	2,113,664,047	283,702,891	142,899,300	85,193,300	2,625,449,538	80.51	19.49
175	Medfield	NORFOLK	12,904	12,062	97,217	217,102	14.40	896	80.32	2,625,162,353	92,256,017	29,262,300	35,069,620	2,781,749,290	94.37	5.63
219	Norwell	PLYMOUTH	11,115	10,814	93,513	252,595	20.93	531	91.06	2,359,178,932	317,751,447	30,953,000	53,673,680	2,761,557,059	85.43	14.57
288	Sudbury	MIDDLESEX	19,627		113,334	244,359	24.27	809	145.77	4,451,809,500	179,424,076	30,823,000	111,016,580	4,773,073,156	93.27	6.73
315	Wayland	MIDDLESEX	13,882	14,214	147,191	277,157	15.05	922	96.53	3,811,844,266	132,854,334	4,452,500	45,781,200	3,994,932,300	95.42	4.58

Budget Update

Closeout of Fiscal 2020
Update on 1st Qtr. of Fiscal 2021
Planning for Fiscal 2022

Board of Selectmen Meeting

September 22, 2020

Fiscal Year 2020

- Ended on June 30, 2020;
- Annual Audit – Ongoing. May be slightly delayed - no significant audit issues known;
- Audit report will be released in December and shared with Board;
- Free Cash certified 9-15-20 ;
- Tax rate to be set next month.

Fiscal Year 2020 – Department Turnbacks and Local Revenue

- Departmental turn backs: $140,139 higher vs FY19
- Local Revenue: $467,320 lower vs FY19

Fiscal Year 2020 – Department Turnbacks

Department	FY20	Department	FY19	Department	FY20	Department	FY19
Moderator	25.00	Moderator	25.00	Fire Department	3,355.37	Fire Department	6,059.56
Advisory	1,770.00	Advisory	626.00	Building Department	8.24	Building Department	2,533.84
Reserve Fund	28,578.00	Reserve Fund	47,147.03	Civil Defense	1,000.00	Civil Defense	-
Board of Selectmen	1,214.97	Board of Selectmen	13,277.96	School Department	99,992.42	School Department	400.13
Audit	100.00	Audit	140.00	Regional School Assessments	1.00	Regional School Assessments	834.00
Accounting	10,862.18	Accounting	3,985.30	Department of Public Works	2,639.33	Department of Public Works	193.74
Assessor	127.52	Assessor	132.63	Board of Health	3,495.37	Board of Health	2,251.39
Treasurer	2,776.64	Treasurer	363.20	Council on Aging	35,096.22	Council on Aging	305.29
Legal	1,725.22	Legal	-	Veterans' Services	17,749.83	Veterans' Services	11,740.60
Special Legal Counsel	324.19	Special Legal Counsel	311.96	Youth Commission	84.06	Youth Commission	1,318.87
Personnel	9,046.77	Personnel	9,934.22	Library	12,228.92	Library	2.71
MTC	1,000.00	MTC	-	Recreation	5,152.35	Recreation	4,031.62
MIS	9,215.63	MIS	853.69	Historical	40.16	Historical	-
Other Opp Support	99.22	Other Opp Support	6,812.14	Memorial Day	3.48	Memorial Day	717.87
Town Clerk/Elections	16,587.78	Town Clerk/Elections	934.16	Long Term Debt	(2.55)	Long Term Debt	15,000.45
Conservation	263.10	Conservation	4,090.68	Interest on Long Term Debt	(1,937.90)	Interest on Long Term Debt	20,080.58
Planning Board	272.30	Planning Board	1,444.51	Employee Benefits	113,062.44	Employee Benefits	87,688.84
Zoning	7,616.11	Zoning	17,542.27	Liability Insurance	0.04	Liability Insurance	0.40
Open Space	36.29	Open Space	-	Capital Budget	1,440.86	Capital Budget	2,171.76
Economic Development	10,498.93	Economic Development	4,564.80	Court Judgments	1,891.59	Court Judgments	0.91
Public Building	14,402.97	Public Building	1.16				
Animal Control	737.97	Animal Control	619.58	Total Budgets	**$478,797.43**		**$338,658.46**
Police Department	64,138.41	Police Department	70,519.61				
				Year to Year Change	$140,138.97		

Fiscal Year 2020 – Local Fees

	FY19 BUDGET	6/30/2019	FY19 vs Estimate	FY20 BUDGET	6/30/2020	FY20 vs Estimate	FY21 RECAP DRAFT
MV Excise	1,900,000	2,297,975	397,975	2,075,000	2,314,845	239,845	2,075,000
Other Excise (Hotel)	85,000	121,981	36,981	85,000	114,428	29,428	85,000
Interest - Taxes	70,000	131,757	61,757	70,000	71,055	1,055	70,000
In Lieu of Taxes	400,000	456,847	56,847	400,000	496,108	96,108	405,000
Fees	370,000	524,859	154,859	395,000	382,609	(12,391)	384,500
(Bldng, P-Detail, Rec Fields, etc)							
Rentals	25,000	35,825	10,825	25,000	33,802	8,802	25,000
Library	2,400	2,501	101	2,400	1,687	(713)	2,400
Cemetery	25,000	30,060	5,060	25,000	27,349	2,349	25,000
Other Revenue Clerk, Assessor, ZBA	6,000	35,369	29,369	6,000	26,274	20,274	6,000
Licenses & Permits	420,000	523,946	103,946	420,000	512,703	92,703	420,000
Liquor, Dump Stickers, BOH, etc.							
Fines & Forfeits (RMV, Court, CML, etc)	75,000	77,411	2,411	75,000	81,866	6,866	75,000
Investment Income	65,000	287,705	222,705	165,000	235,489	70,489	80,000
Misc Revenue Medicaid Reimb		92,663 51,347	92,663 51,347		121,255 32,877	121,255 32,877	
Misc/State Revenue Misc. Non-Recurring		63,049	63,049		113,630	113,630	
G-Fund TOTAL	3,443,400	4,733,296	1,289,896	3,743,400	4,565,976	822,576	3,652,900

Fiscal Year 2020 - cont'd

Balances of Various Funds:

- Other Post Employment: **$1,855,362**
  - $250,000 added on July 1 per Town Meeting
  - Next actuarial study in FY22
- Stabilization Fund: **$606,627**
  - $0 added/used on July 1 per Town Meeting
- Community Preservation Fund: **$2,205,210**
  - Additions and withdrawals subject to tax billing and project expenses

Fiscal Year 2021 to date

- 1st two months of FY21 similar to FY20:
  - $12,039,105 July-August 2019 versus $12,076,940 July-August 2020 (estimated).
  - Will have clearer picture once September revenues are posted in mid October.
- Not seeing any issues with budget as voted at Town Meeting – no unexpected equipment failures, etc.
- Excess levy capacity was estimated to be $3,953,895
- Bond sale completed:
  - Affirmed AAA rating; stable.
  - Library Project (Community Preservation Project)
  - Public Safety Complex – last bond
- COVID expenses continue to be monitored – approximately $100K expected to be reimbursed. Expenses are segregated in separate account.

Fiscal Year 2022

- FY22 budget process to begin shortly, Departments now undergoing training for ClearGov software; capital module under review;
- Free cash certified for FY22 is $1,400,293 – a reduction from FY21 of $477,776;
- Budget Directive to be sent out in conjunction with new FY22 budget requests;
- FY22 could start with significant excess levy capacity;
- Capital requests up significantly; however, still under review for recommendations to BOS and Advisory.

Decisions and Comments

- Board position on supporting any new services and new hours – Board previously voted to not support new positions;
- Any special information Departments should prepare to disseminate? Ex: Alternative budget scenarios, any restrictions on increases, etc;
- Any changes to the budget process itself?
- Any other comments or direction the Board would like to pass on to Departments as they begin preparing their FY22 recommendations?

Next Dates of Importance

- Budget Planning Group – meet in October;
- Budgets released this month and collected in October;
- BOS Budget Update – Late October/Early November;
- Budgets and Capital reviewed by TA and FD October/November 2020;
- Advisory concurrently review Capital and Budgets;
- Capital Committee: Ongoing Capital reviews and structuring the recommended capital plan;
- December 2020 – January 2021 BOS/Advisory review period;
- BOS votes on recommended budgets late January, 2021;
- Annual Town Meeting March, 2021

CAPITAL PLANNING COMMITTEE- SCHOOL RESEARCH SUBCOMMITTEE

The School Research Subcommittee shall be an ad-hoc committee of the Capital Planning Committee made up of three (3) members. Two (2) members will be from the Capital Planning Committee and one (1) member will be from the Southborough School Committee. Each committee will recommend members for the respective membership positions, subject to appointment by the Board of Selectmen.

School and Town administration members may participate in the meetings in an advisory manner, but do not count towards a quorum, nor will they have a vote.

CHARGE

The primary charge of the School Research Sub-Committee is as follows:

- Review Southborough Schools K-8 Housing Study Group Summary Report, dated February 13, 2013;
- Undertake any actions to update the previously completed summary report;
- Undertake any additional steps needed to provide a comprehensive view of current and future school enrollment/space in order to provide a recommendation on whether any schools can be consolidated;
- Provide formal read-out and recommendation to Southborough School Committee and Capital Planning Committee; and
- Upon votes from Southborough School Committee and Capital Planning Committee, make presentation to joint meeting of Board of Selectmen and Advisory Committee.

TERM

The Capital Planning Committee-School Research Subcommittee appointments will be through December 31, 2020.

DRAFT

Southborough, MA
17 Common Street

Phone: 508-485-0710

RECEIVED
AUG 26 2020
Southborough Selectmen's Office

Citizen Activity Form

Good Government Starts with You

Date Submitted:	August 25, 2020
Name:	Annie Pfaff
Home Address:	50 Oak Hill Road Southborough, MA 01745
Mailing Address:	50 Oak Hill Road Southborough, MA 01745
Phone Number(s):	(614)214-8104 - Cell
Email Address:	annie.pfaff@me.com
Current Occupation/Employer:	St. Mark's School, Advancement/Fundraising
Narrative:	Having owned a number of historical homes in Massachusetts over the last decade, I am committed to historical preservation and would like to further my involvement in historical preservation and protection specifically in the town of Southborough. I currently live in a prominent historical home in town, the Greek Revival-style J. Lowell House on Oak Hill Road. In 2017-2018 I oversaw an extensive whole home restoration of the interior and exterior of the property. As a younger (millennial) resident without children, I have time and availability to commit to this endeavor in addition to working full time currently at St. Mark's School.
Board(s) / Committee(s):	___ HISTORICAL COMMISSION

Southborough, MA
17 Common Street

Phone: 508-485-0710

Citizen Activity Form

Good Government Starts with You

Date Submitted:	August 28, 2020
Name:	Seath A Crandall
Home Address:	77 Oak Hill Rd Southborough MA 01748
Mailing Address:	77 Oak Hill Rd Southborough MA 01748
Phone Number(s):	(952)807-3515 - Cell
Email Address:	seath.allen.crandall@gmail.com
Current Occupation/Employer:	Management Analyst / Town of Wayland
Narrative:	I work full-time working 1-2 nights of the week. I would love to be considered for any of the boards I have selected. Being a Management Analyst for the Town of Wayland has provided me a growing knowledgebase of how municipalities function internally which I feel would be valuable to any board. Additionally, as a new homeowner in Southborough it is my hope to be an asset to the Town in which I hope will be my family's permenant residence.
Board(s) / Committee(s):	___ADVISORY COMMITTEE ___CAPITAL PLANNING COMMITTEE ___COMMUNITY PRESERVATION COMMITTEE ___RECREATION COMMISSION

TOWN USE ONLY
Date:
Check#
Cash
Lic.#

APPLICATION FOR COMMON VICTUALER LICENSE

TOWN OF SOUTHBOROUGH
Board of Selectmen
17 Common Street, Southborough MA 01772

APPLICATION FORM – COMMON VICTUALER LICENSE

A Common Victualer License is required for most locations where food is served and is issued under Mass General Law Chap. 140 §2 and §6. The annual (calendar year) cost of a Common Victualer license is $50.00 and is not pro-rated. Before obtaining the Common Victualer License, you will have to obtain the Food Service License from the Board of Health. When the application is complete, the Board of Selectmen will review for approval. You may not operate your business until the approved license is in hand.

Complete before obtaining signatures:

Applicant's Name: Stephen Ashkinos

Mailing Address: 15 Brimstone Lane

City: Sudbury, MA **State:** MA **Zip:** 01776

Email Address: sashkinos@gmail.com

Phone: (Home) (917)847-0998 **(Business)** (508) 485-7220

BUSINESS NAME: NY Bagel Factory Location 2, LLC **FEID#:** 85-2941259

Corporate Name (If Incorporated or LLC) NY Bagel Factory Location 2

Address: 20 Turnpike Road, Southborough, MA 01772

Landlord: ~~Craig Mitrokostas~~ Paul Bartolini

Address: 20 Turnpike Road Southborough, MA

City: **State:** **Zip:**

Phone: (508) 485- 7220

Principle Purpose of Business: Bagel Shop **Total seating capacity:** 18

Business Certificate Filed with City Clerk: ___Yes ___No X N/A **Date:**

APPROVALS OBTAINED *IN THE ORDER LISTED* BELOW:

1. **Building Inspector** **Date**

2. **Board of Health** **Date**

3. **Fire Chief** **Date**

Business Name: Ny Bagel Factory Location 2
D/B/A: Ny bagel factory
Address: 20 Turnpike Road, Southborough, MA 01772
Manager: Stephen Ashking / Randel Noller

HOURS OF OPERATION

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
6am	6am	6am	6am	6am	6am	6am
3pm	3pm	3pm	3pm	3pm	3pm	3pm

TOWN USE ONLY
Date:
Check#
Cash
Lic.#

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Board of Selectmen
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Complete before obtaining signatures:

Applicant's Name: Stephen Ashkinos

Mailing Address: 15 Brimstone Lane

City: Sudbury, MA **State:** **Zip:** 01776

Email Address: Sashkinos@gmail.com

Phone: (Home) (917-) 847-0998 **(Business)** (508) 481-9556

BUSINESS NAME: NY Bagel Factory Location 3, LLC **FEID#:** 85-2957995

Corporate Name (if Incorporated or LLC) NY Bagel Factory Location 3

Address: 205 Turnpike Road, ~~Boston~~ Southborough MA

Landlord: Kathy Curtiss (205 Turnpike Road Realty trust) 01772

Address: 205 Turnpike Road

City: Southborough **State:** MA **Zip:** 01772

Phone: (508) 481-9556

Principle Purpose of Business: Bagel Shop **Total seating capacity:** 16

Business Certificate Filed with City Clerk: ___Yes ___No X N/A **Date:**

APPROVALS OBTAINED *IN THE ORDER LISTED* BELOW:

1. **Building Inspector** _____ **Date** _____

2. **Board of Health** _____ **Date** _____

3. **Fire Chief** _____ **Date** _____

Business Name: NY Bagel Factory Location 3

D/B/A: NY Bagel Factory

Address: 205 Turnpike Road Southbourgh, MA 01772

Manager: Stephen Ashkinos / Randal Nollen

HOURS OF OPERATION

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
6am	6am	6am	6am	6 am	6am	6am
3pm	3pm	3pm	3pm	3pm	3pm	3pm

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TOWN OF SOUTHBOROUGH
Board of Selectmen
17 Common Street, Southborough MA 01772

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Complete before obtaining signatures:

Applicant's Name: Stephen Ashkinos

Mailing Address: 15 Brimstone Lane

City: Sudbury, MA **State:** MA **Zip:** 01776

Email Address: sashkinos@gmail.com

Phone: (Home) (917) 847-0998 **(Business)** (508) 485-7220

BUSINESS NAME: NY Bagel Factory Location 2 **FEID#:** 85-2941259

Corporate Name (If Incorporated or LLC) NY Bagel Factory Location 2

Address: 20 Turnpike Road, Southborough, MA 01772

Landlord: (Craig Mitrakos/Mitrakos Realty LLC) Paul Bartolini

Address: 20 Turnpike Road Southborough, MA

City: **State:** **Zip:**

Phone: (508) 485-7220

Principle Purpose of Business: Bagel Shop **Total seating capacity:** 18

Business Certificate Filed with City Clerk: ___Yes ___No X N/A **Date:**

APPROVALS OBTAINED *IN THE ORDER LISTED* BELOW:

1. **Building Inspector** **Date**
2. **Board of Health** **Date** 9/15/20
3. **Fire Chief**

TOWN USE ONLY
Date:
Check#
Cash
Lic.#

APPLICATION FOR COMMON VICTUALER LICENSE
TOWN OF SOUTHBOROUGH
Board of Selectmen
17 Common Street, Southborough MA 01772

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Applicant's Name: Stephen Ashkinos

Mailing Address: 15 Brimstone Lane

City: Sudbury, MA **State:** MA **Zip:** 01776

Email Address: sashkinos@gmail.com

Phone: (Home) (917) 847-0998 **(Business)** (508) 485-7220

BUSINESS NAME: NY Bagel Factory Location 2 **FEID#:** 85-2941259

Corporate Name (if Incorporated or LLC) NY Bagel Factory Location 2

Address: 20 Turnpike Road, Southborough, MA 01772

Landlord: ~~Craig Mitchell~~ Paul Bartolini

Address: 20 Turnpike Road Southborough, MA

City: **State:** **Zip:**

Phone: (508) 485-7220

Principle Purpose of Business: Bagel Shop **Total seating capacity:** 18

Business Certificate Filed with City Clerk: ___Yes ___No X N/A **Date:**

APPROVALS OBTAINED *IN THE ORDER LISTED* BELOW:

1. **Building Inspector** _____ **Date** _____

2. **Board of Health** Paul C. Pomeroy **Date** Sept. 16, 2020

3. **Fire Chief** _____ **Date** _____

TOWN USE ONLY
Date:
Check#
Cash
Lic.#

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TOWN OF SOUTHBOROUGH
Board of Selectmen
17 Common Street, Southborough MA 01772

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Complete before obtaining signatures:

Applicant's Name: Stephen Ashkinos

Mailing Address: 15 Brimstone Lane

City: Sudbury, MA **State:** **Zip:** 01776

Email Address: Sashkinos@gmail.com

Phone: (Home) (917-) 847-0198 **(Business)** (508) 481-9554

BUSINESS NAME: NY Bagel Factory Location 3 **FEID#:** 85-2457795

Corporate Name (if Incorporated or LLC) NY Bagel Factory Location 3

Address: 205 Turnpike Road, ~~Farmin~~ Southborough MA

Landlord: Kathy Curtis (205 Turnpike Road Realty trust) 01772

Address: 205 Turnpike Road

City: Southborough **State:** MA **Zip:** 01772

Phone: (508) 481-9554

Principle Purpose of Business: Bagel Shop **Total seating capacity:** 16

Business Certificate Filed with City Clerk: ___Yes ___No X N/A **Date:** _____

APPROVALS OBTAINED *IN THE ORDER LISTED* BELOW:

1. **Building Inspector** _____ **Date** _____

2. **Board of Health** _____ **Date** _____

3. **Fire Chief** _____ **Date** 9/15/20

TOWN USE ONLY
Date: _____
Check#_____
Cash____
Lic.#_____

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TOWN OF SOUTHBOROUGH
Board of Selectmen
17 Common Street, Southborough MA 01772

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Complete before obtaining signatures:

Applicant's Name: Stephen Ashkinos

Mailing Address: 15 Brimstone Lane

City: Sudbury, MA **State:** _____ **Zip:** 01776

Email Address: Sashkinos@gmail.com

Phone: (Home) (917-) 847-0194 **(Business)** (508) 481-9554

BUSINESS NAME: NY Bagel Factory Location 3 **FEID#:** 85-2957795

Corporate Name (if incorporated or LLC) NY Bagel Factory Location 3

Address: 205 Turnpike Road, ~~Easton~~ Southborough MA

Landlord: Kathy Curtiss (205 Turnpike Road Realty trust) 01772

Address: 205 Turnpike Road

City: Southborough **State:** MA **Zip:** 01772

Phone: (508) 481-9554

Principle Purpose of Business: Bagel Shop **Total seating capacity:** 16

Business Certificate Filed with City Clerk: ____Yes ____No X N/A **Date:** _____

APPROVALS OBTAINED *IN THE ORDER LISTED* BELOW:

1. **Building Inspector** _____ **Date** _____

2. **Board of Health** Paul C. Pinsky **Date** Sept. 16, 2026

3. **Fire Chief** _____ **Date** _____

TOWN OF SOUTHBOROUGH

BOARD OF SELECTMEN Meeting Minutes

Meeting Date: Tuesday, September 8, 2020, 6:30 P.M.
Location: Virtual Meeting through Zoom
Present: Marty Healey, Lisa Braccio, Chelsea Malinowski, Brian Shea, Sam Stivers and Town Administrator Mark Purple

I. Chairman Healey called the meeting to order at 6:30 P.M. Chairman Healey read the following statement:

Pursuant to Governor Baker's March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, §18, and the Governor's March 15, 2020 Order imposing strict limitation on the number of people that may gather in one place, this meeting of the Southborough Board of Selectmen will be conducted via remote participation to the greatest extent possible. Specific information and the general guidelines for remote participation by members of the public and/or parties with a right and/or requirement to attend this meeting can be found on the Town of Southborough's website, at https://www.southboroughtown.com/. For this meeting, members of the public who wish to watch or participate in the meeting may do so in the following manner by finding the meeting at: https://www.southboroughtown.com/remotemeetings. No in-person attendance of members of the public will be permitted, but every effort will be made to ensure that the public can adequately access the proceedings in real time, via technological means. In the event that we are unable to do so, despite best efforts, we will post on Southborough's website an audio or video recording, transcript, or other comprehensive record of proceedings as soon as possible after the meeting.

II. **Public Comment**

Paul Cimino (3 Austin Kelly Lane) stated he is speaking as a citizen and veteran and not the Town Moderator. He described his displeasure over the lack of progress from Crown Castle in removing the cell tower from the Flagpole at the Town House. He felt the lease partner could have removed it by now and asked the Board for leverage to ensure the flagpole is reverted to its original state in a more timely manner. He suggested Town Counsel involvement.

Chairman Healey agreed and stated the issue needed to be addressed. He added the Board was reluctant to pursue legal remedies due to cost but it may be time to do so. Ms. Braccio agreed and would like the flagpole restored by Veteran's Day. Mr. Shea stated it is likely time to consult Town Counsel and Mr. Stivers agreed. Mr. Purple stated he has been in contact with Crown Castle and AT&T and they are willing to work with the Town but have not taken any action. Chairman Healey said he would reach out to Town Counsel. The Board agreed.

III. **Scheduled Appointments**

<u>6:30PM HEARING: Class II Used Car Dealer license application for Stefco, 264 Cordaville Rd</u>

At 6:45 P.M. Chairman Healey read the public hearing notice into the record. Mr. Stefaniak described his business plans for his shop at 264 Cordaville Road which included specifications to sell used cars and basic auto repair and services. He stated the current license allows for eight spots to sell vehicles and he is applying for the same. He explained the lot and his plans to continue to clean the area and work with the community. Ms. Braccio acknowledged the

concerns stemming from the previous owner's use of the lot and addressed them with Mr. Stefaniak. He replied that he will not repeat those mistakes. He also agreed to keeping the sightline from the corner of Woodland Road and Cordaville Road clear for drivers. He stated his hours will be Monday - Friday 8:00 A.M.-5:00 P.M. and Saturdays 8:00 A.M. – 2:00 P.M. Ms. Malinowski asked if he planned on hiring staff and he stated he planned on one additional employee for the office. Mr. Stefaniak stated he may have to light the cars for sale on his lot and Mr. Stivers directed him to work with the Building Inspector and Planning Board before doing so.

Flavia Montvitt (202 Woodland Road) stated she was not in support of selling used cars on the lot and she described the issues she had with the previous owner. She stated Mr. Stefaniak was spray painting at his place of business and the smell polluted her property. Mr. Stefaniak apologized for using spray paint and explained it was his last project from his previous work and he would not spray paint in the future. Mr. Shea stated that it is not fair to hold Mr. Stefaniak accountable for the mistakes of the previous owner.

Linda Zawadzki (259 Cordaville Road) expressed her concerns of having a junkyard and over twenty cars on the lot as the previous owner had and Mr. Stefaniak stated he will not exceed the eight cars for sale and there will be no flags or late nights.

Ms. Braccio made a motion to close the public hearing at 7:20 P.M. Mr. Stivers seconded. The motion passed all in favor (5-0-0) by roll call vote, Braccio, aye; Malinowski, aye; Shea, aye; Stivers, aye; Healey, aye.

Mr. Stivers made a motion to approve the application for a Class II Used Car Dealer license for Stefco, 264 Cordaville Road as presented with the following conditions:

1. There will be no junk cars on the property.
2. Spray painting is not permitted on the premises.
3. The acceptance of the Class II Used Car Dealer license is subject to confirmation that all building permits are in order and with the appropriate business use.
4. Any appropriate approval for lighting and signage be in conformance the Town bylaws.

Ms. Malinowski seconded. The motion passed all in favor (5-0-0) by roll call vote, Braccio, aye; Malinowski, aye; Shea, aye; Stivers, aye; Healey, aye.

<u>Southborough Police:</u>

i. Appoint Tyler L. Lu as Special Police Officer, effective September 15, 2020

Chief Paulhus introduced Mr. Lu and gave background on his experience. He requested the Board appoint him as Special Police Officer. He added that Mr. Lu will be the second hire funded for January 1, 2021 per Town Meeting approval.

Ms. Malinowski asked Mr. Lu why he transitioned from the private sector to the Police Department. Mr. Lu explained his desire to be more involved in the community. Mr. Stivers asked Mr. Lu what prompted him to apply to the Southborough Police Department. Mr. Lu replied that after looking into the Town, he found that it was beautiful, the community was welcoming and he felt it would be a great place to live and work.

Mr. Stivers made a motion to appoint Tyler L. Lu as Special Police Officer, effective September 15, 2020. Ms. Braccio seconded. The motion passed all in favor (5-0-0) by roll call vote, Braccio, aye; Malinowski, aye; Shea, aye; Stivers, aye; Healey, aye.

ii. Update on accreditation, hiring and policing policies

Chairman Healey explained that part of the goal setting meeting was for the Board to have ongoing dialogues with departments and committees in Town and the Police Department was invited to discuss their role in inclusion and how it relates to hiring, training and reporting. Chief Paulhus explained that there are 344 standards the Department has to adhere to for their accreditation and gave details into policies and procedures for hiring, training and reporting and how it relates to inclusion of minorities and equal opportunities. He added that there were a record number of applicants for Department openings in May and they are one of the only departments that do not require an advanced degree to apply. Chairman Healey asked Chief Paulhus to describe the Department's approach to training. Chief Paulhus described the best practices and benchmarks provided by the Massachusetts Police Accreditation Commission that have to be achieved annually or bi-annually. Chairman Healey asked about training regarding apprehending a suspect and use of force. Chief Paulhus stated that there is a 42-page policy on use of force that is reviewed annually. He added that there is annual weapons training and the officers have ben trained to intervene when they witness another officer mishandling a situation. Chief Paulhus described the reporting policy for use of force and complaints.

Ms. Malinowski praised the Chief and Department for keeping the Town safe and their hiring processes. Mr. Shea urged the Board to remember the importance of training and safety of the officers during budget discussions. Mr. Stivers asked if the Department will be expanding the use of the Mental Health Clinician who supports the officers during mental health responses. Chief Paulhus explained how the Department works with the Mental Health Clinician. Lieutenant Newell gave details on how she collaborates with officers regarding substance abuse, mental abuse and suicide calls for service. Chief Paulhus described the Department partnership with Southborough Youth and Family Services to follow up with residents and ensure the help needed is provided to avoid future police intervention. Chairman Healey asked Chief Paulhus to work with his management team and Mr. Purple to create a report with data showing use of force and any complaints on a quarterly or half-year basis. Chief Paulhus agreed.

<u>8:00PM Volunteer Interviews:</u>

i. Michael Weishan: Historical Commission, term 6/30/23

Mr. Shea recused himself and left the meeting at 8:16 P.M. Ms. Braccio stated that she was the last remaining Board member that was present at Mr. Weishan's request for reappointment in 2018. She said she watched the video from that meeting and reflected on her participation and the circumstances. She asked Mr. Weishan if there were anything he would change during that discussion with the Board in 2018. Mr. Weishan stated that the incident was due to a failure of communication on his part and the Historical Commission. He added that the incident was a result of a first time use of a new bylaw with no training. He said that if he were to change anything, he would not have spoken up and he has learned a lot since. Ms. Braccio asked if there were any perceived conflicts overseeing the conservation restriction at 84 Main Street. Mr. Weishan replied there were none. He explained how he worked well with various boards and committees to create the Adaptive Reuse bylaw and some of his goals for the future of the Historical Commission. Chairman Healey asked that if in the future there are any issues with the Board or any members, that Mr. Weishan reach out to anyone on the Board before using outside

resources for recourse. Mr. Weishan agreed. Chairman Healey made a motion to appoint Michael Weishan to the Historical Commision, term 6/30/23. Ms. Braccio seconded. The motion passed (4-0-1) by roll call vote, Braccio, aye; Malinowski, aye; Stivers, aye; Healey, aye. Mr. Shea recused.

Mr. Shea returned to the meeting at 8:34 P.M.

ii. David Candela: Recreation Commission, term 6/30/23 and Community Preservation Committee [Recreation Commission Representative], term 6/30/21

Ms. Malinowski stated she asked Mr. Candela to attend the meeting because she had questions regarding his commitment to the Recreation Commission. She stated she had concerns with his availability to attend meetings and asked if he could be committed to the role. Mr. Candela replied that he did not know what Ms. Malinowski was referring to and the he attends most meetings. Ms. Malinowski explained that she reviewed attendance from June 2019-June 2020 and out of eighteen meetings, he was absent eight times. Mr. Candela stated that the Board would suggest he attended almost every meeting and he is very committed. Ms. Malinowski stated that he is the Recreation Commission representative for the CPC and he has missed many CPC meetings as well. She stated she was concerned because CPC has issues meeting quorum. Mr. Candela asked what meetings he had missed and Ms. Malinowski stated in the last ten meetings he had missed half. She stated she was hesitant to appoint someone who is present at approximately 50% of the meetings. Ms. Braccio stated she reviewed the meetings as well and Mr. Candela was absent many times unless the issue is with the accuracy of the minutes. Mr. Candela asked the Board to ask the Commission and CPC if he attends. He stated that he was surprised this was an issue and apologized for running a second Zoom meeting during this one.

Ms. Braccio asked the Board to hold this appointment. Mr. Candela stated that he was ok with not being reappointed. Chairman Healey interjected that he accepts Mr. Candela's word that he is committed and asked that there will be no quorum issues in the future. Mr. Candela agreed. Mr. Stivers stated he has seen Mr. Candela's participation and engagement in meetings and he supports the appointment. Ms. Braccio asked the Board to hold the appointment because there was a volunteer form from another resident interested in these positions. Chairman Healey stated that this will be discussed at the next meeting.

<u>Deerfoot Road Extension Residents – Discussion of Brendon Construction building</u>

Denise Eddy (128 Deerfoot Road) explained her initial support for the construction by Brendon Homes in 2018 and the issues with water runoff from these properties onto 124, 126 and 126A Deerfoot Road. She explained the report from their engineer, Dr. Desheng Wang which did not support the engineering report from Brendon Homes. Chairman Healey asked Ms. Eddy what she was looking for from the Planning Board and Conservation Commission. Ms. Eddy replied that they are meeting with the Planning Board in two weeks and will be asking them to monitor the amount of vegetation removed from A&R lots and to address any issues if more is taken down than outlined in the initial plan. She added that they are asking the Conservation Commission to install an additional catch basin prior to resurfacing of the road and to oversee water control. She stated that the Conservation Commission only has control over lot 124 as there is an order of conditions on that property. Ms. Eddy stated because the Board has jurisdiction of the streets through the DPW, they are asking for oversight on the impacts of the water runoff onto Deerfoot Road.

Brendon Giblin, (6 Nichols Street) President of Brendon Homes stated that he is familiar with these concerns and the project was appropriately designed by Bohler Engineering. He stated that A&R lots use country drainage and therefore it took time to address the issues. He added that they have taken steps to alleviate these issues and defended the calculations in his engineering report. Mr. Giblin stated they have worked with the DPW and Conservation Commission and described the work yet to be done. He stated that his timetable to complete the work is 7-10 days and once the topcoat is applied to the roads, the problems will be fixed. Mr. Giblin stated he does not dispute the issues and has worked with Ms. Eddy to try and resolve them. He added that when the work is complete the site will operate as intended. Mr. Stivers stated that the Conservation Commission discussed installing additional catch basins in the drainage system and he felt that could be done relatively inexpensively. He added that he hopes there are contingencies in place if the construction does not solve the water issues. Ms. Braccio empathized with the frustration from the residents and stated that she is unaware of how the Board can help alleviate the situation as their authority is limited. Mr. Giblin said he would work with the DPW to help solve these issues.

Lisa Dunderdale (122 Deerfoot Road) described her concerns with the water trespass on her lot and 122 and 120 Deerfoot Road. She requested someone visit her property to assess the issues and damage. Chairman Healey stated that the Board does not have authority over private property. Marguerite Landry (134 Deerfoot Road) asked the DPW to install more catch basins. Melissa DaCosta (120 Deerfoot Road) explained the location of her property and stated that the water runoff from these properties overflows onto Deerfoot Road and if not addressed, will continue to do so.

Chairman Healey stated that there are multiple Boards that have some jurisdiction in the matter and he volunteered Mr. Shea to work with Ms. Galligan and Mr. Purple to understand what steps could be taken to address the issues. The Board agreed. Ms. Galligan explained how the piping and catch basin systems worked and what work needs to be completed before pavement is laid. Chairman Healey asked for a timeframe for the street to be finished. Ms. Galligan stated that she could not give a definite date but most likely by the end of September or beginning of October. Chairman Healey asked that residents continue to work with the Planning Board and Conservation Commission. The Board agreed. Chairman Healey asked that Mr. Shea, Ms. Galligan and Mr. Purple discuss possible next steps. They agreed.

<u>Brian Ballantine, Finance Director CH suggested moving to next meeting. Board agrees.</u>

i. Approval of bond sale

Chairman Healey and Ms. Malinowski recused themselves. Mr. Ballantine explained the bonding and that lowering rates on current bonds is saving the Town approximately $65,000. He added that the Library project and the last portion of the Public Safety Building have been permanently financed. He stated the Board needs to take a formal vote to accept the bonds.

Mr. Shea made a motion to approve the bond sale as presented by Mr. Ballantine and included in the packet. Mr. Stivers seconded. The motion passed (3-0-2) by roll call vote, Braccio, aye; Shea, aye; Stivers, aye. Chairman Healey and Ms. Malinowski recused.

ii. Budget updates

Chairman Healey requested this topic be move to the next meeting. The Board agreed.

Judi Barrett, Barrett Planning LLC – Discussion of Downtown Business Village District

Chairman Healey introduced Ms. Barrett as the consultant hired by the EDC to review potential zoning issues that may hinder the revitalization of downtown. Ms. Barrett explained the EDC has focused on an overlay district. She explained what an overlay district is and how it works in our current zoning map. She said creating an overlay district is no longer best practices and stated that creating a town center district may be more appropriate. She explained the risks for both options and felt that creating a town center district will fix zoning issues and could be done without making any property non-conforming. Chairman Healey asked if the procedure for approval of both an overlay district and a zoning change are the same. Ms. Barrett answered both would need Town Meeting approval. Ms. Braccio stated that the Planning Board had concerns regarding creating nonconforming lots. Ms. Barrett stated that the Planning Board is an integral part of this discussion as the permitting board and she would like to understand their needs and wants for the downtown. Chairman Healey asked if Ms. Barrett had reviewed the current zoning map and any potential hardships that could come about while creating a separate zone. Ms. Barrett replied that she had and she does not think anyone would have to be made nonconforming. She stated she is an advocate for fixing zoning. Ms. Barrett added that she is creating a report for the revitalization of downtown and is unclear as to what is wanted there. She added that input from the Planning Board on this is essential. Chairman Healey stated the next step is to meet with stakeholders to make decisions for the future of the downtown revitalization. Ms. Barrett agreed and stated that she is being asked to draft zoning changes without an understanding of what the vision is for downtown. Ms. Malinowski asked who the key stakeholders were and Ms. Barrett replied the policy makers such as the Board of Selectmen, the Planning Board and the EDC. Chairman Healey stated there will be a meeting October 6th with these boards and asked for a discussion document from Ms. Barrett. Ms. Barrett agreed to provide one.

Julie Connelly, member of the EDC, stated that zoning was identified as a top priority when the downtown revitalization project began and while working with the Planning Board, it was agreed that an overlay district was the resource needed to execute the project. She added that the EDC will reach out to Ms. Barrett regarding the vision for downtown.

Claire Reynolds (104 Main Street) stated that the report from Ms. Barrett was received today and the EDC had not had time to review it. She added that the EDC has used survey results and reports from the master plan in 2010 and multiple recent surveys from residents regarding the vision for downtown. She added that input from the Planning Board is essential.

Karen Galligan, DPW Superintendent – Policy on Complete Streets

Chairman Healey explained that the most important aspect of a Complete Streets proposal is to ensure the 80 points needed from the State to qualify for the grants have been met. Ms. Galligan agreed. Chairman Healey said he would like to see a hybrid of Ms. Galligan's draft and Mr. Stiver's draft at the September 22nd meeting. Mr. Shea stated he had not seen Mr. Stivers draft and would like time to review. He added that the proposal should allow for flexibility as there are rural streets that may not be a good fit. Mr. Stivers stated that the version presented will suffice for the requirement of points but would like more diverse language. Ms. Galligan stated that if the policy is too difficult to implement, it could hinder the ability to complete regular work and maintenance. Chairman Healey stated he will draft a hybrid of both draft policies for the next meeting. He asked Mr. Stivers if his version outlined the creation of a new committee and Mr. Stivers replied in the affirmative. Ms. Braccio added that the Public Works Planning Board

was involved in drafting the policy with Ms. Galligan and requested to hear from them. Chairman Healey asked if taking more time to review will hinder progress. Ms. Galligan replied that the process can start as long as discussion continues.

IV. Reports

Town Administrator Report

i. Main Street project update

Ms. Galligan stated that the DPW is working closely with Charter, Eversource, AT&T and Verizon to move their poles. She said it is intended for this work to be completed in the fall. The curbing and pouring concrete and asphalt on sidewalks will start in the coming week. She stated that not all sidewalks or driveway aprons are complete and the project should be 99% complete before winter. She added the rest will be completed in spring.

Chairman's Report

i. Point of contact for inquiries to Selectmen email address

Chairman Healey proposed a revolving assignment be made for all requests and inquiries to the general Selectmen email as the Board cannot respond as a group. The Board agreed.

Members' Reports

i. Discussion of Selectmen office hours

Chairman Healey suggested rotating virtual office hours on a weekly basis to be advertised on the blog and Twitter. The Board agreed.

iii. 8/31 Capital Committee presentation on TS

Chairman Healey moved this discussion to the September 22, 2020 meeting.

Mr. Shea stated that last year the Board collaborated with the golf course to host an ALS fundraiser on Heritage Day to remember Mr. Wilson and Mr. Shifrin. He said he would be happy to reach out to see if this could be done again this year. The Board agreed. Chairman Healey said he spoke with Mrs. Shifrin regarding a field dedication in August and suggested November 16th for the dedication to acknowledge the one-year anniversary of Mr. Shifrin's passing and possibly tying this in with the fundraiser. Chairman Healey said he will review this proposal with the golf management company.

Mr. Stivers stated he has made progress on the tree removal guidelines and hopes to have something to present at the next meeting. He stated he is working with Ms. Luttrell from the Planning Board and Town Counsel.

V. Consent Agenda

a. Chairman Healey made a motion to approve Open Session Minutes: August 18, 2020. Mr. Shea seconded. The motion passed all in favor (5-0-0) by roll call vote, Braccio, aye; Malinowski, aye; Shea, aye; Stivers, aye; Healey, aye.

b. Ms. Malinowski asked to hold Consent Agenda item "b." She noted that the date on the first application is incorrect as it reads "9/20/27." Mr. Purple confirmed there is only one application for the first date. Chairman Healey made a motion to approve the One-Day alcohol license applications, Chestnut Hill Farm Events: September 20 and September 27, "Fall Fun on the Farm" with the above revision. Mr. Shea seconded. The motion passed all in favor (5-0-0) by roll call vote, Braccio, aye; Malinowski, aye; Shea, aye; Stivers, aye; Healey, aye.

c. Ms. Malinowski asked to hold Consent Agenda item "c." Ms. Malinowski asked where the items will be stored when not in use. Mr. Wood of the EDC stated the tents break down to be very small and could be stored in his basement. He added these tents would be used by restaurants, gyms and other businesses that would have outdoor patronage. He said the EDC would manage the items on a first come, first serve basis. Chairman Healey made a motion to approve the EDC grant proposal for Shared Streets and Spaces program. Mr. Shea seconded. The motion passed all in favor (5-0-0) by roll call vote, Braccio, aye; Malinowski, aye; Shea, aye; Stivers, aye; Healey, aye.
Ms. Braccio left the meeting at 11:02 P.M.

VI. Other Matters Properly Before the Board

FY21 BOS Goals

Chairman Healey asked the Board to send any updates to Mr. Purple. Mr. Stivers suggested prioritizing the goals and delegating responsibility for follow up on progress. Chairman Healey agreed and stated he will ensure they are updated in the Member's Report.

Route 85 sidewalk discussion – Public Safety complex

Mr. Litt (148 Woodland Road) stated that the Public Safety Complex is not accessible to anyone not in a car and the building and its services should be accessible to the entire community. He said the issue was discussed by the ADA Committee and it was agreed this was an open issue. He stated that he spoke with the Public Safety Building Committee regarding his concern that the plans do not have a sidewalk from any direction and he said they replied it was too complicated to execute. Mr. Litt requested the Board meet with the DPW, public safety officials, Planning Board and ADA to recreate a town wide policy or requirement that the Public Safety Building be accessible to the entire public. Chairman Healey asked what the ADA required for compliance. Mr. Litt stated he spoke with someone from the Office of Disability who confirmed a driveway is considered adequate access to the building. Mr. Shea stated that a sidewalk was not on the plan when the Public Safety complex was being built nor was it needed for approval from the Planning Board. He added that the Town does not have the funds for this project and described the unlikeliness of someone needing foot access from Route 85 to the building. He suggested if a sidewalk were approved by Town Meeting, constructing through Woodward may be the best option. Chairman Healey stated he would like to know the cost for undertaking this project and if it is required by the ADA. He added that if sidewalks are required, it is a much different project than if it is something that is simply the right thing to do.

VII. Public Comment

None

VIII. On a motion made by Chairman Healey, seconded by Mr. Shea and voted by roll call all in favor, Braccio, aye; Malinowski, aye; Shea, aye; Stivers, aye; Healey, aye, the meeting was adjourned at 11:22 P.M.

Upcoming Meetings
September 22, 2020
October 6, 2020

Respectfully submitted,

Kathleen Barry, Recording Secretary

List of Documents referred to at the September 8, 2020 BOS Meeting:

- Public Hearing Notice dated August 25, 2020
- Copy of Legal Notice from MetroWest Daily News
- Application for License to buy, sell, exchange or assemble second hand motor vehicles or parts
- Law Enforcement Accreditation Program Overview
- Letter from Chief Paulhus to BOS dated September, 1, 2020
- Permanent Note Issuance and Refunding Bonds Letter from Brian Ballantine to BOS
- Budget Update Presentation dated September 8, 2020
- Citizen Activity Form, Michael Weishan
- Letter from David Candela to Lori Esposito dated August 10, 2020
- Flood and Drainage Study 136-128 Deerfoot Road, July 20, 2020
- Letter from Karen Galligan to Mark Purple re: Complete Streets Policy 7.21.20
- Draft Village Mixed Use Zoning Language
- Meeting Minutes, August 18, 2020
- Application for One-Day Alcohol License, Chestnut Hill Farm
- Shared Streets and Spaces Letter of Intent from the EDC dated September 1, 2020
- Letter from Jason Malinowski to Mark Purple re: Capital Planning - Town House dated September 2, 2020

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TOWN OF SOUTHBOROUGH MASSACHUSETTS
AMERICANS WITH DISABILITIES ACT GRIEVANCE PROCEDURE

Section 1: In accordance with the Americans with Disabilities Act (ADA), The Town of Southborough may not discriminate on the basis of disability against any qualified individual with a disability in the services, programs or activities it provides, in accessibility to public meetings and in its employment practices.

Section 2: In the event that a person with a disability believes he/she has been discriminated against, a complaint may be filed, using the following format:

a. Complaint shall be in writing, signed by the Complainant or an authorized representative.

b. Complainant shall include Complainant's name, address and telephone, or alternative method of contact.

c. Complaint shall identify the Town Department, employee, officer or agency committing the alleged discriminatory action.

d. Complaint shall describe, in detail, the alleged discriminatory action.

e. If the complaint is regarding the Town's website please also contact the Town IT Manager.

Section 3: The Complaint shall be submitted, within thirty (30) days of the alleged discriminatory action, or knowledge thereof, to the appropriate ADA Coordinator:

Town of Southborough– Office of the Town Administrator
Attn: ADA Coordinator
17 Common Street
Southborough, MA 01772
mpurple@southboroughma.com
508-485-0710

Note: Complaints should be submitted in writing, via email, or by completing the website complaint form and will be promptly addressed. If you prefer to use an alternative format such

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as Braille or a telephone interview, please contact the ADA Coordinator at 508-485-0710 or at mpurple@southboroughma.com to ensure that the Town can accommodate the format of your choice.

Section 4: The Coordinator shall contact and/or meet with the Complainant within fifteen days to discuss the nature of the Complaint and to request/obtain clarifying information from the Complainant.

Section 5: The Town's designated ADA Coordinator ("Coordinator") shall investigate the Complaint and meet with the appropriate board, official or employee(s), to resolve the Complaint. Within fifteen (15) calendar days after such meeting, the Coordinator shall inform the Complainant of the resolution. This communication shall explain the position of the Town of Southborough and offer options for resolution. A copy of this correspondence shall be provided to the Town Administrator and the Town's Commission on Disabilities.

Section 6: If the response given by the Coordinator does not satisfactorily address the issue, the Complainant may within fifteen (15) days of the receipt of the response file a request to appeal the decision of the Coordinator to the Town Administrator or his/her designee.

Section 7: The Town or his/her designee will contact or meet with the Complainant to discuss the appeal within fifteen (15) calendar days of receipt of the appeal.

Section 8: The Town Administrator or his/her designee shall appeal to the appeal in writing or alternative format as appropriate within fifteen (15) calendar days of the appeal contact or meeting with a final resolution of the complaint. A copy of this correspondence and the original request to appeal will be sent to the Southborough ADA Committee.

Section 9: All complaints alleging discrimination on the basis of a disability received by the ADA Coordinator, appeals to the Town Administrator or his/her designee, and responses from the ADA Coordinator, Town Administrator or his/her designee will be retained by the Town of Southborough for a minimum of three (3) years.

Section 10: Nothing in this Grievance Procedure shall preclude the Complainant from filing a complaint with any appropriate state/federal agencies, or by filing a lawsuit in Federal Court.

Adopted by the Board of Selectmen at their meeting on XXX

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Preamble

The Town of Southborough ("Town") through Town Meeting, the Board of Selectman, Town departments and committees, other stakeholders, businesses and citizens, has long supported the principles of the State's Complete Streets Program and the principles set out in that program and this Complete Streets Policy ("Complete Streets" or "the Policy"). The purpose of the Town's Policy, as outlined in more detail below, is to accommodate all users by continuing to develop a transportation network that meets the needs of residents, business and visitors who utilize a variety of transportation modes. The Town will, as a matter of practice, use the management practices and implementation guidance of Complete Streets elements during the planning and design of capital projects so that they are safe and effective for all users of all ages and abilities.

Vision and Purpose

Complete Streets are designed and implemented to accommodate all the users of our roadways, trails and transit systems including, but not limited to, pedestrians, bicyclists, transit riders, motorists, commercial vehicles, and emergency vehicles. Implementation of these principles will provide a safe and accessible multimodal network between residential, educational, commercial, recreational, civic, and retail destinations. The application of Complete Street principles will contribute toward the safety, health, economic vitality and overall quality of life in the Town. Complete Streets are designed and maintained to provide safe and efficient access for all users, of all ages and abilities, especially the most vulnerable. The intent of the Policy is to formalize a plan to incorporate Complete Streets principles into the design, operation and maintenance of the Town's transportation system so that it is safe for all individuals that utilize this network through a variety of transportation modes.

The Policy directs decision makers to consistently plan, design construct and maintain streets for the accommodation of all anticipated users including, but not limited to pedestrians, bicyclists, motorists, emergency vehicles, transit, freight and commercial vehicles in a context sensitive manner. The Policy shall apply to all municipal, state and federal (when allowed by Law) roadway repairs, upgrades or expansion projects within the public right of way and private developments, particularly those requiring approval from the Town. Procedures will be developed to ensure Complete Streets elements are incorporated into these activities.

The desired outcome of the Policy is to create an equitable, balanced, and effective transportation system where every transportation user can travel safely and comfortably, and where sustainable transportation options are available to everyone. Together, this integrated transportation system will support healthy and thriving people, neighborhoods, village centers, cultural life and businesses.

The intent of the Policy is to formalize the strategic and comprehensive planning, design, operation and maintenance of the Town's roadways so that Complete Streets principles are incorporated. These principles strive to provide the best possible combination of service, mobility, convenience, health and safety, while strengthening social, economic, equity, and environmental influences with the Town.

Core Commitment

The Town recognizes that users of all ages and abilities, utilizing various modes of transportation; including, but not limited to pedestrians, bicyclists, transit and school bus riders, motorists, commercial vehicles, and emergency vehicles, are legitimate users of the transportation network and deserve safe facilities.

The Town recognizes that all projects, new, maintenance, or reconstruction, are included as opportunities to implement Complete Streets principles. The Town will, to the maximum extent practical, design, construct, maintain, and operate all streets to provide for a comprehensive and integrated street network for people of all ages and abilities.

Complete Streets design principles shall be incorporated into all publicly and privately funded projects, as appropriate and in a context sensitive manner. The following types of projects shall incorporate Complete Streets design principles and implementation to the greatest extent reasonably practicable:

- All transportation infrastructure improvement and roadway design projects requiring funding or approval by the Town.

- Federal and State–aided projects including but not limited to, Chapter 90 funds, Transportation Improvement Plan (TIP), MassWorks Infrastructure Program, Community Development Block Grant (CBDG), or other State and Federal funds for street and infrastructure design subject to, and as may be modified by, the funding agency guidelines and standards.

- Private developments and related, or corresponding, street design and construction components.

- State owned roadways, when allowed by Law, including the design, construction, and maintenance of such streets within Town Boundaries, subject to and as may be modified by MassDOT guidelines and standards.

Exceptions

Exceptions to the Policy are only allowed upon approval by the Board of Selectmen, in consultation with the DPW Superintendent, public safety authorities, and any other necessary consultant or stakeholder (as may be required under the circumstances of the specific project) where one or more of the following can be documented and supported:

- Facilities where specific users are prohibited by law, such as interstate freeways or pedestrian malls. An effort will be made, in these cases for accommodations elsewhere.

- Where the cost or impacts of accommodation is excessively disproportionate to the existing need, probable use or probable future use.

- A project consists solely of areas of isolated roadway maintenance (i.e. potholes, trench failures, etc.) or non-transportation improvements (i.e. drainage system, water and/or sewer upgrades).

- The existing right-of-way or adjacent land is constrained in a manner that inhibits the addition of transit, bicycle, or pedestrian improvements. In this case, the Town shall consider alternatives such as lane reduction, lane narrowing, shoulders, signage, traffic calming or enforcement.

Where such facilities would constitute a threat to public safety or health.

- Where construction and future maintenance will create significant adverse environmental impacts to streams, flood plains, wetlands, native tree species greater than 12" in diameter and/or historical resources.

- Other Town policies, regulations, or requirements contradict or preclude the implementation of the Policy, after such policies, regulations, and requirements have been examined and updated to be consistent with the Town's Complete Streets Policy.

Best Management Practices

The Town recognizes that Complete Streets principles could either be incorporated into a particular project or incrementally through a series of smaller improvements or maintenance activities over time. Implementation of the Policy will be carried out cooperatively within all departments in the Town with multi-jurisdictional cooperation, to the greatest extent reasonably practicable, among private developers, and state, regional, and federal agencies.

Complete Streets principles include the development and implementation of projects in a manner that will be sensitive to the Town's physical, economical, and social setting. This context sensitive approach to the design process includes a range of goals by considering stakeholder and community values on a level plane with the project needs. It includes goals related to livability, connectivity, sustainability, and equity. The overall goal of this approach is to strike a balance between preserving and enhancing scenic, historic, aesthetic, and environmental resources while improving and maintaining safety, mobility, and infrastructure conditions. It includes participation of those affected, and, as much as feasible, neighborhood-based community outreach and/or meetings on or near project sites. Achieving the desired balance will be through a combination of broad, active and innovative public outreach efforts early and continually, the application of flexibility through design, addressing all modes of travel, and considering the Town's goals, values and aesthetics at a level commensurate with project needs.

The latest design guidelines and standards available will be used in the implementation of the Complete Streets Policy including:

- The Massachusetts Department of transportation's Project Design and Development Guidebook

- The latest edition of the American Association of State Highway Transportation Official's (AASHTO) A Policy on Geometric Design of Highways and Streets

- American Association of State Highway and Transportation Officials (AASHTO) Guide for Planning, Designing and Operating Pedestrian Facilities

- American Association of State Highway and Transportation Officials (AASHTO) Guide for the Development of Bicycle Facilities
- Institute of Transportation Engineers (ITE) Policy on Geometric Design of Highways and Streets
- Institute of Transportation Engineers (ITE) Designing Walkable Urban Thoroughfares: A Context Sensitive Approach
- Footprint Design Manual for Local Roads, American Society of Civil Engineers
- National Association of City Transportation Officials (NACTO) Urban Bikeway Design Guide
- National Association of City Transportation Officials (NACTO) Urban Street Design Guide
- Federal Highway Administration (FHWA) publications such as Designing for Pedestrian Safety
- The Federal Highway Administration's (FWHA) Manual on Uniform Traffic Control Devices
- The Architectural Access Board (AAB) 521 CMR Rules and Regulations
- The American Planning Association's Complete Streets: Best Policy and Implementation Practices
- The Town's 2016 Open Space and Recreation Plan
- The Town's 2008 and 2018 (pending) Master Plan

Implementation

The Town shall incorporate Complete Streets practices as a routine approach to daily operations and shall implement the policies and principles into every transportation project and program as an opportunity to improve the transportation network for all users. In order to achieve Complete Streets, all departments, agencies and jurisdictions must work in coordination to incorporate the Policy's guidelines.

The Town Administrator shall designate a Complete Streets Oversight Group ("CSOG") to work in conjunction with the Town's Public Works Planning Board to evaluate the implementation and effectiveness of the Complete Streets Policy.

Complete Streets implementation and effectiveness should be constantly evaluated for success and opportunities for improvement. The Town will identify performance measures and standards, develop data collection processes, and use metrics to gauge implementation and effectiveness of the Complete Streets Policy. These metrics may include, but are not limited to, the total number of improvements to accommodate bicyclists, the linear feet of new pedestrian accommodations, the number of pedestrian facilities or amenities installed or improved, rate of crashes by mode, and the number of trips by mode utilizing the roadway network.

The Town shall review and either revise or develop proposed revisions to all appropriate planning documents (master plans, open space and recreation plan, etc.) zoning and subdivision codes,

laws, procedures, rules, regulations, guidelines, programs, and templates to integrate Complete Streets principles in all transportation projects.

The Town shall maintain a comprehensive inventory of pedestrian and bicycle facility infrastructure that will prioritize projects to eliminate gaps in the sidewalk and bikeway network.

The Town will reevaluate Capital Improvement Projects prioritization to encourage implementation of Complete Streets practices.

The Town will train pertinent town staff and decision-makers on the content of Complete Streets principles and best practices for implementing the Policy through workshops and other appropriate means.

The Town will utilize inter-department coordination to promote the most responsible and efficient use of resources for activities within the public way.

The Town will seek out appropriate sources of funding and grants for implementation of Complete Streets policies.

Town of Southborough
Non Discrimination Notice of Rights

In accordance with the requirements of Title II of the Americans with Disabilities Act of 1990 ("ADA"), the Town of Southborough will not discriminate against qualified individuals with disabilities on the basis of a disability in its services, programs, or activities. The Town also does not discriminate on the basis of disability in its hiring or employment practices and complies with all regulations promulgated by the U.S. Equal Employment Opportunity Commission under Title I of the ADA.

Modifications to Policies and Procedures: The Town will make all reasonable modifications to policies and programs to ensure that persons with disabilities have an equal opportunity to enjoy all of its programs, services, and activities.

Equal Access to Public Meetings: All Town-sponsored public meetings and hearings must be held in locations/formats that are accessible to persons with disabilities, including persons who use wheelchairs.

Effective Communication: Persons with disabilities who need either: (1) auxiliary aids and services for effective communication, or (2) written materials in alternative formats, or (3) reasonable modifications in policies and procedures, in order to access programs and activities of the Town of Southborough, are invited to make their needs known to program staff or to the Town's ADA Coordinator. Requests should be made as soon as possible but no later than fourteen (14) days before a scheduled event.

The Town will not place a surcharge on a particular individual with a disability or any group of individuals with disabilities to cover the cost of providing auxiliary aids/services or reasonable modifications of policy, such as retrieving items from locations that are open to the public but are not accessible to persons who use wheelchairs.

Questions, or requests for additional information may be sent to:

Town of Southborough– Office of the Town Administrator
Attn: ADA Coordinator
17 Common Street
Southborough, MA 01772
mpurple@southboroughma.com
508-485-0710

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This notice is provided as required by Title II of the Americans with Disabilities Act (ADA) and by Section 504 of the Rehabilitation Act of 1973. This Notice is available in alternative formats from the ADA Coordinator and is posted in Town buildings and on the Town's website at: https://www.southboroughtown.com/

Adopted by the Southborough Board of Selectmen at their meeting on xxx.

EXAMPLE - Bourne

ENTERTAINMENT LICENSE
RULES AND REGULATIONS

1. All entertainment shall be so conducted that no noise shall be plainly audible, under any circumstances, at a distance of one hundred fifty 150') feet from the licensed premises. All amplifiers shall face the licensed premises and not the street.

2. The licensed premises shall be subject to inspection by the police of the Town of Bourne and duly authorized agents of the Licensing Board.

3. The entertainment and dancing by performers must be confined to a specific space provided for the purpose.

4. The type and hours of entertainment shall be subject to change by the Licensing Board at any time after notice to the licensee.

5. No employee and/or entertainer shall solicit, induce or request a patron to purchase any alcoholic or non-alcoholic beverage for them or any other person. Nothing shall prohibit the above activity in connection with any contract, which such person may have with a patron to whom they are related by blood or marriage.

6. The licensing Board reserves the right to change or add to the foregoing terms and conditions after notice to the licensee.

7. Attire and conduct of employees, entertainers, and other persons:

   a. It is forbidden to employ or permit any person in or on the licensed premises while such person is unclothed or in such attire as to expose to view any portion of the areola of the female breast or any portion of the pubic hair, cleft of the buttocks, or genitals.

   b. Mingling between employees and patrons is forbidden except by owners and managers in performance of their duties and waitresses and waiters involved in the service of food and beverages.

   c. It is forbidden to encourage or permit any person in or on the licensed premises to touch, caress, or fondle the breasts, buttocks, or genitals of any other person.

   d. It is forbidden to employ or permit any person to wear or use any device or covering exposed to view that simulates the breasts, buttocks, pubic hair, or genitals or any portions thereof.

   e. It is forbidden to employ or permit any person in or on the licensed premises

to perform any act or acts, or to simulate an act or acts, of:

1. sexual intercourse, masturbation, sodomy, flagellation, or sexual acts prohibited by law; or

2. touching, caressing, or fondling of the breasts, buttocks, or genitals of oneself or of another.

8. Vectual Displays - It is forbidden to employ or permit any person in or on the licensed premises to show motion picture films, television-type cassettes, still pictures, or other photographic reproductions depicting any of the acts, or any simulation of any of the acts, prohibited in Rule 7 of these Rules and Regulations.

9. Severability - If any of the provisions of these Rules and Regulations or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions of such Rules and Regulations, or the application of such other provisions, which can be given effect without the invalid provision or application thereof, and for this purpose the provisions of these Rules and Regulations are severable.

10. Other Laws - Notwithstanding any of the foregoing Rules and Regulations, a person duly licensed by the Licensing Board for the Town of Bourne under G.L. c. 138, sections 1, 12, or 23 shall employ, use the services of, or permit upon his licensed premises any employee, entertainer, or other person who by his or her attire or conduct violates any General Laws, Special Act, or Bylaw of the Town of Bourne.

11. All licenses shall be kept in an accessible place on the premises available at all times to the proper authorities.

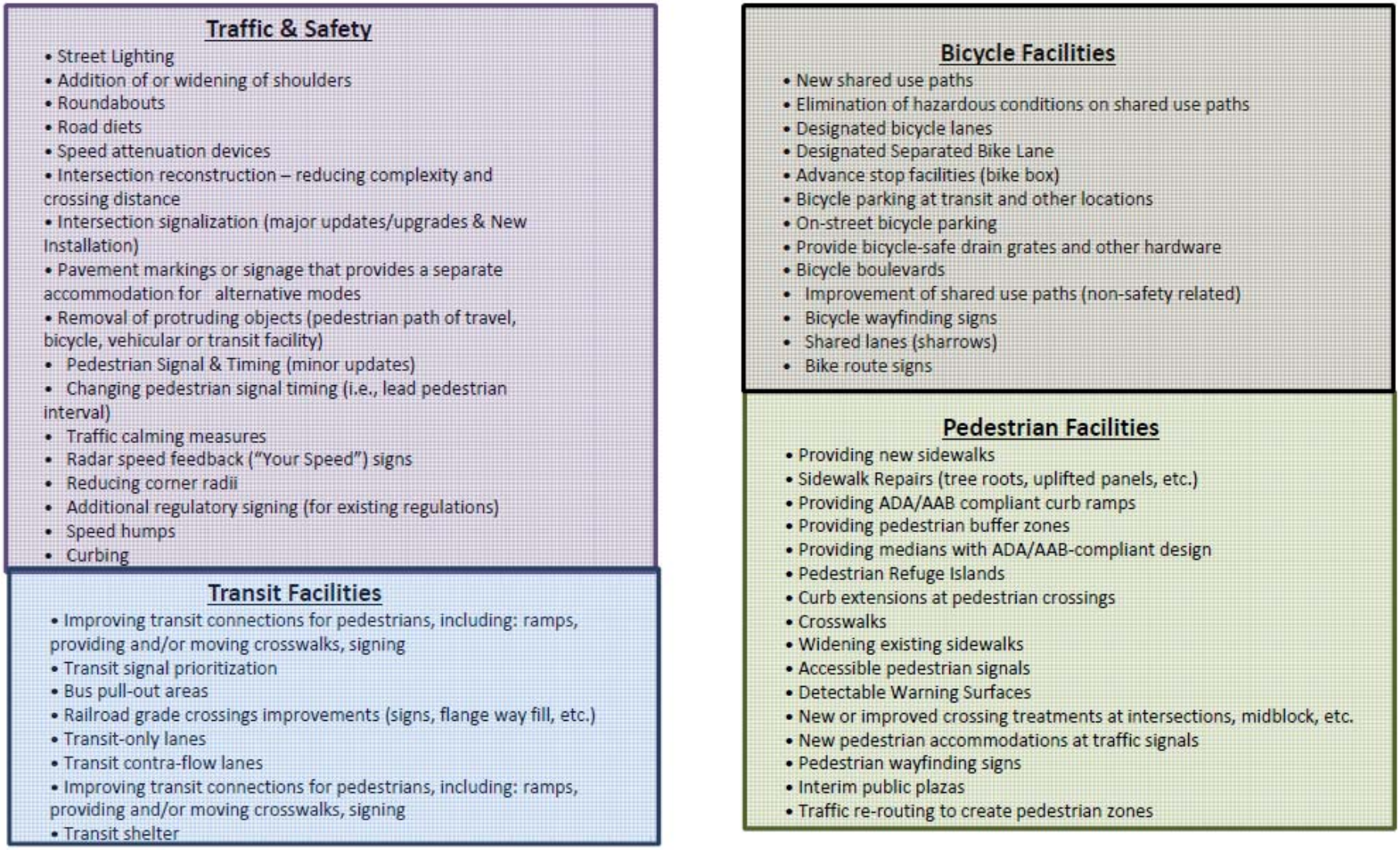
12. Any police complaints and/or reports, presently on file, shall continue in force until disposed of by this Board.

13. All areas where dancers perform shall be separated by an area of at least three (3) feet in width between any stage or platform and areas where drinks are served and consumed.

14. This license is subject to suspension, revocation, or forfeiture for breach of any of its conditions, or regulations of which the license has notice, or any law of the Commonwealth.

Figure 1: Examples of Complete Streets

(Examples of Complete Streets Features Provided by MassDOT)



Part I ADMINISTRATION OF THE GOVERNMENT

Title XX PUBLIC SAFETY AND GOOD ORDER

Chapter 140 LICENSES

Section 183A CONCERTS, DANCES, EXHIBITIONS, PUBLIC SHOWS, ETC.; LICENSE; APPLICATION; SUSPENSION OR REVOCATION; RULES AND REGULATIONS

Section 183A. No inn holder, common victualler, keeper of a tavern, or person owning, managing, or controlling any club, restaurant or other establishment required to be licensed under section twelve of chapter one hundred and thirty-eight or under section two, twenty-one A or twenty-one E of chapter one hundred and forty, and no person owning, managing, or controlling any concert, dance, exhibition, cabaret or public show of any description to be conducted on any premises required to be licensed under the sections described above, shall, as a part of its usual business, offer to view, set up, set on foot, maintain or carry on a concert, dance exhibition, cabaret or public show of any description, unless and until a license therefor has been issued by the licensing authorities.

The application for such license shall be in writing and shall state the type of concert, dance, exhibition, cabaret or public show sought to be licensed and shall state whether such public show will include: (a) dancing by patrons, (b) dancing by entertainers or performers, (c) recorded or live music, (d) the use of an amplification system, (e) a theatrical exhibition, play, or moving picture show, (f) a floor show of any description, (g) a light show of any description, or (h) any other dynamic audio or visual show, whether live or recorded.

The application shall also state whether as part of the concert, dance exhibition, cabaret or public show any person will be permitted to appear on the premises in any manner or attire as to expose to public view any portion of the pubic area, anus, or genitals, or any simulation thereof, or whether any female person will be permitted to appear on the premises in any manner or attire as to expose to public view any portion of the breast below the top of the areola, or any simulation thereof.

Upon request of the licensing authorities, the applicant shall furnish further additional information concerning the type of concert, dance exhibition, cabaret, or public show sought to be licensed, the conditions of the premises, and the actions to be taken in order to prevent danger to the public safety, health or order. Once a license has been granted to an applicant, the licensee shall continue to provide such information to the

licensing authorities upon their request with regard to any particular concert, dance, exhibition, cabaret, or public show or with regard to the conduct of the premises in general.

Within forty-five days following receipt of an application for a license under this section, the licensing authorities may (a) grant a license or, (b) shall provide the opportunity for a hearing on the application by written notice to the applicant given seven days prior to the hearing date.

Within thirty days next following the final date of such opportunity for a hearing the licensing authorities shall, (a) grant the license or, (b) deliver to the applicant a written notice denying the license and stating in writing the reasons for such denial. No application having been denied as aforesaid and no similar application thereto may be filed within one year of said denial except in the discretion of the licensing authorities.

The licensing authorities shall grant a license under this section unless they find that the license, taken alone or in combination with other licensed activities on the premises, would adversely affect the public health, safety or order, in that the concert, dance, exhibition, cabaret, or public show cannot be conducted in a manner so as to: (a) protect employees, patrons, and members of the public inside or outside the premises from disruptive conduct, from criminal activity, or from health, safety or fire hazards; (b) prevent an unreasonable increase in the level of noise in the area caused by the licensed activity or caused by patrons entering or leaving the premises; or (c) prevent an unreasonable increase in the level of pedestrian or vehicular traffic in the area of the premises or an unreasonable increase in the number of vehicles to be parked in the area of the premises.

The licensing authorities may modify, suspend or revoke a license granted pursuant to the provisions of this section after providing an opportunity for a hearing preceded by a written notice to the licensee ten days prior to the hearing date. The licensing authorities may not modify, suspend or revoke such license unless they find that the license, taken alone or in combination with other licensed activities on the premises, has adversely affected the public health, safety or order as stated in the preceding paragraph. In any case in which the licensing authorities modify, suspend or revoke a license, they shall notify the licensee in writing of such action and said written notice shall be accompanied by a statement of reasons.

In order to preserve and protect the public health, safety, and order as aforesaid, the licensing authorities may place conditions upon the license and promulgate rules and regulations for such licenses. The licensing authorities may modify, suspend or revoke a license pursuant to this section for any violation of their rules and regulations or for any violation of law and may petition the superior court department of the trial court to enjoin any violation of this section.

The licensing authorities of any city or town may adopt a rule requiring licensees under this section to prohibit minors from attending any concert, dance, exhibition, cabaret or public show of any description in which or at which any person appears in a manner or attire as to expose to public view any portion of the pubic area, anus, or genitals, or any simulation thereof, or in which or at which any female person appears in a manner or attire as to expose to public view any portion of the breast below the top of the areola, or any simulation thereof.

A license issued under this section, unless sooner revoked, shall expire on December thirty-first of each year. The fee for any such license or for any renewal thereof shall not exceed one hundred dollars.

The provisions of this section shall be applicable seven days per week; provided, however, that no license under this section shall be granted to permit such activities, except an athletic game or sport, on Sundays or before 1 o'clock in the afternoon, without the written approval of the commissioner of the division of professional licensure, made in accordance with the provisions of this section, upon written application to said commissioner accompanied by a fee of not more than $5, or in the case of an annual license by a fee of not more than $100.

TOWN OF SOUTHBOROUGH

FINANCE DIVISION: TREASURER AND COLLECTOR
TOWN HOUSE · 17 COMMON STREET · SOUTHBOROUGH, MASSACHUSETTS 01772-1662
(508) 485-0710 x3010 · FAX (508) 480-0161 · bballantine@southboroughma.com

DATE: September 17, 2020

TO: Honorable Board of Selectmen

FROM: Brian Ballantine, Finance Director

RE: Fire Truck Bond – June 2020 Approval

As you may recall the Fire Department requested a new fire truck be purchased to replace a 2001 E-One Typhoon Pumper, which is at its useful lifespan. The amount was $600,000 and this was approved at the 2020 Town Meeting.

As part of legal review and approval for issuance, the Board is required to confirm the useful life of the equipment. I have confirmed with Chief Achilles the maximum useful life is 20 years. Please formalize the stated useful life so I may clear that legal requirement and pursue obtaining the funding for the Fire Department.

Should you have any questions, please do not hesitate to ask.

KENNETH M. PAULHUS
CHIEF OF POLICE

TOWN OF SOUTHBOROUGH
POLICE DEPARTMENT

32 Cordaville Road
Southborough, Massachusetts 01772

Emergency: 9-1-1
All Other: (508)-485-2121
Business: (508)-485-2147
Fax: (508)-485-4634
kpaulhus@southboroughma.com

To: Southborough Board of Selectmen

From: Police Chief Kenneth M. Paulhus

Subject: Part-Time Telecommunications Officer/Dispatcher

Date: September 11, 2020

Dear Board of Selectmen:

Please consider my recommendation to appoint Ms. Julia Fontana as a Part-Time Telecommunications Officer with the Southborough Police. The Department is looking to expand the number of P/T Staff in order to fill open shifts.

Ms. Fontana is a resident of Shrewsbury, and holds a B.A. Degree in Communications from Worcester State University. She has a history of employment in customer service.

Her appointment would be of great benefit to the Southborough Police Department. The starting date will be determined shortly after successful completion of a number of screening checks, and the Boards approval.

The recommended pay rate would be Grade 3 of the SAP, $21.00 per hour. Please feel free to contact me with any questions you might have.

Kenneth M. Paulhus
Chief of Police

Protecting Our Community...Together!

Carol Ostresh

From: Lori Esposito
Sent: Thursday, September 17, 2020 11:28 AM
To: Carol Ostresh
Subject: FW: Resignation SHOPC

Lori Esposito
Executive Assistant
Town of Southborough
17 Common Street
Southborough MA 01772
508-485-0710 ext.3004

From: Mark Purple
Sent: Thursday, September 17, 2020 11:16 AM
To: Lori Esposito <lesposito@southboroughma.com>
Subject: FW: Resignation SHOPC

For the packet, please. Thx.

Mark
Sent from my Verizon, Samsung Galaxy smartphone

-------- Original message --------
From: Lisa Braccio <lbraccio@southboroughma.com>
Date: 9/17/20 10:11 AM (GMT-05:00)
To: Martin Healey <mhealey@southboroughma.com>
Cc: Mark Purple <mpurple@southboroughma.com>, Amy Berry <aberry@southboroughma.com>
Subject: Resignation SHOPC

Good Morning,

I would like to submit my resignation from the Southborough Housing Opportunity Housing Committee (SHOPC) as the Board of Selectman representative effective immediately.

As the Board of Selectman will not appoint a new representative until September 22, I would also ask Ms. Berry, if possible that the new BOS representative could be sworn in on September 23rd as SHOPC is meeting on the 24th in the morning.

Thank you,

Lisa

Lisa M. Braccio
Board of Selectmen

nationalgrid
Vegetation Management Strategy
939 Southbridge Street
Worcester, MA 01610

8/26/2020

Via First Class and Electronic Mail

RECEIVED
SEP 08 2020
Southborough Selectmen's Office

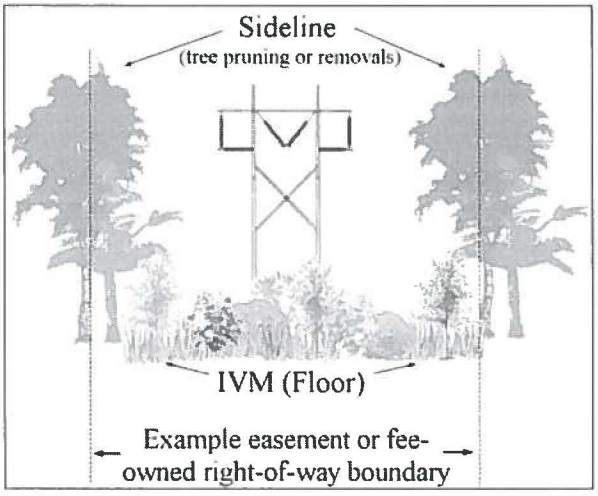
Brian E Shea
Board of Selectmen Chairman
17 Common St
Southborough, MA 01772

Email: selectmen@southboroughma.com

Dear Brian E Shea

In accordance with the transmission notification requirements set forth in 220 C.M.R. §§ 22, National Grid (New England Power Company and/or Massachusetts Electric Company) is providing 30 day notification of upcoming sideline vegetation management activities within your community. Specifically, National Grid intends to perform tree pruning and tree removals within the electric transmission right-of-way easement. Please note that this notification is separate from any notifications you would receive for herbicide maintenance.

Enclosed are map(s) that locate the right-of-way corridor(s) where the vegetation management activities will be performed. The sideline work will be conducted between 30 days from the letter date above and March 31, 2021. Please note that you may receive additional letters through the year if scheduling allows for additional work.



Also, please forward this notice on to other departments within your municipality that may want to review the notification.

If you have any questions about our vegetation management programs, please contact me at 508-860-6282 or by email mariclaire.rigby@nationalgrid.com Additional information about National Grid's Transmission Vegetation Maintenance Program can also be found at: https://www.nationalgridus.com/transmission/c3-8_standocs.asp

Sincerely,

Mariclaire Rigby

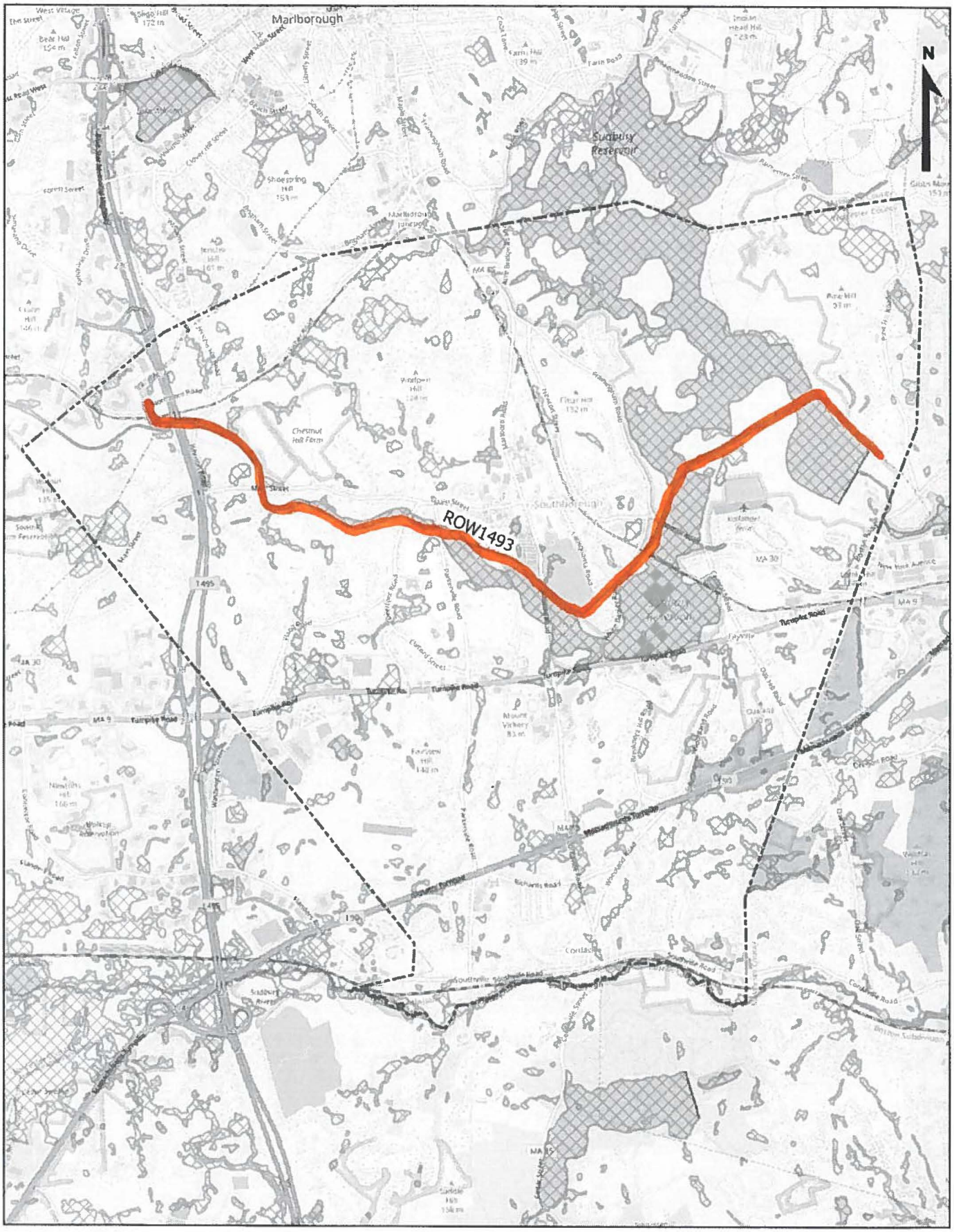
Mariclaire Rigby
Lead Vegetation Strategy Specialist

CC: Mark D. Marini, Secretary, Massachusetts Department of Public Utilities

Municipality: SOUTHBOROUGH
ROW Numbers: 1493

Right-of-Way 1493

Southborough, MA



National Grid intends to perform selective side pruning and/or danger tree removal along the right-of-way shown above

Right-of-Way
Town
Wetland

nationalgrid

MEMORANDUM

TO: BOARD OF SELECTMEN

FROM: VANESSA HALE, ASSISTANT TOWN ADMINISTRATOR

SUBJECT: MUNICIPAL APPROVING AUTHORITY

DATE: SEPTEMBER 17, 2020

Recently the Town was asked by St. Mark's School for their assistance in approving a temporary child care program for the children of staff who will be teaching on campus, which is allowed under an Executive Order from Governor Baker during the pandemic.

St. Mark's School Remote Learning Enrichment Program is being facilitated by Lori Karlsson, the Director of Auxiliary Programs at St. Mark's, who will be present during your meeting on September 22 to answer any questions you may have. The program will take place at Choate House on the St. Mark's campus and will run Mondays, Tuesdays, Thursdays and Fridays from 8:00 AM - 3:00 PM.

The Remote Learning Enrichment Program at St. Mark's School has been created to provide support for St. Mark's faculty children while their parents are teaching (in person). Children will be divided by cohort/age and staff will assist with their online classes as well as other safe, socially distanced activities throughout the day. Current proposed group between 10 and 12 students varying in age with the youngest being 6 and the oldest being 13.

Executive Order Number 49 provides three ways for communities to expand safe, in-person supervision, providing supplemental care options for families with children enrolled in hybrid or remote learning. One of these allows the Department of Early Education and Care (EEC) to establish a new category of license exemption, Remote Learning Enrichment Programs, which may be issued to entities that are approved by municipal authorities ("Municipal Approving Authority"). The role of the MAA includes site visits, ascertaining eligibility for the program and monitoring of conditions during the length of the program.

I would respectfully request that the Board of Selectmen appoint the following employees as the "Municipal Approving Authority":

- Building Commissioner Laurie Livoli
- Fire Prevention Officer Chris Dano
- Public Health Nurse Emily Amico

Thank you for your consideration.

FY 2021 Goals - Boards and Committees.	In Progress	Recent Steps	Completed
OML training and support/training for running Open Meetings.			
Promote and enforce Town Email Use Policy.	XX		
Update, consolidate and promote compliance with general policies.			
Encourage and provide support for televising meetings.			
Encourage and provide support for composite agendas and packets.			
Enhance informational outreach and recruiting for volunteers (forum).			
Conduct public comment at beginning & end of meetings			XX
Review and update descriptions and charges.			
FY 2021 Goals - Community Initiatives			
Coordinate and oversee Downtown Initiative.	XX	XX	
Coordiate communication/roundtables with local businesses.			
Pursue PILOT initiatives, including community center and projects.	XX		
Pursue "bike friendly" policies and explore Biking Committee.			
300th Anniversary planning, including Committee creation.			
FY 2021 Goals - Employees			
Create Employee Handbook.			
Update job descriptions for BoS staff.			
BoS review of annual staff performance reviews.	XX	XX	
Review staffing and BoS office organization.	XX	XX	
Analyze Personnel Board/Town Administrator authority.			
FY 2021 Goals - Infrastructure			
Explore municipal electric plant.			
Natl Grid parcel 54-40			
Assimilate Pine Hill Road into Town water (via MWRA).			
FY 2021 Goals - Long Range/Strategic Planning			
Explore establishing grant writing position(s).			
BoS training, reporting and hiring initiatives re: diversity and inclusion.	XX	XX	
FY 2021 Goals - Municipal Finance			
Additional approval/oversight on appropriation line items.			
Schedule quarterly budget updates (Finance Director).	XX	XX	
Establish budget narratives, including long-term impacts.			
Establish BoS budget liaisons.	XX	XX	
Communicate BoS position to departments re: new FTEs.	XX	XX	
Establish long-term capital plans (with Capital Committee).	XX	XX	
Explore generating additional commercial tax revenue.			
Identify and establish a roster of Town service contracts.	XX		
Review contracted services and explore re-bidding.			
Maximize potential Covid-19 reimbursements and grants.	XX		
Coordinated budget discussions with Advisory, Capital and Schools.			
FY 2021 Goals - Organizational			
Quarterly newsletter.	XX	XX	
Explore public safety regional dispatch.			
Evaluate organizational processes: postage; mailings; data exchanges.			
Budget software implementation.	XX	XX	
Pursue policies and projects for 40B threshold.			

The Commonwealth of Massachusetts
Department of Early Education and Care

Remote Learning Enrichment Policy	
Minimum Operating Requirements	**Remote Learning Enrichment Programs**
Effective Date: August 31, 2020	

On August 28, 2020, Governor Baker issued COVID-19 Executive Order No. 49, which provides three ways for communities to support expanded access to child care and supervision in response to the increased need from families with children enrolled in hybrid or remote learning.

The Executive Order makes possible the expansion of programs licensed by the Department of Early Education and Care (EEC) to serve school-aged children during remote learning hours. That option has many benefits, including that programs are already expert in serving children in this age group, are already subject to the oversight of a state authority, and have been operating under health and safety guidelines to great effect since summer; *This application is unnecessary* for programs licensed by EEC. Communities and municipalities may find and connect with EEC Licensed Programs through the Consumer Education web site.

Should existing EEC Licensed Programs not fully meet the needs of a local community, EEC has established a new category of license exemption, Remote Learning Enrichment Programs. Through this policy document, EEC sets forth minimum criteria for Remote Learning Enrichment Programs to operate, as well as the approval and monitoring role of Municipal Approving Authorities.

The Role of a Municipal Approving Authority

Acquiring an exemption requires approval by a Municipal Approving Authority, which must be designated by the municipality's CEO. A municipality may have several offices involved in verifying the necessary information (i.e., the building inspector may conduct health and safety checks and the police department may conduct background checks), depending on local needs and capacity. However, only a Municipal Approving Authority can offer final approval of a program's application. This approval involves creating and signing an approval letter and completing an Attestation Form, as described below.

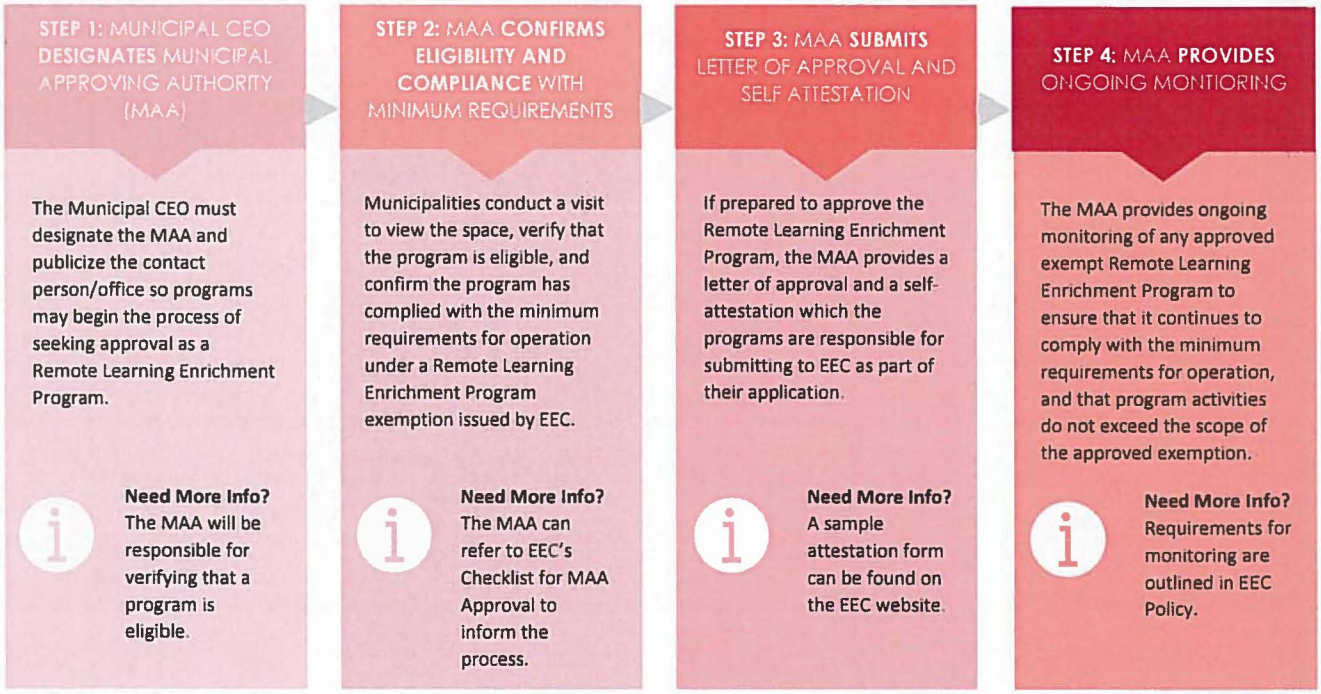
The approval process shall include, at a minimum:

- Verification by a Municipal Approving Authority that the program is eligible (as defined below) and has complied with the minimum requirements for operation of a Remote Learning Enrichment Program;
- Confirmation of a visit to determine the suitability of the program space for remote learning (may be virtual or in-person[1]) by a Municipal Approving Authority;
- Signed Approval Letter from a Municipal Approving Authority consisting of:

[1] During the COVID-19 Emergency, in-person visits may only happen if **all** of the following conditions are met:
- All individuals agree to the in-person visit;
- All individuals wear face coverings and maintain a physical distance of at least 6 feet at all times;
- All individuals are in good health (not high-risk population), with no symptoms of illness; and
- All individuals can attest that they have not been in close contact with someone confirmed to have COVID-19.

- The name and contact information for the individual applying for the Remote Learning Enrichment Program exemption
- The name and address of the Remote Learning Enrichment Program
- A brief statement about the purpose of the Remote Learning Enrichment Program and the activities to be conducted during the program
- The proposed group size and ratio for the Remote Learning Enrichment Program
- A brief statement about the health and safety guidelines that the Remote Learning Enrichment Program will follow (EEC or DESE)
- The frequency of monitoring visits planned by the Municipal Approving Authority
- A statement of approval for the program's application for the Remote Learning Enrichment Program exemption

- Signed Attestation Form from the same Municipal Approving Authority, using the template provided, attesting that:
  - The minimum requirements for operation have been verified (see below)
  - Municipal Approving Authority will determine whether the program continues to comply with the minimum requirements for operation, and that program activities do not exceed the scope of the Remote Learning Enrichment Program exemption criteria
  - Municipal Approving Authority will notify EEC of any non-compliance and/or Municipal Approving Authority enforcement resulting from any non-compliance with those minimum requirements for operation or activities exceeding that scope.



Minimum Requirements for Operation of a Remote Learning Enrichment Program

The following criteria must be confirmed by a Municipal Approving Authority to have been met before the program will be considered for an exemption by EEC.

Eligibility[2]	• The program attests that it is not currently licensed by EEC. • The program attests that it will provide regular or drop-in care for children who are enrolled in a public or private school district.[3] • The program attests that it understands that its license exemption only applies during the hours of a traditional in-person school day.[4] • The program attests that all enrolled children are school age, which is defined as: enrolled in kindergarten or at least of sufficient age to enter first grade the following year, or an older child who is enrolled in school and not more than 14 years of age or not more than 16 years[5] of age if the child has special needs.
Ratios, Group Sizes, and Age Groups	• **Programs operating in a facility-based setting:** The program attests that it will maintain a ratio of 1:13 staff members to children *and* may serve a maximum group size of 26 children, if physical distancing requirements can be maintained. • **Programs operating in a private residence:** The program attests that it will maintain a ratio of 1:8 adults to children and may serve a maximum group size of 8 children, if physical distancing requirements can be maintained.
Staffing	• The program provides documentation that all staff members, volunteers, household members over the age of 15 (only if operating out of a private residence), and any other adults who will be around children (supervised or unsupervised) in the Remote Learning Enrichment Program have completed a Background Record Check (BRC) and been found suitable and appropriate to work with children, prior to working in the program.
	Notes about verification of Background Record Checks: Prior to issuing any approval, a Municipal Approving Authority must confirm that all staff members, volunteers, household members age 15+ (if private residence), and any other adults who will be around children have completed a background record check consisting of a Criminal Offender Record Information (CORI) check, Sex Offender Registry Information (SORI) check, and Department of Children and Families (DCF) child welfare check. Fingerprint checks are strongly recommended, if available. BRC checks may be run by entities other than the Municipal Approving Authority (i.e. local police) if the Municipal Approving Authority has confirmation of compliance for these standards for all staff BRCs.

[2] The following programs are outside the scope of this exemption and are *not* subject to the processes outlined above:

- Programs licensed by EEC
- Programs funded by EEC
- Programs working exclusively with students enrolled in high school
- Remote Learning Parent Cooperatives

[3] Confirmation may be established through attendance records and/or Local School District coordination

[4] Traditional school day hours can be determined from the scheduled school hours from the 2019-2020 school year.

	All individuals who will be around children in a Remote Learning Enrichment Program are subject to mandatory disqualifications if the results of the BRC includes findings of violent crimes, sexual crimes, or any crimes against children. The Municipal Approving Authority is responsible for confirming suitability[6] for all staff prior to employment or volunteering in a Remote Learning Enrichment Program.
Health and Safety	• The program attests that it will follow either Department of Elementary and Secondary Education (DESE) or EEC health and safety guidance, including masking, physical distancing, and hand hygiene requirements. • **Programs operating in a facility-based setting:** The facility to be used by the program has up-to-date fire, lead, and applicable building inspections.[7] • **Programs operating in a private residence:** The home to be used by the program has working smoke detectors located throughout the home and on all floor levels and at least two separate exits to the outside.
	Notes about verification of programs' adherence to health and safety guidance: Prior to issuing any approval, the Municipal Approving Authority must obtain a signed Attestation Form confirming that the program understands and is prepared to implement all applicable health and safety requirements. A sample program Attestation Form is available on the EEC web site.

Additional Considerations for Municipal Approving Authorities

Municipalities should establish their own processes to work with interested entities, verify their eligibility, monitor their programs, and notify EEC of any non-compliance with any of the minimum requirements A Municipal Approving Authority may impose requirements for operation of a Remote Learning Enrichment Program that exceed those issued by EEC. Municipalities may consider setting additional criteria for Remote Learning Enrichment Programs that may include, but are not limited to:

- Staff with CPR/First Aid certification
- Reliable internet access
- Ensuring there are spaces available that are free of distraction for remote learning
- Additional learning activities and/or supports for remote learning, including those geared toward children who are academically at risk
- Supports for children with disabilities
- Supports for children with special needs, including English Language Learners and children with IEPs
- Enrichment activities, including those incorporating the arts, physical education, and/or STEM
- Plans for family engagement in students' remote learning success

[6] Municipalities are strongly encouraged to review EEC and/or DESE BRC guidance for more information. Suggested links: https://www.mass.gov/guides/eecs-background-record-check-process-new-requirements-starting-in-2018 and/or http://www.doe.mass.edu/lawsregs/603cmr51.html?section=all

[7] Programs serving only school aged children may be classified under the Use Group A-3, Assembly category in the Commonwealth of Massachusetts Building Code and may submit a building certificate reflecting this code to demonstrate building code compliance. Programs who serve only school aged children may, however, choose to meet the stricter standard of Use Groups E or I-2/I-4 and submit a building certificate reflecting either of these codes to prove compliance with the building codes.

Provider Process to Apply to Become a Remote Learning Enrichment Program

Individuals or entities interested in an exemption to operate as a Remote Learning Enrichment Program may apply through the EEC website.

The application asks essential questions related to program operations. Programs will also upload the following corroborating documents from the Municipal Approving Authority:

- Approval Letter
- Attestation Form

Note: as part of the verification process, applicants will complete a Self-Attestation that they will meet Minimum Health and Safety standards. This is collected by the Municipal Approving Authority, but it is not required to be submitted to EEC.

EEC will issue an exemption for those Remote Learning Enrichment Programs whose applications are complete, submitted with the appropriate approvals and supporting documentation, deemed to be in compliance with these Minimum Operating Requirements, and have no cause for further review.

Monitoring and Enforcement of the Remote Learning Enrichment Program

The Municipal Approving Authority is responsible for the ongoing monitoring of any exempt Remote Learning Enrichment Program to ensure that the program continues to comply with the minimum requirements for operation, and that program activities do not exceed the scope of the approved exemption.

Examples of program activities that exceed the scope include:

- A child in the program is not enrolled in public or private school.
- Caring for children during hours outside of the regular school day (ex. before or after school or weekends)
- Caring for more children than are permitted by EEC as criteria for this exemption
- Caring for children who are younger than school age, (ex. preschool)
- Not abiding by the health and safety requirements
- Employing staff that have not completed a BRC
- Operating in a manner that compromises the health, safety, or well-being of children

A Municipal Approving Authority may investigate a Remote Learning Enrichment Program, and may revoke approval for a program, for a program's failure to comply with EEC's minimum standards for operation or the scope of EEC's license exemption, for a program's failure to comply with a Municipal Approving Authority's standards for operation, or any time when a determination is made that the program is operating in a manner that presents a danger to public health, safety, or welfare.

If a Municipal Approving Authority intends to revoke its approval, it must notify EEC within 48 hours of the issuance of revocation. Notification may be issued by email to: **EECExemptions@mass.gov.**

In accordance with 102 CMR 1.00, Enforcement Standards and Definitions for Licensure and Approval, EEC may investigate any Remote Learning Enrichment Program and revoke or withhold approval of any exemption issued, including those operating within the parameters of compliance, if EEC deems necessary. EEC's authority to revoke or withhold approval is regardless of any decision made by the Municipal Approving Authority. EEC will respond to all reports or allegations of serious abuse, neglect, or if a program poses a danger to public health, safety, or welfare, in collaboration with the Municipal Approving Authority.

Any questions related to these policies may be addressed to: **EECExemptions@mass.gov**

Appendix: Checklist for Municipal Approving Authority Approval

To support the Municipal Approving Authority in approving the entities to apply for an exemption, EEC has developed the following checklist that aligns with the policies outlined in this document.

REQUIREMENTS FOR HEALTH AND SAFETY

- ☑ The program will follow either Department of Elementary and Secondary Education (DESE) or EEC health and safety guidance, including masking, physical distancing, and hand hygiene requirements.
- ☑ *Programs operating in a facility-based setting:* The facility to be used by the program has up to date fire, lead, and applicable building inspections .
- ☑ *Programs operating in a private residence:* The home to be used by the program has working smoke detectors located throughout the home and on all floor levels and at least two separate exits to the outside.
- ☑ The visit should include the collection of the signed Attestation Form from the program leader that the program leadership understands and is prepared to implement all applicable health and safety requirements.

REQUIREMENTS FOR RATIOS AND GROUP SIZE

- ☑ Programs operating in a facility-based setting will maintain a ratio of 1:13 staff members to children and will serve a maximum group size of 26 children, provided that physical distancing requirements can be maintained.
- ☑ Programs operating in a private residence will maintain a ratio of 1:8 adults to children and will serve a maximum group size of 8 children, provided that physical distancing requirements can be maintained.

REQUIREMENTS FOR STAFFING

- ☑ Confirmation that all staff members, volunteers, household members 15 and older (if private residence), and any other adults who will be around child have completed a background check consisting of Criminal Offender Record Information (CORI) check, Sex Offender Registry Information (SORI) check, and Department of Children and Families (DCF) child welfare check. Fingerprint checks are strongly recommended, if available.
- ☑ Note: Background checks may be run by entities other than the MAA, such as police department or school department, as long as the background check includes all necessary components.

REQUIREMENTS FOR HEALTH AND SAFETY

- ☑ The program will follow either Department of Elementary and Secondary Education (DESE) or EEC health and safety guidance, including masking, physical distancing, and hand hygiene requirements.
- ☑ *Programs operating in a facility-based setting:* The facility to be used by the program has up to date fire, lead, and applicable building inspections .
- ☑ *Programs operating in a private residence:* The home to be used by the program has working smoke detectors located throughout the home and on all floor levels and at least two separate exits to the outside.
- ☑ The visit should include the collection of the signed Attestation Form from the program leader that the program leadership understands and is prepared to implement all applicable health and safety requirements.

Remote Learning Enrichment Program
Attestation Form for Municipalities

On August 28, 2020, Governor Baker issued Executive Order Number 49 which provides three ways for communities to expand safe, in-person supervision, providing supplemental care options for families with children enrolled in hybrid or remote learning. One of these allows the Department of Early Education and Care (EEC) to establish a new category of license exemption, Remote Learning Enrichment Programs, which may be issued to entities that are approved by municipal authorities ("Municipal Approving Authority").

This Attestation Form is required as part of the program's application to be a Remote Learning Enrichment Program as it represents the Municipal Approving Authority's attestation that the applying program meets the eligibility and health and safety requirements to be considered for exemption by EEC.

Name of Remote Learning Enrichment Program:_____

Name of Municipal Approving Authority:_____

Municipal Approving Authority Contact Name:_____

Municipal Approving Authority Contact Email:_____

Municipal Approving Authority Contact Phone:_____

Please read each attestation carefully. Check the box to the left to confirm that you agree to and are able to comply with the requirements and conditions described in each attestation below.

☐ If Remote Learning Enrichment Program will operate in a facility, this Municipal Approving Authority has verified that the program attests that it will maintain a ratio of no less than 1:13 staff members to children, including a maximum group size of 26, as defined in early childhood program guidance, if physical distance requirements can be maintained.

☐ If Remote Learning Enrichment Program will operate in a residence, this Municipal Approving Authority has verified that the program attests that it will maintain a ratio of no less than 1:8 staff members to children, including a maximum group size of 8 children, as defined in early childhood program guidance, if physical distance requirement can be maintained.

☐ This Municipal Approving Authority has confirmed that all staff members, volunteers, and other adults have completed a background record check consisting of a Criminal Offender Record Information (CORI) check, Sex Offender Registry Information (SORI) check, and Department of Children and Families (DCF) child welfare check, and been found suitable, before the submission of this document and before they are permitted to be around children.

☐ This Municipal Approving Authority has completed an in-person or virtual site visit to the facility in which the Remote Learning Enrichment Program will operate to confirm suitability for children participating in remote learning.

☐ If Remote Learning Enrichment Program will operate in a facility, this Municipal Approving Authority has viewed evidence that the facility has up-to-date fire, lead paint, and applicable building inspections.

Remote Learning Enrichment Program
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☐ If Remote Learning Enrichment Program will operate in a residence, this Municipal Approving Authority has viewed evidence that the home has working smoke detectors located throughout the home and on all floor levels and at least two separate exits to the outside.

☐ This Municipal Approving Authority has confirmed that the Remote Learning Enrichment Program attests that it will only care for children who are enrolled in a public or private school, or who are receiving education in a program approved by the local education authority.

☐ This Municipal Approving Authority has confirmed that the Remote Learning Enrichment Program attests that it will only care for children who are of minimum school age, which is defined as enrolled in kindergarten or at least of sufficient age to enter first grade the following year, or children not more than 14 years of age (or not more than 16 years of age if they have special needs).

☐ This Municipal Approving Authority has developed a plan for ongoing monitoring of the Remote Learning Enrichment Program and communicated the plan clearly to the program.

☐ This Municipal Approving Authority has received a Self-Attestation from the Remote Learning Enrichment Program that it will follow either DESE or EEC health and safety guidance, including masking, physical distancing, and hand hygiene requirements (please see template on EEC web site).

☐ This Municipal Approving Authority will be responsible for monitoring to ensure that program activities do not exceed the scope of the Remote Learning Enrichment Program exemption criteria.

☐ This Municipal Approving Authority agrees to notify EEC of any non-compliance with those minimum requirements for operation or activities exceeding that scope within 48 hours.

☐ I understand that by signing below, I confirm that I am duly authorized to act as the official agent of _____. I confirm agreement with each attestation above. I further understand that any breach of the provisions of this Attestation Form may result in the possible immediate closure of the Remote Learning Enrichment Program listed above, or other action deemed necessary, in its discretion, by EEC.

Signed under the penalties of perjury.

Signature: _____ Date: _____

Title:

ACCEPTED BY THE DEPARTMENT OF EARLY EDUCATION AND CARE

Signature: _____Date:

Title:

APPLICATION FOR ONE-DAY ALCOHOL LICENSE

TOWN OF SOUTHBOROUGH

Board of Selectmen

17 Common Street, Southborough MA 01772

TOWN USE ONLY

Date: _____

Paid: $_____

Check#_____

Cash_____

Lic.#_____

Special or "one-day" licenses for the sale of alcoholic beverages are available to the responsible event manager of any activity conducted by an organization which, in the opinion of the Town of Southborough Select Board, complies with all State and local requirements and demonstrates satisfactorily that granting of the license is in the best interests of the Town of Southborough. This application must be submitted at least 30 days prior to the event.

(X) **WINE/MALT ONLY** ( ) **ALL ALCOHOL** [for non-profits only]

License Fee: $50.00, non-refundable, check or cash only, payable to Town of Southborough

APPLICATION DATE: 9/8/2020

Susan Eastland — 508-599-0646

Event Manager/Applicant Name — 24-Hour Contact Telephone Number

5 Chestnut Hill Rd Southborough, MA 01772

Event Manager/Applicant Address

seastland@thetrustees.org

Event Manager/Applicant Email Address

The Trustees, Chestnut Hill Farm — 5 Chestnut Hill Rd Southborough, MA 01772

Organization Representing — Address of Organization

Fall Fun on the Farm — 10/4/20 — 10/10/20

NAME OF EVENT / PURPOSE — **DATE OF EVENT** — **RAIN DATE**

LOCATION OF EVENT Chestnut Hill Farm

( ) Inside (X) Outside

Is the organization you are representing non-profit* X YES _____ NO

*If 'Yes' and applying for "All Alcohol" license, acceptable proof of non-profit status must be attached

"Alcohol Awareness Server Training Affidavit" and Server Certificates attached X YES ____ NO

Hours of Sale/Consumption of Alcoholic Beverages 12pm AM/PM to 6pm AM/PM

APPLICATION FOR ONE-DAY ALCOHOL LICENSE

What is the maximum number of expected attendees? 200 people total, four-90 minute time slots with 50 people maximum at one tim

What is the predominate age group of the expected attendees? Families

Is an admission fee to be charged? __X__Yes _____No

Are tickets being sold in advance for this event? __X__Yes _____No

How will alcoholic beverages be dispensed or served? (*Please check all that apply)*

_____Waiter/Waitress

_____Bar with bartender

_____By the glass

X_____By the bottle

_____Self-serve

Name and address of company providing bartending service, if applicable:

_____

_____

If any attending are under age 21, what method will be used to check identification and what procedures will be followed to make certain that those under age 21 are not served and are not allowed to consume alcoholic beverages?

Certified person will ID those being served.

_____

Have you consulted with the Police Department about the need for a security plan or detail officer required for the Event? X_____Yes _____No

If Yes, with whom and what date? Name Chief Paulhus via email Date 9/8/20

Will a police detail or other security be required? _____Yes ____X____No

If Yes, # of details and name and address of provider (if applicable)?

_____

_____

APPLICATION FOR ONE-DAY ALCOHOL LICENSE

ALCOHOL AWARENESS SERVER TRAINING AFFIDAVIT

I hereby certify that I have read the Training Requirements for Liquor License Holders and Employees. I understand that failure to comply with this policy may result in the revocation or non-renewal of the license. Below is a current roster of my employees and the related alcohol awareness server training information.

*****NOTE: Copies of all original certificates MUST accompany this form.*****

The Trustees, Chestnut Hill Farm

Company/Organization

Susan Eastland — 9/8/20

Manager [Note: Manager training MUST be current] — **Date**

Manager/Employee Name	Date of Hire	Type of Training [certification]	Date Valid	Date of Expiration
Susan Eastland	8/1/19	AIM	n/a	9/16/22

Any applicant for a one-day liquor license shall, as a condition of their being granted the license, ensure that at least one person to be engaged in the sale/service of alcoholic beverages at their event has been certified in a program from the list of Board of Selectmen sanctioned programs. On-line ["e-training") training is not an acceptable means of obtaining certification. A copy of their certification must accompany the application.

Listed below are the only programs currently available that meet the requirements of this policy approved by Board of Selectmen on September 17, 2013 [telephone numbers and contacts are provided as of date of policy]:

1. **ServSafe Alcohol** offered by the National Restaurant Association [www.servsafe.com/alcohol, then click on "Find a Class"]
2. **SAFE ID Check** offered by J.B.S. Professional Services, LLC [617-539-0118]
3. **Alcohol Intervention Methods [A.I.M.]** offered by Campbell/Trent [508-756-8542]
4. **Training for Intervention Procedures by Servers of Alcohol [TIPS]** offered by Health Communication, Inc. [www.gettips.com, then click on "Get Tips Certified, 'training session'" to find a class. NOTE: "Online training with eTIPS" is NOT ACCEPTABLE]
5. Approved for OFF-PREMISE sales license only: Beverage Alcohol Training [B.A.T.] offered by the Massachusetts Package Store Association [Mass Pack Contact: Frank Anzalotti 800-322-1383, or, to find a class, go to www.masspack.org/servertraining]

I understand that anyone holding a Special License must purchase alcoholic beverages from a licensed wholesaler/importer, manufacturer, farmer-winery, farmer-brewery or special permit holder. Purchasing alcoholic beverages from a package store is prohibited by the ABCC. A list of authorized sources to purchase alcohol can be found on the ABCC website www.mass.gov/abcc or you can contact the ABCC directly at (617) 727-3040.

Initial SE

I understand that the license holder must provide a Certificate of Liability Insurance with a liquor liability policy with $1M coverage, naming the Town of Southborough as the certificate holder.

Initial SE

I certify under penalty of perjury that I shall be responsible for the proper observance of all applicable Alcohol Control Laws of the State of Massachusetts, policies and regulations of the Town of Southborough, and conditions governing this license; all information contained in this application is true and correct; and this License is being sought for the exclusive benefit and use of the Non-Profit Sponsor and its members.

Initial SE

LIABILITY DISCLAIMER FOR ONE-DAY ALCOHOL LICENSES

By exercising the privileges of this license in serving persons with alcoholic beverages, the licensee is potentially exposed to significant liability for injuries and damages to persons served or to others who are injured or damaged by the persons served. Your acceptance and exercise of this license will be deemed to be acknowledgement that you are aware of this potential liability. You are encouraged to discuss the risks associated with exercising your privileges of the license and the precautions appropriate to avoid injuries, damage, and liability to others with your legal and/or insurance advisors. The Town of Southborough, and the Select Board as Local Licensing Authority, shall not be liable to the licensee or others if injury or damage shall result from the exercise of the license.

I, Susan Eastland, in consideration of having been granted a special
(Event Manager/Applicant)
license for the service of alcoholic beverages, hereby agree to defend, indemnify and hold harmless the Town of Southborough ("Town"), its officers, boards, employees and agents, from any liability for any and all loss, damage, cost, claim, expense, compensation and cause of action arising out of, or in connection with, the issuance or exercise of the special license granted to me by the Select Board acting as the Town's Local Licensing Authority.

Susan Eastland , 9/8/20

Event Manager/Applicant Signature Date

APPLICATION FOR ONE-DAY ALCOHOL LICENSE

REQUIRED FORMS TO SUBMIT WITH APPLICATION:

☒ Completed license application with cash/check

☒ A Certificate of General Liability Insurance with a Liquor Liability for $1M, naming the Town of Southborough (17 Common Street, Southborough MA 01772) as Certificate Holder*

☒ Completed 'Alcohol Awareness Server Training Affidavit' form, including copies of training cards

☒ List of designated drivers to be available for transporting attendees considered unable to drive Uber/lyft

IF APPLICABLE:

☒ Invitation/flyer/letter of explanation regarding event

☐ Proof of non-profit status (for 'All Alcohol License' only)

*Voted May 18, 1993: To maintain the policy that was put in effect October 25, 1988 with the stipulation that the Board of Selectmen does have the authority to waive the requirement for a one million dollar insurance policy if it is so voted by a majority of the Board.

GUIDELINES:

- Application for Special One-day License must be submitted at least 30 days prior to event
- A police detail may be required, depending upon the number of people and the event. *It is the applicant's responsibility to contact the Southborough Police Department prior to application submission: 508-485-2147*
- Events can only be held on day and date approved on license. No refund is possible after a Special One-Day License has been issued. Rain dates for events must be noted on the application prior to approval. If no rain date is listed, the event cannot be held on date other than date specified.
- Special One-day Licenses can only be issued for events occurring between 11:00 a.m. – midnight on Monday – Saturday, and noon - midnight on Sundays.
- License must be posted in the most conspicuous place at the location of event
- DO NOT allow anyone to bring their own alcoholic beverages to your event
- A one-day license CAN NOT be granted to:
  - any person for more than a total of 30 days per calendar year
  - any person that has an on-premises annual license application pending
  - any premises that has an alcoholic beverages license.

FOR TOWN USE ONLY

LOCAL LICENSING AUTHORITY DECISION DATE: _____

☐ **APPROVED**

☐ **DENIED**

License #_____ Notice Sent to ABCC (within 10 days of issuance) _____

Payment received: _____ Date_____ Cash_____ Check# _____

Remarks:_____

_____

CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY): 4/1/2020

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Arthur J. Gallagher Risk Management Services, Inc. 470 Atlantic Avenue Boston MA 02210	CONTACT NAME: PHONE (A/C, No, Ext): 617-261-6700 FAX (A/C, No): 617-646-0400 E-MAIL ADDRESS:
	INSURER(S) AFFORDING COVERAGE — NAIC #
	INSURER A : Philadelphia Indemnity Insurance Company — 18058
INSURED TRUSOFR-01 Trustees of Reservations 200 High Street, 4th Floor Boston MA 02210	INSURER B : INSURER C : INSURER D : INSURER E : INSURER F :

COVERAGES **CERTIFICATE NUMBER:** 321842118 **REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS	
A	X COMMERCIAL GENERAL LIABILITY			PHPK2116028	4/1/2020	4/1/2021	EACH OCCURRENCE	$ 1,000,000
	CLAIMS-MADE X OCCUR						DAMAGE TO RENTED PREMISES (Ea occurrence)	$ 100,000
							MED EXP (Any one person)	$ 5,000
							PERSONAL & ADV INJURY	$ 1,000,000
	GEN'L AGGREGATE LIMIT APPLIES PER:						GENERAL AGGREGATE	$ 2,000,000
	X POLICY PRO-JECT X LOC						PRODUCTS - COMP/OP AGG	$ 2,000,000
	OTHER:							$
	AUTOMOBILE LIABILITY						COMBINED SINGLE LIMIT (Ea accident)	$
	ANY AUTO						BODILY INJURY (Per person)	$
	OWNED AUTOS ONLY / SCHEDULED AUTOS						BODILY INJURY (Per accident)	$
	HIRED AUTOS ONLY / NON-OWNED AUTOS ONLY						PROPERTY DAMAGE (Per accident)	$
								$
	UMBRELLA LIAB OCCUR						EACH OCCURRENCE	$
	EXCESS LIAB CLAIMS-MADE						AGGREGATE	$
	DED RETENTION $							$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY Y/N						PER STATUTE / OTH-ER	
	ANYPROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? N/A						E.L. EACH ACCIDENT	$
	(Mandatory in NH)						E.L. DISEASE - EA EMPLOYEE	$
	If yes, describe under DESCRIPTION OF OPERATIONS below						E.L. DISEASE - POLICY LIMIT	$
A	Liquor Liability			PHPK2116028	4/1/2020	4/1/2021	Each Cause Limit Aggregate:	$1,000,000 $1,000,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

The Town of Southborough is included as additional insured with respects to the General Liability Policy. Coverage subject to policy terms and conditions.

CERTIFICATE HOLDER

Town of Southborough
17 Common Street
Southborough MA 01701

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

Patrick J Veale

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The ACORD name and logo are registered marks of ACORD

CERTIFICATION NUMBER:

91413

ALCOHOL INTERVENTION METHODS

CERTIFIES:

Susan Eastland

CAMPBELL TRENT

508.756.8542

EXPIRES:

SEP 16 2022

Listing on our website:

~ ~ ~

Fall Fun on the Farm at Chestnut Hill Farm

Fall is a special time of year in New England: the weather cools, the leaves change to beautiful oranges, reds and yellows and celebrations of the harvest season begin. What could be a better place to enjoy this quintessential time of year but at Chestnut Hill Farm. Join us every Sunday from 12-6pm to enjoy live music, walking trails, Storywalk, hayrides, a scavenger hunt, and a visit with our friendly goats. Food from alternating food trucks and craft beer will be available for purchase.

Details:

- Every Sunday starting September 19th through November 8th.
- Timed ticketing is available to adhere to COVID guidelines of a maximum of 50 people on-site at a time. Time slots available: 12-1:30pm, 1:30-3pm, 3-4:30pm & 4:30-6pm.
- Pre-registration is **required**.
- Ticket entrance includes access to trails, Storywalk, one hayride, a scavenger hunt, and live music.

Visitors are required to follow COVID-19 protocols. Please wear a face mask and comply with 6ft. social distancing so you and others can safely enjoy this activity. Thank you!

~ ~ ~

Pre-registration is required, and only 50 tickets will be sold per 90-minute time slot. Families will have all of the farm to enjoy: the trails, the large pastures, and the orchard area with picnic tables - lots of space to spread out and social distance. Picnic tables have been placed at least 10 feet apart. Masks will be required.

Per Governor Baker's new mandates on alcohol sale with food sale, we will be requiring visitors to purchase food from our food truck *before* they can purchase beer. People who buy food will receive a customized CHF stamp on their hand, after which our certified server will sell them beer.

APPLICATION FOR ONE-DAY ALCOHOL LICENSE

TOWN OF SOUTHBOROUGH

Board of Selectmen

17 Common Street, Southborough MA 01772

TOWN USE ONLY
Date: _____
Paid: $_____
Check#_____
Cash_____
Lic.#_____

Special or "one-day" licenses for the sale of alcoholic beverages are available to the responsible event manager of any activity conducted by an organization which, in the opinion of the Town of Southborough Select Board, complies with all State and local requirements and demonstrates satisfactorily that granting of the license is in the best interests of the Town of Southborough. This application must be submitted at least 30 days prior to the event.

(X) **WINE/MALT ONLY** ( ) **ALL ALCOHOL** [for non-profits only]

License Fee: $50.00, non-refundable, check or cash only, payable to Town of Southborough

APPLICATION DATE: 9/8/20

Susan Eastland — 508-599-0646

Event Manager/Applicant Name — 24-Hour Contact Telephone Number

5 Chestnut Hill Rd Southborough, MA 01772

Event Manager/Applicant Address

seastland@thetrustees.org

Event Manager/Applicant Email Address

The Trustees, Chestnut Hill Farm — 5 Chestnut Hill Rd Southborough, MA 01772

Organization Representing — Address of Organization

Brew Moon Hike — 10/10/20 — 10/17/20

NAME OF EVENT / PURPOSE — **DATE OF EVENT** — **RAIN DATE**

LOCATION OF EVENT Chestnut Hill Farm

( ) Inside (x) Outside

Is the organization you are representing non-profit* X YES _____ NO

*If 'Yes' and applying for "All Alcohol" license, acceptable proof of non-profit status must be attached

"Alcohol Awareness Server Training Affidavit" and Server Certificates attached X YES ____ NO

Hours of Sale/Consumption of Alcoholic Beverages 6pm AM/PM to 8pm AM/PM

APPLICATION FOR ONE-DAY ALCOHOL LICENSE

What is the maximum number of expected attendees? 30-50, split into small groups

What is the predominate age group of the expected attendees? Families

Is an admission fee to be charged? X Yes _____No

Are tickets being sold in advance for this event? X Yes _____No

How will alcoholic beverages be dispensed or served? (*Please check all that apply)*

_____Waiter/Waitress

_____Bar with bartender

_____By the glass

X By the bottle

_____Self-serve

Name and address of company providing bartending service, if applicable:

_____

_____

If any attending are under age 21, what method will be used to check identification and what procedures will be followed to make certain that those under age 21 are not served and are not allowed to consume alcoholic beverages?

Certified person will ID those being served.

_____

Have you consulted with the Police Department about the need for a security plan or detail officer required for the Event? X Yes _____No

If Yes, with whom and what date? Name Chief Paulhus via email Date 9/8/20

Will a police detail or other security be required? _____Yes ✓ No

If Yes, # of details and name and address of provider (if applicable)?

_____

_____

ALCOHOL AWARENESS SERVER TRAINING AFFIDAVIT

I hereby certify that I have read the Training Requirements for Liquor License Holders and Employees. I understand that failure to comply with this policy may result in the revocation or non-renewal of the license. Below is a current roster of my employees and the related alcohol awareness server training information.

*****NOTE: Copies of all original certificates MUST accompany this form.*****

The Trustees, Chestnut Hill Farm
Company/Organization

Susan Eastland 9/8/20
Manager [Note: Manager training MUST be current] **Date**

Manager/Employee Name	Date of Hire	Type of Training [certification]	Date Valid	Date of Expiration
Susan Eastland	8/1/19	AIM	n/a	9/16/22

Any applicant for a one-day liquor license shall, as a condition of their being granted the license, ensure that at least one person to be engaged in the sale/service of alcoholic beverages at their event has been certified in a program from the list of Board of Selectmen sanctioned programs. On-line ["e-training") training is not an acceptable means of obtaining certification. A copy of their certification must accompany the application.

Listed below are the only programs currently available that meet the requirements of this policy approved by Board of Selectmen on September 17, 2013 [telephone numbers and contacts are provided as of date of policy]:

1. **ServSafe Alcohol** offered by the National Restaurant Association [www.servsafe.com/alcohol, then click on "Find a Class"]
2. **SAFE ID Check** offered by J.B.S. Professional Services, LLC [617-539-0118]
3. **Alcohol Intervention Methods [A.I.M.]** offered by Campbell/Trent [508-756-8542]
4. **Training for Intervention Procedures by Servers of Alcohol [TIPS]** offered by Health Communication, Inc. [www.gettips.com, then click on "Get Tips Certified, 'training session'" to find a class. NOTE: "Online training with eTIPS" is NOT ACCEPTABLE]
5. Approved for OFF-PREMISE sales license only: Beverage Alcohol Training [B.A.T.] offered by the Massachusetts Package Store Association [Mass Pack Contact: Frank Anzalotti 800-322-1383, or, to find a class, go to www.masspack.org/servertraining]

I understand that anyone holding a Special License must purchase alcoholic beverages from a licensed wholesaler/importer, manufacturer, farmer-winery, farmer-brewery or special permit holder. Purchasing alcoholic beverages from a package store is prohibited by the ABCC. A list of authorized sources to purchase alcohol can be found on the ABCC website www.mass.gov/abcc or you can contact the ABCC directly at (617) 727-3040.

Initial SE

I understand that the license holder must provide a Certificate of Liability Insurance with a liquor liability policy with $1M coverage, naming the Town of Southborough as the certificate holder.

Initial SE

I certify under penalty of perjury that I shall be responsible for the proper observance of all applicable Alcohol Control Laws of the State of Massachusetts, policies and regulations of the Town of Southborough, and conditions governing this license; all information contained in this application is true and correct; and this License is being sought for the exclusive benefit and use of the Non-Profit Sponsor and its members.

Initial SE

LIABILITY DISCLAIMER FOR ONE-DAY ALCOHOL LICENSES

By exercising the privileges of this license in serving persons with alcoholic beverages, the licensee is potentially exposed to significant liability for injuries and damages to persons served or to others who are injured or damaged by the persons served. Your acceptance and exercise of this license will be deemed to be acknowledgement that you are aware of this potential liability. You are encouraged to discuss the risks associated with exercising your privileges of the license and the precautions appropriate to avoid injuries, damage, and liability to others with your legal and/or insurance advisors. The Town of Southborough, and the Select Board as Local Licensing Authority, shall not be liable to the licensee or others if injury or damage shall result from the exercise of the license.

I, Susan Eastland, in consideration of having been granted a special
(Event Manager/Applicant)
license for the service of alcoholic beverages, hereby agree to defend, indemnify and hold harmless the Town of Southborough ("Town"), its officers, boards, employees and agents, from any liability for any and all loss, damage, cost, claim, expense, compensation and cause of action arising out of, or in connection with, the issuance or exercise of the special license granted to me by the Select Board acting as the Town's Local Licensing Authority.

Susan Eastland , 9/8/20

Event Manager/Applicant Signature Date

APPLICATION FOR ONE-DAY ALCOHOL LICENSE

REQUIRED FORMS TO SUBMIT WITH APPLICATION:

☒ Completed license application with cash/check

☒ A Certificate of General Liability Insurance with a Liquor Liability for $1M, naming the Town of Southborough (17 Common Street, Southborough MA 01772) as Certificate Holder*

☒ Completed 'Alcohol Awareness Server Training Affidavit' form, including copies of training cards

☒ List of designated drivers to be available for transporting attendees considered unable to drive

IF APPLICABLE:

☒ Invitation/flyer/letter of explanation regarding event

☐ Proof of non-profit status (for 'All Alcohol License' only)

*Voted May 18, 1993: To maintain the policy that was put in effect October 25, 1988 with the stipulation that the Board of Selectmen does have the authority to waive the requirement for a one million dollar insurance policy if it is so voted by a majority of the Board.

GUIDELINES:

- Application for Special One-day License must be submitted at least 30 days prior to event
- A police detail may be required, depending upon the number of people and the event. *It is the applicant's responsibility to contact the Southborough Police Department prior to application submission: 508-485-2147*
- Events can only be held on day and date approved on license. No refund is possible after a Special One-Day License has been issued. Rain dates for events must be noted on the application prior to approval. If no rain date is listed, the event cannot be held on date other than date specified.
- Special One-day Licenses can only be issued for events occurring between 11:00 a.m. – midnight on Monday – Saturday, and noon - midnight on Sundays.
- License must be posted in the most conspicuous place at the location of event
- DO NOT allow anyone to bring their own alcoholic beverages to your event
- A one-day license CAN NOT be granted to:
  - any person for more than a total of 30 days per calendar year
  - any person that has an on-premises annual license application pending
  - any premises that has an alcoholic beverages license.

FOR TOWN USE ONLY

LOCAL LICENSING AUTHORITY DECISION DATE: _____

☐ **APPROVED**

☐ **DENIED**

License #_____ Notice Sent to ABCC (within 10 days of issuance) _____

Payment received: _____ Date_____ Cash_____ Check# _____

Remarks:_____

_____

CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY): 4/1/2020

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Arthur J. Gallagher Risk Management Services, Inc. 470 Atlantic Avenue Boston MA 02210	**CONTACT NAME:** **PHONE (A/C, No, Ext):** 617-261-6700 **FAX (A/C, No):** 617-646-0400 **E-MAIL ADDRESS:**
INSURED TRUSOFR-01 Trustees of Reservations 200 High Street, 4th Floor Boston MA 02210	**INSURER(S) AFFORDING COVERAGE** / **NAIC #** **INSURER A:** Philadelphia Indemnity Insurance Company / 18058 **INSURER B:** **INSURER C:** **INSURER D:** **INSURER E:** **INSURER F:**

COVERAGES **CERTIFICATE NUMBER:** 321842118 **REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS	
A	X COMMERCIAL GENERAL LIABILITY			PHPK2116028	4/1/2020	4/1/2021	EACH OCCURRENCE	$ 1,000,000
	CLAIMS-MADE X OCCUR						DAMAGE TO RENTED PREMISES (Ea occurrence)	$ 100,000
							MED EXP (Any one person)	$ 5,000
							PERSONAL & ADV INJURY	$ 1,000,000
	GEN'L AGGREGATE LIMIT APPLIES PER:						GENERAL AGGREGATE	$ 2,000,000
	X POLICY PRO-JECT X LOC						PRODUCTS - COMP/OP AGG	$ 2,000,000
	OTHER:							$
	AUTOMOBILE LIABILITY						COMBINED SINGLE LIMIT (Ea accident)	$
	ANY AUTO						BODILY INJURY (Per person)	$
	OWNED AUTOS ONLY / SCHEDULED AUTOS						BODILY INJURY (Per accident)	$
	HIRED AUTOS ONLY / NON-OWNED AUTOS ONLY						PROPERTY DAMAGE (Per accident)	$
								$
	UMBRELLA LIAB OCCUR						EACH OCCURRENCE	$
	EXCESS LIAB CLAIMS-MADE						AGGREGATE	$
	DED RETENTION $							$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY Y/N						PER STATUTE / OTH-ER	
	ANYPROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) N/A						E.L. EACH ACCIDENT	$
	If yes, describe under DESCRIPTION OF OPERATIONS below						E.L. DISEASE - EA EMPLOYEE	$
							E.L. DISEASE - POLICY LIMIT	$
A	Liquor Liability			PHPK2116028	4/1/2020	4/1/2021	Each Cause Limit Aggregate	$1,000,000 $1,000,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

The Town of Southborough is included as additional insured with respects to the General Liability Policy. Coverage subject to policy terms and conditions.

CERTIFICATE HOLDER

Town of Southborough
17 Common Street
Southborough MA 01701

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

Patrick J Veale

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CERTIFICATION NUMBER:

91413

ALCOHOL INTERVENTION METHODS

CERTIFIES:

Susan Eastland

CAMPBELL TRENT

508.756.8542

EXPIRES:

SEP 16 2022

APPLICATION FOR ONE-DAY ALCOHOL LICENSE

TOWN OF SOUTHBOROUGH

Board of Selectmen

17 Common Street, Southborough MA 01772

TOWN USE ONLY
Date: _____
Paid: $_____
Check#_____
Cash_____
Lic.#_____

Special or "one-day" licenses for the sale of alcoholic beverages are available to the responsible event manager of any activity conducted by an organization which, in the opinion of the Town of Southborough Select Board, complies with all State and local requirements and demonstrates satisfactorily that granting of the license is in the best interests of the Town of Southborough. This application must be submitted at least 30 days prior to the event.

(X) **WINE/MALT ONLY** ( ) **ALL ALCOHOL** [for non-profits only]

License Fee: $50.00, non-refundable, check or cash only, payable to Town of Southborough

APPLICATION DATE: 9/8/2020

Susan Eastland — 508-599-0646
Event Manager/Applicant Name — 24-Hour Contact Telephone Number

5 Chestnut Hill Rd Southborough, MA 01772
Event Manager/Applicant Address

seastland@thetrustees.org
Event Manager/Applicant Email Address

The Trustees, Chestnut Hill Farm — 5 Chestnut Hill Rd Southborough, MA 01772
Organization Representing — Address of Organization

Fall Fun on the Farm — 10/11/20 — 10/17/20
NAME OF EVENT / PURPOSE — **DATE OF EVENT** — **RAIN DATE**

LOCATION OF EVENT Chestnut Hill Farm
( ) Inside (X) Outside

Is the organization you are representing non-profit* X YES _____ NO

*If 'Yes' and applying for "All Alcohol" license, acceptable proof of non-profit status must be attached

"Alcohol Awareness Server Training Affidavit" and Server Certificates attached X YES ____ NO

Hours of Sale/Consumption of Alcoholic Beverages 12pm AM/PM to 6pm AM/PM

APPLICATION FOR ONE-DAY ALCOHOL LICENSE

What is the maximum number of expected attendees? 200 people total, four-90 minute time slots with 50 people maximum at one tin

What is the predominate age group of the expected attendees? Families

Is an admission fee to be charged? __x__Yes _____No

Are tickets being sold in advance for this event? __x__Yes _____No

How will alcoholic beverages be dispensed or served? (*Please check all that apply)*

_____Waiter/Waitress

_____Bar with bartender

_____By the glass

__x__By the bottle

_____Self-serve

Name and address of company providing bartending service, if applicable:

If any attending are under age 21, what method will be used to check identification and what procedures will be followed to make certain that those under age 21 are not served and are not allowed to consume alcoholic beverages?

Certified person will ID those being served.

Have you consulted with the Police Department about the need for a security plan or detail officer required for the Event? x_____Yes _____No

If Yes, with whom and what date? Name Chief Paulhus via email Date 9/8/20

Will a police detail or other security be required? _____Yes __X__No

If Yes, # of details and name and address of provider (if applicable)?

APPLICATION FOR ONE-DAY ALCOHOL LICENSE

ALCOHOL AWARENESS SERVER TRAINING AFFIDAVIT

I hereby certify that I have read the Training Requirements for Liquor License Holders and Employees. I understand that failure to comply with this policy may result in the revocation or non-renewal of the license. Below is a current roster of my employees and the related alcohol awareness server training information.

*****NOTE: Copies of all original certificates MUST accompany this form.*****

The Trustees, Chestnut Hill Farm

Company/Organization

Susan Eastland — 9/8/20

Manager [Note: Manager training MUST be current] — **Date**

Manager/Employee Name	Date of Hire	Type of Training [certification]	Date Valid	Date of Expiration
Susan Eastland	8/1/19	AIM	n/a	9/16/22

Any applicant for a one-day liquor license shall, as a condition of their being granted the license, ensure that at least one person to be engaged in the sale/service of alcoholic beverages at their event has been certified in a program from the list of Board of Selectmen sanctioned programs. On-line ["e-training") training is not an acceptable means of obtaining certification. A copy of their certification must accompany the application.

Listed below are the only programs currently available that meet the requirements of this policy approved by Board of Selectmen on September 17, 2013 [telephone numbers and contacts are provided as of date of policy]:

1. **ServSafe Alcohol** offered by the National Restaurant Association [www.servsafe.com/alcohol, then click on "Find a Class"]
2. **SAFE ID Check** offered by J.B.S. Professional Services, LLC [617-539-0118]
3. **Alcohol Intervention Methods [A.I.M.]** offered by Campbell/Trent [508-756-8542]
4. **Training for Intervention Procedures by Servers of Alcohol [TIPS]** offered by Health Communication, Inc. [www.gettips.com, then click on "Get Tips Certified, 'training session'" to find a class. NOTE: "Online training with eTIPS" is NOT ACCEPTABLE]
5. Approved for OFF-PREMISE sales license only: Beverage Alcohol Training [B.A.T.] offered by the Massachusetts Package Store Association [Mass Pack Contact: Frank Anzalotti 800-322-1383, or, to find a class, go to www.masspack.org/servertraining]

I understand that anyone holding a Special License must purchase alcoholic beverages from a licensed wholesaler/importer, manufacturer, farmer-winery, farmer-brewery or special permit holder. Purchasing alcoholic beverages from a package store is prohibited by the ABCC. A list of authorized sources to purchase alcohol can be found on the ABCC website www.mass.gov/abcc or you can contact the ABCC directly at (617) 727-3040.

Initial SE

I understand that the license holder must provide a Certificate of Liability Insurance with a liquor liability policy with $1M coverage, naming the Town of Southborough as the certificate holder.

Initial SE

I certify under penalty of perjury that I shall be responsible for the proper observance of all applicable Alcohol Control Laws of the State of Massachusetts, policies and regulations of the Town of Southborough, and conditions governing this license; all information contained in this application is true and correct; and this License is being sought for the exclusive benefit and use of the Non-Profit Sponsor and its members.

Initial SE

LIABILITY DISCLAIMER FOR ONE-DAY ALCOHOL LICENSES

By exercising the privileges of this license in serving persons with alcoholic beverages, the licensee is potentially exposed to significant liability for injuries and damages to persons served or to others who are injured or damaged by the persons served. Your acceptance and exercise of this license will be deemed to be acknowledgement that you are aware of this potential liability. You are encouraged to discuss the risks associated with exercising your privileges of the license and the precautions appropriate to avoid injuries, damage, and liability to others with your legal and/or insurance advisors. The Town of Southborough, and the Select Board as Local Licensing Authority, shall not be liable to the licensee or others if injury or damage shall result from the exercise of the license.

I, Susan Eastland, in consideration of having been granted a special
(Event Manager/Applicant)
license for the service of alcoholic beverages, hereby agree to defend, indemnify and hold harmless the Town of Southborough ("Town"), its officers, boards, employees and agents, from any liability for any and all loss, damage, cost, claim, expense, compensation and cause of action arising out of, or in connection with, the issuance or exercise of the special license granted to me by the Select Board acting as the Town's Local Licensing Authority.

Susan Eastland , 9/8/20

Event Manager/Applicant Signature Date

APPLICATION FOR ONE-DAY ALCOHOL LICENSE

REQUIRED FORMS TO SUBMIT WITH APPLICATION:

☒ Completed license application with cash/check

☒ A Certificate of General Liability Insurance with a Liquor Liability for $1M, naming the Town of Southborough (17 Common Street, Southborough MA 01772) as Certificate Holder*

☒ Completed 'Alcohol Awareness Server Training Affidavit' form, including copies of training cards

☒ List of designated drivers to be available for transporting attendees considered unable to drive Uber/lyft

IF APPLICABLE:

☒ Invitation/flyer/letter of explanation regarding event

☐ Proof of non-profit status (for 'All Alcohol License' only)

*Voted May 18, 1993: To maintain the policy that was put in effect October 25, 1988 with the stipulation that the Board of Selectmen does have the authority to waive the requirement for a one million dollar insurance policy if it is so voted by a majority of the Board.

GUIDELINES:

- Application for Special One-day License must be submitted at least 30 days prior to event
- A police detail may be required, depending upon the number of people and the event. *It is the applicant's responsibility to contact the Southborough Police Department prior to application submission: 508-485-2147*
- Events can only be held on day and date approved on license. No refund is possible after a Special One-Day License has been issued. Rain dates for events must be noted on the application prior to approval. If no rain date is listed, the event cannot be held on date other than date specified.
- Special One-day Licenses can only be issued for events occurring between 11:00 a.m. – midnight on Monday – Saturday, and noon - midnight on Sundays.
- License must be posted in the most conspicuous place at the location of event
- DO NOT allow anyone to bring their own alcoholic beverages to your event
- A one-day license CAN NOT be granted to:
  - any person for more than a total of 30 days per calendar year
  - any person that has an on-premises annual license application pending
  - any premises that has an alcoholic beverages license.

FOR TOWN USE ONLY

LOCAL LICENSING AUTHORITY DECISION DATE: _____

☐ **APPROVED**

☐ **DENIED**

License #_____ Notice Sent to ABCC (within 10 days of issuance) _____

Payment received: _____ Date_____ Cash_____ Check# _____

Remarks:_____

_____

CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY): 4/1/2020

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PRODUCER Arthur J. Gallagher Risk Management Services, Inc. 470 Atlantic Avenue Boston MA 02210	CONTACT NAME: PHONE (A/C, No, Ext): 617-261-6700 FAX (A/C, No): 617-646-0400 E-MAIL ADDRESS:
INSURED TRUSOFR-01 Trustees of Reservations 200 High Street, 4th Floor Boston MA 02210	INSURER(S) AFFORDING COVERAGE / NAIC # INSURER A: Philadelphia Indemnity Insurance Company 18058 INSURER B: INSURER C: INSURER D: INSURER E: INSURER F:

COVERAGES **CERTIFICATE NUMBER:** 321842118 **REVISION NUMBER:**

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INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS	
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	CLAIMS-MADE X OCCUR						DAMAGE TO RENTED PREMISES (Ea occurrence)	$ 100,000
							MED EXP (Any one person)	$ 5,000
							PERSONAL & ADV INJURY	$ 1,000,000
	GEN'L AGGREGATE LIMIT APPLIES PER:						GENERAL AGGREGATE	$ 2,000,000
	X POLICY PRO-JECT X LOC						PRODUCTS - COMP/OP AGG	$ 2,000,000
	OTHER:							$
	AUTOMOBILE LIABILITY						COMBINED SINGLE LIMIT (Ea accident)	$
	ANY AUTO						BODILY INJURY (Per person)	$
	OWNED AUTOS ONLY / SCHEDULED AUTOS						BODILY INJURY (Per accident)	$
	HIRED AUTOS ONLY / NON-OWNED AUTOS ONLY						PROPERTY DAMAGE (Per accident)	$
								$
	UMBRELLA LIAB OCCUR						EACH OCCURRENCE	$
	EXCESS LIAB CLAIMS-MADE						AGGREGATE	$
	DED RETENTION $							$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY Y/N						PER STATUTE / OTH-ER	
	ANYPROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? N/A (Mandatory in NH)						E.L. EACH ACCIDENT	$
	If yes, describe under DESCRIPTION OF OPERATIONS below						E.L. DISEASE - EA EMPLOYEE	$
							E.L. DISEASE - POLICY LIMIT	$
A	Liquor Liability			PHPK2116028	4/1/2020	4/1/2021	Each Cause Limit Aggregate	$1,000,000 $1,000,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

The Town of Southborough is included as additional insured with respects to the General Liability Policy. Coverage subject to policy terms and conditions.

CERTIFICATE HOLDER

Town of Southborough
17 Common Street
Southborough MA 01701

CANCELLATION

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AUTHORIZED REPRESENTATIVE

Patrick J Veale

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CERTIFICATION NUMBER:

91413

ALCOHOL INTERVENTION METHODS

CERTIFIES:

Susan Eastland

CAMPBELL TRENT

508.756.8542

EXPIRES:

SEP 16 2022

Listing on our website:

~ ~ ~

Fall Fun on the Farm at Chestnut Hill Farm

Fall is a special time of year in New England: the weather cools, the leaves change to beautiful oranges, reds and yellows and celebrations of the harvest season begin. What could be a better place to enjoy this quintessential time of year but at Chestnut Hill Farm. Join us every Sunday from 12-6pm to enjoy live music, walking trails, Storywalk, hayrides, a scavenger hunt, and a visit with our friendly goats. Food from alternating food trucks and craft beer will be available for purchase.

Details:

- Every Sunday starting September 19th through November 8th.
- Timed ticketing is available to adhere to COVID guidelines of a maximum of 50 people on-site at a time. Time slots available: 12-1:30pm, 1:30-3pm, 3-4:30pm & 4:30-6pm.
- Pre-registration is **required**.
- Ticket entrance includes access to trails, Storywalk, one hayride, a scavenger hunt, and live music.

Visitors are required to follow COVID-19 protocols. Please wear a face mask and comply with 6ft. social distancing so you and others can safely enjoy this activity. Thank you!

~ ~ ~

Pre-registration is required, and only 50 tickets will be sold per 90-minute time slot. Families will have all of the farm to enjoy: the trails, the large pastures, and the orchard area with picnic tables - lots of space to spread out and social distance. Picnic tables have been placed at least 10 feet apart. Masks will be required.

Per Governor Baker's new mandates on alcohol sale with food sale, we will be requiring visitors to purchase food from our food truck *before* they can purchase beer. People who buy food will receive a customized CHF stamp on their hand, after which our certified server will sell them beer.

RECEIVED
By Town Clerk/amb at 3:37 pm, Sep 17, 2020

Town of Southborough, MA
Meeting of the Board of Selectmen
September 22, 2020, 6:30 P.M.

Pursuant to Governor Baker's March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, §18, and the Governor's March 15, 2020 Order imposing strict limitation on the number of people that may gather in one place, this meeting of the Southborough Board of Selectmen will be conducted via remote participation to the greatest extent possible. Specific information and the general guidelines for remote participation by members of the public and/or parties with a right and/or requirement to attend this meeting can be found on the Town of Southborough's website, at https://www.southboroughtown.com/. For this meeting, members of the public who wish to watch or participate in the meeting may do so in the following manner by finding the meeting at: https://www.southboroughtown.com/remotemeetings. No in-person attendance of members of the public will be permitted, but every effort will be made to ensure that the public can adequately access the proceedings in real time, via technological means. In the event that we are unable to do so, despite best efforts, we will post on Southborough's website an audio or video recording, transcript, or other comprehensive record of proceedings as soon as possible after the meeting.

I. Call Meeting to Order

II. Public Comment

III. Scheduled Appointments ***(Board may vote)***

a. Volunteer interviews:
   i. Annie Pfaff, Historical Commission; term 6/30/23
   ii. Seath Crandall, Recreation Commission; term 6/30/23
b. Tom Laflamme, IT Manager – Appointment of Part-Time Technical Specialist position
c. Barry Rubenstein – Renewal cable agreement for Charter Communications
d. Lori Karlsson - Request for Local Approval for St. Mark's Faculty Childcare Option
e. Brian Ballantine, Finance Director – Budget update
f. 8:00PM – John Butler – Presentation on DPW Transfer Station

IV. Reports

a. Chairman's Report
   i. Process for Entertainment License requests
   ii. Department/Committee liaisons
b. Members' Reports
   i. Update on Deerfoot Road Ext.
c. Town Administrator Report

V. Consent Agenda

a. Approve Open Session Minutes: September 8, 2020
b. Appoint Julia Fontana as Part-Time Dispatcher per Chief Paulhus' recommendation
c. Declare maximum useful life of E-One Fire Truck as 20 years as condition of bond
d. Approval of Policy on Complete Streets
e. One-Day alcohol license applications, Chestnut Hill Farm Events: Fall Fun on the Farm, October 4 and October 11; Brew Moon Hike, October 10
f. Approval of Subcommittee Charge for review of Woodward & Neary Schools
g. Approve Common Victualer Applications: NY Bagel Factory @ 20 Turnpike Rd. and 205 Turnpike Rd.
h. Approval of one-year extension Golf Course Management contract with New England Golf
i. Accept resignation of Lisa Braccio from SHOPC
j. Appoint Chelsea Malinowski as Board of Selectmen representative to SHOPC, term of 6/30/2021

VI. Other Matters Properly Before the Board (*Board may vote*)

a. Review of next steps for Downtown zoning
b. Review of ADA Grievance policy
c. National Grid notice of vegetation management

VII. Public Comment

VIII. Adjournment

Martin Healey, Chairman

UPCOMING MEETINGS
October 6, 2020 *October 20, 2020*

EXAMPLE- Auburn

Policy on Issuance of Outdoor Entertainment Licenses

This policy establishes and standardizes the procedure relating to the application for O u t d o o Entertainment Licenses in the Town of Auburn ("the Town"). This policy is applicable only to publicly held events.

Purpose: This policy is adopted to protect, preserve, and promote the health, safety, peace and order of the citizens of Auburn through the control of excessive noise detrimental to the enjoyment of life and property. This policy acknowledges and emphasizes that regulation is necessary to balance the ability of licensed establishments to have outdoor entertainment and music with the rights of those living in the area to be undisturbed by excess noise.

Authority: This policy is adopted under authority of Chapter 3 of the Town Charter, as well as MGL Chapter 140, Section 183A. Pursuant to said authority, the Board of Selectmen, as Licensing Authority, is authorized to issue, condition, suspend and revoke Entertainment Licenses as appropriate.

The following rules and regulations are intended to enable the Board to determine the appropriate parameters for limiting impacts to the neighbors of the establishment and to the community at large due to the establishment and the entertainment provided therein. These rules and regulations are hereby adopted to guide the Board in reviewing and ruling upon applications for Outdoor Entertainment Licenses.

1. If possible, all applicants shall submit to the Board the Entertainment License Application covering any given calendar year, and incorporating therein a brief description of the public entertainment events planned for that year. Upon receipt of a fully completed application, the Board will place the application on the next scheduled agenda for a hearing. The applicant, or his/her designee, needs to be present for the hearing. Abutters shall be notified by the applicant.

2. Applicants shall submit all forms and additional documentation as required to the Board along with the annual fee as set by the Board of Selectmen.

3. Once the application has been filed, the applicant or his/her designee shall meet with the Development Coordinating Group (DCG) prior to the Board of Selectmen hearing. Applicants shall furnish information about the event that is being proposed, including expected attendance, type of sporting event, concert, exhibition, dance, or public show; as well as the specific location and condition of the premises; and the actions, procedures, and other measures proposed by the licensee to preserve the public order, the public health and safety. Applicants shall provide a copy of Certificate of Insurance for liability.

4. Individual entertainment events conducted under a license granted as described herein shall be conducted in such a manner so as to:
    - Protect employees, patrons, and members of the public, both on and off the premises, from disruptive conduct, criminal activity, and from health, safety and fire hazards.
    - Prevent an unreasonable increase in the level of noise in the area caused by the licensed activity or caused by patrons entering or leaving the premises.

- Parking must be provided on-site. If overflow parking is anticipated, it must prevent an unreasonable level of pedestrian or vehicular traffic in the area of the event and on the premises. Police details may be required by the Board of Selectmen.

5. The hours of the Entertainment License shall not extend beyond the hours approved by the Board of Selectmen.

6. Licenses may be issued by the Board with conditions to be imposed upon particular events as is determined appropriate and necessary. The decision to place further conditions on events shall be solely at the discretion of the Board.

Compliance with State and Local Laws and Regulations:

1. All licensees must conform to the provisions of any and all relevant state or local laws, permits, codes or other requirements. Under M.G.L. Chapter 136, §4, any entertainment held on a Sunday requires the approval of the Department of Public Safety, in addition to the Town of Auburn. If approval for entertainment on a Sunday has been granted by the Town of Auburn, the Town Manager, or the Town Manager's designee, shall forward to the Department of Public Safety three (3) copies of each of the completed application and license, along with the additional state fee.

Massachusetts Department of Public Safety:
(NOTE: These are additional State fees for Sunday Entertainment Licenses)

Fees per occurrence (Individual Sunday(s)
- Regular Hours (Sunday 1:00 P.M. – Midnight): $2.00
- Special Hours (Sunday 12:00 A.M. - Midnight): $5.00

Annual Fee (For operation on every Sunday in a calendar year)
- Regular Hours (Sunday 1:00 P.M. – Midnight): $50.00
- Special Hours (Sunday 12:00 A.M. - Midnight): $100.00

2. The Board of Selectmen reserves the right to establish further limitations or modifications to the conditions of the license for individual events with prior notice to the license holder.

3. A licensee who fails to maintain the premises, implements or facilities, or who fails to conduct the business in a proper manner as required shall have the license revoked.

Enforcement and Revocation

In order to preserve and protect public health, safety, and order as aforesaid, the Board of Selectmen may place conditions upon an Outdoor Entertainment License. The Board of Selectmen may also modify, suspend or revoke a license issued pursuant to M.G.L. Chapter 140, §183A and this policy for any violation of the conditions imposed on such license, violation of law, or violation of any rule or regulation promulgated by the Board of Selectmen pursuant to the authority of M.G.L. Chapter 140, §183A, provided that the Board of Selectmen concludes that the license, taken alone or in combination Policy - Outdoor Entertainment Licenses 102 Central

Street Auburn, MA 01501 Telephone (508) 832-7720 Fax (508) 832-6145 with other licensed activities on the premises, has adversely affected the public health, safety or order as stated in the preceding paragraph. Prior to taking such action, the Board of Selectmen must provide the licensee with the opportunity for a hearing, preceded by written notice at least 10 days prior to the hearing date.

If the Board receives complaints regarding excessive detrimental noise created by a licensee, the Board of Selectmen reserves the right to hold a hearing pursuant to M. G. L. Chapter 140, §183A and take such action as is appropriate, including issuance of a warning, suspension, modification and/or revocation of the Outdoor Entertainment License. The authority of the Board of Selectmen under M.G.L. Chapter 140, §183A and this policy in no way prevents other agencies or officers of the Town from taking appropriate action under state or local law.

Approved as submitted – September 12, 2016

TOWN OF SOUTHBOROUGH
DEPARTMENT OF PUBLIC WORKS

147 Cordaville Road
Southborough, MA 01772

Tel: 508-485-1210
Fax: 508-229-4444

DATE: 1/22/20

COMPLETE STREETS POLICY

Vision and Purpose

Complete Streets are designed and implemented to accommodate all the users of our roadways, trails and transit systems, including pedestrians, bicyclists, transit riders, motorists, seniors, children, those with pets, wheelchair users and others with disabilities, delivery and service personnel, commercial vehicles, and emergency vehicles (together, the "Users")--and to reduce, accommodate and slow storm water runoff as part of a comprehensive storm water management system. Such design and implementation activities will respect the access needs of adjacent land uses. Implementation of these principles will provide a safe and accessible multimodal network between residential, educational, commercial, recreational, civic, and retail destinations. The application of the Complete Street principles will contribute toward the safety, health, economic viability and overall quality of life in the Town of Southborough (the "Town"). Complete Streets ~~are~~ will be designed and maintained to provide safe and efficient access for ~~all~~ U~~u~~sers~~,~~ of all ages and abilities. The intent of this Complete Streets policy (the "Policy") is to formalize a plan to incorporate the Complete Streets principles into the design, operation and maintenance of the Town's transportation system so that it is safe for all individuals ~~that~~ who utilize this network through a variety of transportation modes. This P~~p~~olicy directs decision makers to consistently plan, design, construct, and maintain streets and other elements of the Town's multi-modal transportation network for the accommodation of all ~~anticipated~~ U~~u~~sers ~~including, but not limited to pedestrians, bicyclists, motorists, emergency vehicles, transit, freight and commercial vehicles~~ in a context sensitive manner. This P~~p~~olicy shall apply (to the extent permitted by law or regulation) to all municipal, state and federal ~~(when allowed by Law)~~ roadway repairs, upgrades or expansion projects within the public right of way and to all private developments requiring approval from the Town. Procedures will be developed to ensure Complete Streets elements are incorporated into these activities.

Core Commitment

The Town ~~of Southborough~~ recognizes that U~~u~~sers of all ages and abilities, utilizing various modes of transportation~~; including, but not limited to pedestrians, bicyclists, transit and school bus riders, motorists, commercial vehicles, and emergency vehicles,~~ are legitimate users of the transportation network and deserve safe facilities.

The Town ~~of Southborough~~ recognizes that all ~~projects,~~ new projects, maintenance projects, or reconstruction projects are~~,~~ ~~are included as~~ opportunities for~~to~~ implementation of the Complete Streets principles. The Town will, to the maximum extent practicable, design, construct, maintain, and operate all streets and related components of the Town's transportation network to provide for a comprehensive and integrated ~~street~~ transportation network for ~~people~~ Users of all ages and abilities. In addition, the Town will provide Users with transportation choices that are safe, convenient, reliable, affordable, accessible, and timely regardless of race, ethnicity, religion, income, gender identity, immigration status, age, ability, languages spoken or level of access to a personal vehicle.

The Town will work to ensure, to the extent that the Town has influence or control, that all new public and private construction, reconstruction/retrofit, resurfacing, repaving, restriping and rehabilitation transportation projects in the public right-of-way including, but not limited to, streets and all other connecting pathways, shall be designed, constructed, operated, and maintained so that all modes of transportation allow all Users to move safely, comfortably, conveniently and independently.

The Town will design roads to not have excess pavement, and considerations such as lane width, turning radii, traffic islands and on-street parking shall be evaluated for pavement reduction opportunities.

The Town will require specific explanation in all new or revised land use policies, plans, zoning bylaws or equivalent documents relative to how they support the Town's Complete Streets goals.

The Town will work to ensure that its land use policies and zoning bylaws support the Complete Streets policies, and are sensitive to the context and intended character as proposed in the Town's Master Plan.

The Town will work to ensure that all Town departments, boards and committees work together toward successful implementation of the Policies. Particular focus will be on coordinating among a group of primary transportation/mobility-related entities, including Public Works Department, Planning Board, Building/Zoning Department, Public Accessibility Committee, Recreation Commission, Trails Committee, Economic Development Committee, Master Plan Committee, Public Works Planning Board, Open Space Preservation Commission, Historical Commission, and other entities as may be identified by the Complete Streets Committee.

Complete street design principles shall be incorporated into all publicly and privately funded projects, as appropriate and in a context sensitive manner. The following types of projects shall incorporate Complete Streets design principles and implementation to the greatest extent reasonably practicable:

- All transportation infrastructure improvement and roadway design projects requiring funding or approval by the Town ~~of Southborough shall reasonably adhere to the Town of Southborough's Complete Streets Policy to the greatest extent practical.~~

- Federal and State–aided projects including but not limited to, Chapter 90 funds, Transportation Improvement Plan (TIP), MassWorks Infrastructure Program, Community Development Block Grant (CBDG), or other State and Federal funds for street and infrastructure design ~~shall reasonably adhere to the Town of Southborough's Complete Streets Policy~~, subject to, and as may be modified by, the funding agency guidelines and standards.

- Private developments and related, or corresponding, street design and construction components ~~shall adhere to the Town of Southborough's Complete Street Policy~~, to the extent that the Town has influence or control of such projects~~.~~

- State owned roadways, when allowed by Law, ~~will comply with the Town of Southborough's Complete Street Policy,~~ including the design, construction, and maintenance of such streets within Town Boundaries, subject to and as may be modified by MassDOT guidelines and standards.

Exemptions

Exemptions to the P~~p~~olicy are ~~only~~ allowed only ~~upon~~ with approval from ~~by~~ the Board of Selectmen, in consultation with the Complete Streets Committee~~DPW Superintendent, Police Chief~~ and any other necessary consultant (as may be required under the circumstances of the specific project) where one or more of the following can be documented and supported:

- Facilities where specific users are prohibited by law, such as interstate freeways or pedestrian malls. An effort will be made, in these cases for accommodations elsewhere.
- Where the cost or impacts of accommodation is excessively disproportionate to the existing need, ~~probable~~ current use or probable future use.
- A project consists solely of areas of isolated roadway maintenance activities designed to keep assets in serviceable condition (i.e. mowing, cleaning, sweeping, pothole repair, repair of trench failures, surface treatments such as chip seal~~potholes, trench failures~~, etc.) or non-transportation improvements (i.e. drainage system, water and/or sewer upgrades) that have no, or minimal, negative impact on the Complete Streets infrastructure.
- The existing right-of-way or adjacent land is constrained in a manner that inhibits the addition of transit, bicycle, or pedestrian improvements. In ~~this~~ such case~~s~~, the Town shall consider alternatives such as lane reduction, lane narrowing, shoulders, signage, traffic calming or enforcement.
- Where such facilities would constitute a threat to public safety or health.
-
- Where construction and future maintenance will create significant adverse environmental impacts to protected scenic, historic, and/or environmental features such as streams, flood plains, wetlands, native tree species greater than 12" in diameter or ~~and/or~~ historical resources such as stone walls or scenic roads~~.~~
- There is a documented absence of current and future need
- Other Town policies, regulations, or requirements contradict or preclude the implementation of this Policy, after such policies, regulations, and requirements have been examined and updated to be consistent with the Town's ~~of Southborough~~ Complete Streets Policy.

Best Management Practices

The Town ~~of Southborough~~ recognizes that Complete Streets principles could either be incorporated into a particular project or incrementally through a series of smaller improvements or maintenance activities over time. Implementation of the Policy will be carried out cooperatively within all departments in the Town ~~of Southborough~~ with multi-jurisdictional cooperation, to the greatest extent reasonably practicable, among private developers, and state, regional, and federal agencies.

The Town recognizes that Complete Streets principles include the development and implementation of projects in a manner that will be sensitive to the Town ~~of Southborough~~'s physical, economical, and social setting. This context sensitive approach to the design process includes a range of goals by considering stakeholder and community values on a level plane with the project needs. It includes goals related to livability, connectivity, sustainability, and equity. The overall goal of this approach is to preserve and enhance scenic, historic, aesthetic, and environmental resources while improving and maintaining safety, mobility, and infrastructure conditions.

Projects in districts listed on the National Register of Historic Places shall be designed to enhance the district's historic character. Examples of contributing design elements include stone curbs, signage, street furniture, trees, and streetlights.

The Town recognizes that special attention should be given to projects which enhance the overall transportation system and its connectivity. Specifically, high priority shall be given to:

- roadways and/or off-road trails that provide access or connection to one or more significant destinations such as parks or recreation areas, schools, public or community facilities and shopping or commercial areas
- roadways and/or off-road trails that provide important continuity or connectivity links to existing pedestrian or bicycle networks

The latest design guidelines and standards available will be used in the implementation of this ~~Complete Streets~~ Ppolicy, including:

- The Massachusetts Department of transportation's Project Design and Development Guidebook
- The latest edition of the American Association of State Highway Transportation Official's (AASHTO) A Policy on Geometric Design of Highways and Streets
- American Association of State Highway and Transportation Officials (AASHTO) *Guide for Planning, Designing and Operating Pedestrian Facilities*
- • American Association of State Highway and Transportation Officials (AASHTO) *Guide for the Development of Bicycle Facilities*
- Institute of Transportation Engineers (ITE) *Policy on Geometric Design of Highways and Streets*
- Institute of Transportation Engineers (ITE) *Designing Walkable Urban Thoroughfares: A Context Sensitive Approach*
- Footprint Design Manual for Local Roads, American Society of Civil Engineers
- National Association of City Transportation Officials (NACTO) *Urban Bikeway Design Guide*
- National Association of City Transportation Officials (NACTO) *Urban Street Design Guide*
- Federal Highway Administration (FHWA) publications such as *Designing for Pedestrian Safety*
- The Federal Highway Administration's (FWHA) Manual on Uniform Traffic Control Devices
- The Architectural Access Board (AAB) 521 CMR Rules and Regulations
- The American Planning Association's Complete Streets: Best Policy and Implementation Practices
- The Architectural Access Board (AAB) 521 CMR Rules and Regulations
- The Town ~~of Southborough~~'s 2016 Open Space and Recreation Plan
- The Town's 2008 and 2018 (pending) Master Plan

Performance Measurement

Complete Streets implementation and effectiveness should be constantly evaluated for success and opportunities for improvement. The Town will ~~develop~~track selected performance measures to gauge the implementation and effectiveness of the ~~-~~ Ppolicies and will report annually to the Board of Selectmen and the Town Meeting on these measures. These metrics may include, but are not limited to, the following:

- ~~-~~total number of improvements to accommodate bicyclists
- ~~,~~the linear feet of new pedestrian accommodations
- ~~,~~the number of pedestrian facilities or amenities installed or improved
- number and ~~,~~rate of crashes by mode, by type and by location
- ~~, and~~ the number of trips by mode utilizing the roadway network.
- Miles of bike lanes
- Crosswalk and intersection improvements
- Pedestrian, bicyclist and bus ridership counts
- Percentage of employee, student and visitor arrivals by foot, personal bicycle, transit, carpool, bikeshare or carshare, or electric vehicle
- Number of ADA compliant new curb ramps installed along city streets
- Number of bicycle parking spaces created and number updated that comply with zoning bylaw bike parking location and design criteria
- Number of new developments constructing the minimum required number of parking spaces rather than the allowable maximum
- Square footage of new bioretention facilities
- Square footage of pavement removed
- Vehicle Miles Traveled
- Carbon emissions
- Net number of street trees added
- The total linear feet of trails, paths or sidewalk either expanded or repaired to restore intended functionality.
- The total linear feet of roadway which have been enhanced through roadway repair, pavement marking, signage or some other method to improve functionality and safety of continued shared use.
- Number of specific enhancements suggested through ongoing public outreach efforts.
- Number of locations studied in order to review feasibility and practicality of possible Complete Streets enhancements suggested during public outreach efforts.
- number of intersection improvements made to improve Level of Service ("LOS") and safety for vehicles, pedestrians (and the resulting LOS change from each such improvement)
- bicyclists; rate of crashes by mode
- rate of children walking or bicycling to school

Implementation

The Town shall incorporate Complete Streets practices as a routine approach to daily operations and shall implement the P~~p~~olicies and principles into every transportation network project and program as an opportunity to improve the transportation network for all U~~u~~sers.

The Town shall create and support an ongoing management and communication process for ~~In order to achieve Complete Streets,~~ all departments, ~~agencies~~ and ~~jurisdictions~~ other Town entities ~~must~~ to work in coordination to incorporate the P~~p~~olicy's guidelines.

The Town shall review and either revise or develop proposed revisions to all appropriate planning documents (e.g., master plan~~s~~, open space and recreation plan, housing plan, etc.) zoning and subdivision codes, laws, procedures, rules, regulations, guidelines, programs, and templates to integrate Complete Streets principles in all ~~transportation~~ applicable projects.

~~A committee of relevant stakeholders designated by the Town Administrator will be created to implement this initiative.~~

The Town shall maintain a comprehensive map and inventory of roadway, pedestrian, transit, off-road trail network ~~,and~~ bicycle access, and other elements of the Town's transportation~~facility infrastructure~~ network that will help prioritize infrastructure projects to mitigate or eliminate gaps in thi~~s~~e ~~sidewalk and bikeway~~ transportation network.

The Town will reevaluate Capital Improvement Projects prioritization to encourage implementation of Complete Streets practices.

The Town will train, through workshops and other appropriate means, ~~pertinent~~ T~~t~~own staff and decision-makers who may be involved with Complete-Streets-related activities, on the content of Complete Streets principles and best practices for implementing this P~~p~~olicy ~~through workshops and other appropriate means~~.

The Town will ~~utilize~~ support and enable inter-department coordination to promote the most responsible and efficient use of resources for activities within the public way—as will be consistent with the Policies.

The Town will seek out appropriate sources of funding and grants for implementation of ~~Complete~~ the~~Streets~~ P~~p~~olicies.

The Town shall create a Complete Streets Committee (the "Committee") of relevant stakeholders to help ensure that the Town's Complete Streets plans and activities reflect the needs of the Town and incorporate the best thinking among the Town's boards, committees, staff and residents. The Committee shall be comprised of four ex-officio, voting members—the Town Administrator (or his/her designee), the Town Planner, the Police Chief (or his/her designee) and the Superintendent of Public Works—and three voting members who are residents of the Town and who shall be appointed by the Board of Selectmen. The three resident-members shall be appointed for staggered three-year terms, and at least two of these resident-members shall possess recognized professional credentials or credible experience in a Complete Streets related area such as engineering, architecture, city/urban/regional planning or transportation planning. The ex-officio members are not required to be residents of the Town. The Committee members shall annually elect, by majority vote, a Chair and a Secretary. The Committee's specific duties shall include:

- facilitate an ongoing process for assessing the Town's road and path network, soliciting improvement suggestions from key town agencies and the general public; compile, synthesize and evaluate this input to develop recommendations for consideration by the Board of Selectmen
- provide project management and oversight to ensure that Complete Streets projects are carried out efficiently and effectively, and in accordance with this Policy
- coordinate with other Town entities to identify and pursue grant funding for planning and implementation of Complete Streets initiatives
- on an annual basis, submit a recommended update of the Complete Street Prioritization Plan (the "Plan") to the Board of Selectmen; this update shall establish priorities for use of Complete Streets funding for the coming year and shall identify anticipated projects looking ahead five years; this update may recommend inclusion of additional projects (or possible removal or reprioritization of current Plan projects), which changes may be identified through suggestions and ongoing studies; the Plan shall also identify specific locations and enhancements which are anticipated to be studied in the coming year.
- regularly consult with Town committees and departments on various aspects of ongoing Complete Streets initiatives
- plan and coordinate a Complete Streets public outreach process, through such activities as public meetings and online surveys
- advise municipal staff and the public of upcoming seminars, presentations and training opportunities related to Complete Streets
- annually review and report on established performance criteria, as well as provide recommendations for possible revision to these criteria in the effort to continually improve methods of tracking progress and identifying opportunities

Preamble

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The Town of Southborough ("Town") through Town Meeting, the Board of Selectman, Town departments and committees, other stakeholders, businesses and citizens, has long supported the principles of the State's Complete Streets Program and the principles set out in that program and this Complete Streets Policy ("Complete Streets" or "the Policy"). The purpose of the Town's Policy, as outlined in more detail below, is to accommodate all users by continuing to develop a transportation network that meets the needs of residents, business and visitors who utilize a variety of transportation modes. The Town will, as a matter of practice, use the management practices and implementation guidance of Complete Streets elements during the planning and design of capital projects so that they are safe and effective for all users of all ages and abilities.

Vision and Purpose

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Complete Streets are designed and implemented to accommodate all the users of our roadways, trails and transit systems including, but not limited to, pedestrians, bicyclists, transit riders, motorists, commercial vehicles, and emergency vehicles. Implementation of these principles will provide a safe and accessible multimodal network between residential, educational, commercial, recreational, civic, and retail destinations. The application of ~~the~~ Complete Street principles will contribute toward the safety, health, economic vitality~~ability~~ and overall quality of life in the Town ~~of Southborough ("Town")~~. Complete Streets are designed and maintained to provide safe and efficient access for all users, of all ages and abilities, especially the most vulnerable. ~~.~~ The intent of the P~~is p~~olicy is to formalize a plan to incorporate ~~the~~ Complete Streets principles into the design, operation and maintenance of the Town's transportation system so that it is safe for all individuals that utilize this network through a variety of transportation modes.

The~~is~~ P~~p~~olicy directs decision makers to consistently plan, design construct and maintain streets for the accommodation of all anticipated users including, but not limited to pedestrians, bicyclists, motorists, emergency vehicles, transit, freight and commercial vehicles in a context sensitive manner. The P~~is p~~olicy shall apply to all municipal, state and federal (when allowed by Law) roadway repairs, upgrades or expansion projects within the public right of way and private developments, particularly those requiring approval from the Town. Procedures will be developed to ensure Complete Streets elements are incorporated into these activities.

The desired outcome of the Policy is to create an equitable, balanced, and effective transportation system where every transportation user can travel safely and comfortably, and where sustainable transportation options are available to everyone. Together, this integrated transportation system will support healthy and thriving people, neighborhoods, village centers, cultural life and businesses.

The intent of the Policy is to formalize the strategic and comprehensive planning, design, operation and maintenance of the Town's roadways so that Complete Streets principles are

incorporated. These principles strive to provide the best possible combination of service, mobility, convenience, health and safety, while strengthening social, economic, equity, and environmental influences with the Town. ~~Under this Complete Streets Policy, the shall develop and provide an integrated multimodal transportation network that contributes directly to the safety, health, economic vitality and quality oflife of all residents especially the most vulnerable. Nonautomobile modes of transportation bicycling, walking, and public transportation shall be included in transportation planning and projects. They will be parts of daily life in Amherst, with enhanced networks and intermodal connections. Motor vehicular traffic will continue to serve personal needs, commerce, and emergency response, with reduced pollution and traffic congestion. Persons of all ages, abilities and circumstances will be able to use a diversity of transportation modes for all kinds of trips, including commuting, shopping, going to school, and recreating; and they will be able to meet their transportation needs safely, conveniently, reliably, affordably, and efficiently. The desired outcome of the Complete Streets Policy is to create an equitable, balanced, and effective transportation system where every transportation user can travel safely and comfortably, and where sustainable transportation options are available to everyone. Together, this integrated transportation system will support healthy and thriving people, neighborhoods, village centers, cultural life and businesses.~~

Core Commitment

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The Town ~~of Southborough~~ recognizes that users of all ages and abilities, utilizing various modes of transportation; including, but not limited to pedestrians, bicyclists, transit and school bus riders, motorists, commercial vehicles, and emergency vehicles, are legitimate users of the transportation network and deserve safe facilities.

The Town ~~of Southborough~~ recognizes that all projects, new, maintenance, or reconstruction, are included as opportunities to implement ~~the~~ Complete Streets principles. The Town will, to the maximum extent practical, design, construct, maintain, and operate all streets to provide for a comprehensive and integrated street network for people of all ages and abilities.

Complete Sstreets design principles shall be incorporated into all publicly and privately funded projects, as appropriate and in a context sensitive manner. The following types of projects shall incorporate Complete Streets design principles and implementation to the greatest extent reasonably practicable~~l~~:

- All transportation infrastructure improvement and roadway design projects requiring funding or approval by the Town, ~~of Southborough shall reasonably adhere to the Town of Southborough's Complete Streets Policy to the greatest extent practical.~~

- Federal and State–aided projects including but not limited to, Chapter 90 funds, Transportation Improvement Plan (TIP), MassWorks Infrastructure Program, Community Development Block Grant (CBDG), or other State and Federal funds for street and infrastructure design ~~shall reasonably adhere to the Town of Southborough's Complete Streets Policy,~~ subject to, and as may be modified by, the funding agency guidelines and standards.

- Private developments and related, or corresponding, street design and construction components ~~shall adhere to the Town of Southborough's Complete Street Policy~~.

- State owned roadways, when allowed by Law, ~~will comply with the Town of Southborough's Complete Street Policy,~~ including the design, construction, and maintenance of such streets within Town Boundaries, subject to and as may be modified by MassDOT guidelines and standards.

Excepemptions

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Excep~~xempt~~ions to the P~~p~~olicy are only allowed upon approval by the Board of Selectmen, in consultation with the DPW Superintendent, public safety authorities, ~~Police Chief~~ and any other necessary consultant or stakeholder (as may be required under the circumstances of the specific project) where one or more of the following can be documented and supported:

- Facilities where specific users are prohibited by law, such as interstate freeways or pedestrian malls. An effort will be made, in these cases for accommodations elsewhere.

- Where the cost or impacts of accommodation is excessively disproportionate to the existing need, probable use or probable future use.

- A project consists solely of areas of isolated roadway maintenance (i.e. potholes, trench failures, etc.) or non-transportation improvements (i.e. drainage system, water and/or sewer upgrades).

- The existing right-of-way or adjacent land is constrained in a manner that inhibits the addition of transit, bicycle, or pedestrian improvements. In this case, the Town shall consider alternatives such as lane reduction, lane narrowing, shoulders, signage, traffic calming or enforcement.

Where such facilities would constitute a threat to public safety or health.

- Where construction and future maintenance will create significant adverse environmental impacts to streams, flood plains, wetlands, native tree species greater than 12" in diameter and/or historical resources.

- Other Town policies, regulations, or requirements contradict or preclude the implementation of theis Policy, after such policies, regulations, and requirements have been examined and updated to be consistent with the Town's ~~of Southborough~~ Complete Streets Policy.

Best Management Practices

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The Town ~~of Southborough~~ recognizes that Complete Streets principles could either be incorporated into a particular project or incrementally through a series of smaller improvements or maintenance activities over time. Implementation of the Policy will be carried out cooperatively within all departments in the Town ~~of Southborough~~ with multi-jurisdictional cooperation, to the greatest extent reasonably practicable~~l~~, among private developers, and state, regional, and federal agencies.

Complete Streets principles include the development and implementation of projects in a manner that will be sensitive to the Town ~~of Southborough~~'s physical, economical, and social setting. This context sensitive approach to the design process includes a range of goals by considering stakeholder and community values on a level plane with the project needs. It includes goals related to livability, connectivity, sustainability, and equity. The overall goal of this approach is to strike a balance between preservinge and enhancinge scenic, historic, aesthetic, and environmental resources while improving and maintaining safety, mobility, and infrastructure conditions. It includes participation of those affected, and, as much as feasible, neighborhood-based community outreach and/or meetings on or near project sites. Achieving the desired balance will be through a combination of broad, active and innovative public outreach efforts early and continually, the application of flexibility through design, addressing all modes of travel, and considering the Town's goals, values and aesthetics at a level commensurate with project needs.

The latest design guidelines and standards available will be used in the implementation of theis Complete Streets Ppolicy including:

- The Massachusetts Department of transportation's Project Design and Development Guidebook

- The latest edition of the American Association of State Highway Transportation Official's (AASHTO) A Policy on Geometric Design of Highways and Streets

- American Association of State Highway and Transportation Officials (AASHTO) Guide for Planning, Designing and Operating Pedestrian Facilities
- American Association of State Highway and Transportation Officials (AASHTO) Guide for the Development of Bicycle Facilities
- Institute of Transportation Engineers (ITE) Policy on Geometric Design of Highways and Streets
- Institute of Transportation Engineers (ITE) Designing Walkable Urban Thoroughfares: A Context Sensitive Approach
- Footprint Design Manual for Local Roads, American Society of Civil Engineers
- National Association of City Transportation Officials (NACTO) Urban Bikeway Design Guide
- National Association of City Transportation Officials (NACTO) Urban Street Design Guide
- Federal Highway Administration (FHWA) publications such as Designing for Pedestrian Safety

- The Federal Highway Administration's (FWHA) Manual on Uniform Traffic Control Devices
- The Architectural Access Board (AAB) 521 CMR Rules and Regulations
- The American Planning Association's Complete Streets: Best Policy and Implementation Practices
- The Town ~~of Southborough~~'s 2016 Open Space and Recreation Plan
- The Town's 2008 and 2018 (pending) Master Plan

~~Complete Streets implementation and effectiveness should be constantly evaluated for success and opportunities for improvement. The Town will develop performance measures to gauge the implementation and effectiveness of the policies. These metrics may include, but are not limited to, the total number of improvements to accommodate bicyclists, the linear feet of new pedestrian accommodations, the number of pedestrian facilities or amenities installed or improved, rate of crashes by mode, and the number of trips by mode utilizing the roadway network.~~

Implementation

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The Town shall incorporate Complete Streets practices as a routine approach to daily operations and shall implement the policies and principles into every transportation project and program as an opportunity to improve the transportation network for all users. In order to achieve Complete Streets, all departments, agencies and jurisdictions must work in coordination to incorporate the Ppolicy's guidelines.

The Town Administrator shall designate a Complete Streets Oversight Group ("CSOG") to work in conjunction with the Town's Public Works Planning Board to evaluate the implementation and effectiveness of the Complete Streets Policy.

Complete Streets implementation and effectiveness should be constantly evaluated for success and opportunities for improvement. The Town will identify performance measures and standards, develop data collection processes, and use metrics to gauge implementation and effectiveness of the Complete Streets Policy. These metrics may include, but are not limited to, the total number of improvements to accommodate bicyclists, the linear feet of new pedestrian accommodations, the number of pedestrian facilities or amenities installed or improved, rate of crashes by mode, and the number of trips by mode utilizing the roadway network.

———The Town shall review and either revise or develop proposed revisions to all appropriate planning documents (master plans, open space and recreation plan, etc.) zoning and subdivision codes, laws, procedures, rules, regulations, guidelines, programs, and templates to integrate Complete Streets principles in all transportation projects. ~~A committee of relevant stakeholders designated by the Town Administrator will be created to implement this initiative.~~

The Town shall maintain a comprehensive inventory of pedestrian and bicycle facility infrastructure that will prioritize projects to eliminate gaps in the sidewalk and bikeway network.

The Town will reevaluate Capital Improvement Projects prioritization to encourage implementation of Complete Streets practices.

The Town will train pertinent town staff and decision-makers on the content of Complete Streets principles and best practices for implementing the Ppolicy through workshops and other appropriate means.

The Town will utilize inter-department coordination to promote the most responsible and efficient use of resources for activities within the public way.

_____The Town will seek out appropriate sources of funding and grants for implementation of Complete Streets policies.

Julia Fontana

• [redacted] • Phone: [redacted] • E-Mail: [redacted]

- Review/edit time sheets for management approval.
- Maintain liaison with candidates to update them on their application status.
- Document, track records and maintain candidate status.
- Complied company information and related material and distributed to applicant

Awards and Achievements

- ***Deans List for Academic Achievement at Worcester State University: Fall Semester 2011, Fall Semester 2019.***
- ***Promotion to Assistant Manager Leadership Position December 2015***
  Sneakerama, Worcester MA
- ***Promotion to Full-Time Manager Leadership Position April 2017***
  Sneakerama, Worcester MA
- ***Selected to attend the Inaugural Camp Saucony Leadership Training. June 5-8, 2018***
  Attended a 4-day industry camp, but well informed with actionable insights from expert-led sessions. Camp challenges led by industry experts on topics including:
  1. Product- "Building brand experts for confident consumer conversations."
  2. Human Performance- "the future and features of fit."
  3. Digital Savvy- "driving consumers and conversation."

Skills and Highlights

- Confident verbal communication skills.
- Flexible team player who prospers in a fast-paced work environment.
- Proficient in using Microsoft Office, Wordpress, Weebly, and social media/online marketing platforms.
- Accustomed to working in groups/teams during academic projects and range of club and society involvement.
- R.A.D. Certification, Grafton Police Department, February 2020.
- Familiar with sensitive public dealing procedures and protocols in emergency situations.
- Possess current firearms safety certification.

Julia Fontana

• [redacted] • Phone: [redacted] • E-Mail: [redacted]

Education

Worcester State University, Worcester MA9/2011-5/2019
Bachelor of Arts Degree (B.A.) Communication, May 2019

Shrewsbury High School, Shrewsbury MA9/08-6/11
High School Diploma, awarded in June 2011

Professional and Academic Experience

Store Business Manager: Sneakerama, Worcester, MA 8/08-Present

- Engage with and provide consultative support, product decisions, special requests and processing of sales and returns for all footwear customers using Shop-Keep's POS system.
- Respond to customer feedback, resolve issues, and always strive for continuous improvement of the in-store experience.
- Manage the store associates, including communication, team meetings, training, recruiting and implementation; to meet critical needs of individual employees and workplace environment.
- Conduct thorough assessment and utilize fit process of the customers feet and gait to ensure the proper fit of footwear; which helps to alleviate pain (foot, ankle, hip and/or lower back), and/or enhances athletic performance, or promotes general well-being.
- Maintain knowledge of trends, products and the biomechanics in the footwear industry.
- Proven ability to handle pressure and work well under stressful situations.

Marketing Internship: Sneakerama, Worcester MA9/2018-05/2019

- Create and implement social media marketing strategies and tactics at the local business level.
- Write and post blogs and articles, handle social media and updates and upload pictures and videos to create awareness.
- Monitor and respond to social media activities on a regular basis and build relationships with new and existing audiences.
- Handle content creation and management tasks along with planning and executing special events.
- Perform research activities to find articles, stories and resources, relevant to client base and post links to social media profiles.
- Proven to work effectively individually and with a team.

Associate Recruiter: Manpower INC. Southborough, MA5/15-01/16

- Central Order Fulfillment
- Discuss team challenges and implement improvements.
- Qualify associates by checking associates, background: their skills, their scores, and previous work history.
- Utilize synergy of resources. (i.e.) pool of associates and synergy of staff.
- Demonstrated ability to prioritize and perform task simultaneously.
- Locate, recruit, screen, interview, conduct assessments, hire and/or place workers.
- Administer skill assessments and conduct drug testing, criminal background checks and employment checks.

Recruiting Assistant: Manpower INC. Southborough, MA 6/14-8/14

- Aid with scheduling/coordinating interviews, and new hire process.
- Manage Direct Time and work Nexus payroll processing.

RECEIVED
By Town Clerk/rhc at 9:54 am, Oct 14, 2020

TOWN OF SOUTHBOROUGH

BOARD OF SELECTMEN Meeting Minutes

Meeting Date: Tuesday, September 22, 2020, 6:30 P.M.
Location: Virtual Meeting through Zoom
Present: Marty Healey, Lisa Braccio, Chelsea Malinowski, Brian Shea, Sam Stivers and Assistant Town Administrator Vanessa Hale

I. Chairman Healey called the meeting to order at 6:30 P.M. Chairman Healey read the following statement:

Pursuant to Governor Baker's March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, §18, and the Governor's March 15, 2020 Order imposing strict limitation on the number of people that may gather in one place, this meeting of the Southborough Board of Selectmen will be conducted via remote participation to the greatest extent possible. Specific information and the general guidelines for remote participation by members of the public and/or parties with a right and/or requirement to attend this meeting can be found on the Town of Southborough's website, at https://www.southboroughtown.com/. For this meeting, members of the public who wish to watch or participate in the meeting may do so in the following manner by finding the meeting at: https://www.southboroughtown.com/remotemeetings. No in-person attendance of members of the public will be permitted, but every effort will be made to ensure that the public can adequately access the proceedings in real time, via technological means. In the event that we are unable to do so, despite best efforts, we will post on Southborough's website an audio or video recording, transcript, or other comprehensive record of proceedings as soon as possible after the meeting.

II. Public Comment
None

III. Scheduled Appointments
Volunteer Interviews

a. Annie Pfaff, Historical Commission; term 6/30/23

Chairman Healey stated based on her activity form, Ms. Pfaff would be a good fit for the Commission and he invited her to give background on why she applied. Ms. Pfaff stated she has lived in Southborough for three years and has been restoring her historic home at 50 Oak Hill Road. She stated that she renovated three other historic properties previously. Ms. Braccio asked if she had watched any Historical Commission meetings and Ms. Pfaff replied that she had not. She added that she reviewed past agendas and meeting minutes and found that the Historical Commission was of interest to her. Ms. Braccio asked if there were any priorities she would like the Commission to focus on. Ms. Pfaff replied that she does not have any at the moment but would like to immerse herself in the work and learn from other members in order to understand any opportunities for new projects or initiatives. Mr. Shea asked if Ms. Pfaff had worked with the Historical Commissions during her previous renovations. Ms. Pfaff explained the renovations done at those properties. Mr. Stivers asked her to consider ways the Historical Commission could contribute to the upcoming Town Tricentennial. Ms. Pfaff agreed.

Mr. Stivers made a motion to appoint Annie Pfaff to the Historical Commission; term 6/30/23. Mr. Shea seconds. The motion passed all in favor (5-0-0) by roll call vote, Braccio, aye; Malinowski, aye; Shea, aye; Stivers, aye; Healey, aye.

b. Seath Crandall, Recreation Commission; term 6/30/23
Chairman Healey stated based on his activity form, Mr. Crandall was interested in numerous committees. He invited Mr. Crandall to give background on why he was interested in the Recreation Commission. Mr. Crandall stated that he is a management analysist and new to Town and wanted to be more involved. He stated that he is starting a family and noticed the number of schools, fields and recreational facilities and was interested in supporting the Recreation Department. Ms. Malinowski asked if had any experience with Town Meeting or CPC funded projects. Mr. Crandall stated that he was responsible for creating and maintaining the warrant booklet for town meeting in Wayland which included working with department managers and chairs of various committees. Mr. Stivers asked if he had experience in youth coaching and Mr. Crandall replied that he had not but is interested in doing so in the future. Mr. Stivers asked if he watched any Recreation Commission meetings and he said he had and spoke with Jen Hanson the Commission Chair. Mr. Stivers asked if there were any important priorities he would suggest to the Commission. Mr. Crandall replied that he would like to immerse himself in the Commission and understand the role fully before suggesting changes.

Chairman Healey invited the Chair to speak. Ms. Hanson stated she spoke to Mr. Crandall regarding the Commission's current work and priorities and it was a pleasant conversation. She added that she felt he would be a great addition but asked the Board if there were opportunity to actively search to find a candidate with more expertise in recreation and funding. Ms. Malinowski stated that the Capital Committee plans to be more actively involved with Town funded projects and will aid in the aspects of project management. Mr. Stivers stated that it would be risky to hold off appointing a capable volunteer but it would be beneficial in the future to have more pointed recruiting. Ms. Braccio added that Mr. Crandall brings diversity to the Commission as he does not yet have children using recreational programs and could provide a different perspective.

Ms. Braccio made a motion to appoint Seath Crandall to the Recreation Commission; term 6/30/23. Mr. Stivers seconded. The motion passed all in favor (5-0-0) by roll call vote, Braccio, aye; Malinowski, aye; Shea, aye; Stivers, aye; Healey, aye.

<u>Tom Laflamme, IT Manager – Appointment of Part-Time Technical Specialist position</u>
Mr. Laflamme explained that Christopher McGinn will resign his position as Library Associate and transition to IT staff. He added that he responds to Library IT tickets currently and Mr. McGinn would provide eight after hours of support. Mr. Laflamme stated the Library Director supports this move. Ms. Braccio asked that if Mr. McGinn provided eight hours, how many hours would be held with the second position. Mr. Laflamme responded that the additional person would work approximately 11.5 hours. The Board discussed concerns regarding the marketability of an 11.5-hour position and the urgency to fill the position. Ms. Hale told the Board that she and Mr. Laflamme have been recruiting for the better part of the summer and have struggled to find a suitable applicant. She stated that they will reach out to colleges for students with appropriate skills to fill the position. She added that this will not be an internship. Mr. Laflamme stated that he is collaborating with the Advisory Committee and the Municipal Technology committee to create a long-term staffing plan to present to the Board by the end of the year. Ryan Donovan, Library Director, explained Mr. McGinn's current role at the Library and that he will need to

eventually fill the position Mr. McGinn is vacating. Ms. Malinowski asked Mr. Laflamme about training and Mr. Laflamme replied that he would hold weekly virtual meetings.

Chairman Healey made a motion to appoint Christopher McGinn as an eight hour part-time Technical Specialist. Ms. Malinowski seconded. The motion passed all in favor (5-0-0) by roll call vote, Braccio, aye; Malinowski, aye; Shea, aye; Stivers, aye; Healey, aye.

Barry Rubenstein – Renewal cable agreement for Charter Communications
Chairman Healey tabled this discussion as the cable agreement is not ready for Board review.

Lori Karlsson – Request for Local Approval for St. Mark's Faculty Childcare Option
Chairman Healey asked Ms. Karlsson to explain St. Mark's needs and the State guidance regarding the child care option she is presenting. Ms. Karlsson explained that the teachers at St. Mark's are struggling to manage their children's remote school day. She said St. Mark's would like to offer free child care to staff teaching during those remote days. She explained the exemption classification and that the school is looking to care for 8-10 children per day with Monday being the heaviest child care day with 10 children. Ms. Karlsson explained the setup of Choate House and breakout rooms that will allow for safe social distancing. Chairman Healey stated that the first step outlined by the State would be for the Board to create a Municipal Approving Authority. Ms. Hale recommended the Authority consist of the Building Commissioner, the Fire Prevention Officer and the Public Health nurse. Chairman Healey asked if the application and requirements needed for this childcare option would be approved by the Municipal Approving Authority and then it would come before the Board. Ms. Hale confirmed that was the case and the Approving Authority would perform the required inspections. Mr. Shea asked if the appointees have been contacted and agreed to be a part of this Authority and Ms. Hale confirmed they had. Mr. Shea asked if this is only available to children of St. Mark's teachers and not the public. Ms. Karlsson confirmed and stated the hours offered are 8:00 A.M. – 3:00 P.M.

Mr. Stivers asked if Town Counsel should be conferred regarding the creation and execution of duties from the Authority. He added that he felt the process of creating such a group should be clear and carefully planned. Ms. Braccio summarized questions she asked prior to the meeting and confirmed that it is unknown if there are any students on IEPs, it is unknown how many inspections should be done and St. Mark's has not announced a date for rolling out this program. Chairman Healey stated that the Authority must follow State guidelines and these must be communicated clearly and met by the applicant. There was discussion regarding what needs to be done to roll this out quickly and effectively. The Board agrees to create a list of guidelines and hold a special meeting for this approval sooner than the October 6th meeting.

Laurie Livoli, Building Commissioner, stated she has a safety inspection guide that crosses over with the Fire Department that she will send to the Board to review. Ms. Malinowski stated she wanted the Fire Chief to be a member of the Authority instead of the Fire Prevention Officer. She confirmed she spoke with Chief Achilles and he was willing to participate. Chairman Healey requested that following the Municipal Approving Authorities from other towns, he would like Ms. Livoli to be the sole member with the requirement that she consult with Chief Achilles and the Public Health Nurse before making a determination.

Chairman Healey made a motion to appoint Laurie Livoli as Southborough's Municipal Approving Authority pursuant to the Remote Learning Enrichment Program that the Commonwealth of

Massachusetts has setout through the Department of Early Education and Care with the understanding that she is the Municipal Approving Authority and any approval would only be done in consultation and agreement with Chief Achilles and Ms. Amico. Ms. Braccio seconded. The motion passed all in favor (5-0-0) by roll call vote, Braccio, aye; Malinowski, aye; Shea, aye; Stivers, aye; Healey, aye.

Brian Ballantine, Finance Director – Budget update

Mr. Ballantine walked the Board through Presentation entitled "Budget Update, Closeout of Fiscal 2020, Update on 1st Qtr. Of Fiscal 2021 and Planning for Fiscal 2022." included in the packet. Ms. Malinowski stated she felt it was misleading to present turnbacks as presented and asked that future presentations flag departments that have had transfers and what was needed from that transfer. Mr. Ballantine agreed. Ms. Malinowski asked about Board and Advisory Committee transfers and requested that for the sake of transparency, all departments are shown areas where they went over budget for deferred compensation which is a straight calc. She requested that every line item is presented when over budget along with the net amount and reason for the transfer. Mr. Ballantine agreed. Ms. Malinowski stated her concern that department level budgets are not staying within their salary and expense line items and asked that the Board create a policy for departments to follow. Mr. Ballantine stated that previously the Board had a policy that if a department were going to cross a category, they had to get Board approval. He stated this could be done again or issue a policy that there could be no cross over.

Ms. Malinowski asked if the expenses applied for reimbursement through FEMA and the CARES Act were not included in the turnback slide and Ms. McAuliffe replied in the affirmative. Ms. Malinowski asked for a timeline of these reimbursements and Ms. McAuliffe explained. She added that the schools have three grants they could apply for and they are utilizing those grants to the maximum. Mr. Stivers urged the Finance Team to be aggressive with the pandemic reimbursement grants as he had seen there are over one hundred grants available related to the pandemic.

Ms. Braccio requested the Board have a detailed copy of the expenditure ledger. Mr. Ballantine asked for clarity on how often the Board would like the report and Ms. Malinowski replied that she would like the information quarterly at least. Mr. Shea offered guidance to have a conservative approach to the budget due to the financial impact the pandemic has had on residents. Mr. Stivers agreed and asked the Board keep an open mind on new positions and look at restructuring departments. Mr. Shea reminded the Board that they decided there will be no new positions without an identified funding source to fund the position for fiscal year 2021. Ms. Braccio said she will be looking towards a level funded budget going into next year and Chairman Healey stated he will be requesting alternative budget scenarios similar to last years with a 0% increase and a 2% increase. Ms. Malinowski requested that revenue be added to the quarterly report in addition to the budget to actual numbers. Mr. Ballantine agreed. Ms. Malinowski made a motion that the Board in conjunction with the Advisory Board, develop a policy for all departments to manage salary and expenses within those lines. Mr. Stivers seconded. Chairman Healey made an amendment to manage salary and expenses and to give flexibility in terms of lines. Ms. Malinowski stated she felt it was important to keep the last clause in the motion. Chairman Healey withdrew his motion. Mr. Shea stated that the Advisory Committee should be independent of the Board and should not be working in conjunction with the Board. Ms. Malinowski agreed to amend the motion. Ms. Braccio volunteered Ms. Malinowski to draft the policy and Ms. Malinowski agreed. Mr. Stivers seconded the amended motion. The motion

passed all in favor (5-0-0) by roll call vote, Braccio, aye; Malinowski, aye; Shea, aye; Stivers, aye; Healey, aye.

8:00 P.M. – John Butler – Presentation on DPW Transfer Station

Mr. Butler presented his research regarding the Transfer Station from the PowerPoint included in the packet. Mr. Shea stated that it was found that the current Transfer Station system is not broken and there have been many discussions from previous Boards to change the station to Town funded but he is happy this report shows that it is working as is. He added that there needs to be close attention to the contract renewal with Wheelabrator to ensure the Town is continuing to provide the right services to the public. Mr. Shea added that he agreed with Mr. Butler's assessment that new residents are choosing curbside pickup as opposed to using the Transfer Station. Mr. Stivers stated it is critically important for the Board of Health to get licenses from private haulers and suggested better marketing to new residents regarding the benefits of the Transfer Station. Ms. Braccio added that the Capital Committee agreed with Mr. Butler's assessment that the Town should not reinvest to renovate the Transfer Station. Ms. Malinowski stated that residents on her street prefer curbside pickup despite the extra cost. She asked if there has been a ten-year lookback on the number of Transfer Station stickers purchased and trends. Mr. Butler replied that he did not but it is something that needs to be done in addition to understanding the tonnage for a more solid picture of customer use and trends. Mr. Butler stressed the importance of understanding all facets of the Transfer Station before the contract negotiations with Wheelabrator and how to work with the Board of Health for licenses from private haulers.

IV. Reports

Chairman's Report

i. Process for Entertainment License request

Chairman Healey stated there are entertainment request policies from other towns included in the packet that the Board was asked to review prior to the meeting. He stated that Tomasso submitted a request for outdoor entertainment and the Board should discuss the creation of an entertainment licensing policy. He stated a policy could not be created tonight and asked Ms. Hale to reach out to Tomasso to let them know the Board will be working on this but it may take a month before it is complete. Ms. Hale agreed.

ii. Department/Committee liaisons

Chairman Healey requested that each Board member send him one or two departments they are interested in working with. He said he will make a draft list to discuss how the liaison role will be carried out. The Board agreed.

Chairman Healey stated that he is including the list of goals decided upon by the Board on agendas moving forward. He added that there will be checkmarks added to those goals completed and he asked the Board to update him on any goals achieved. The Board agreed. Mr. Stivers asked that a column be added for comments. Chairman Healey stated he will work on the document.

Members' Reports

Ms. Braccio stated that Holliston has created a Rent and Relief Program covered by the CARES Act. She explained the services for up to three months rental or mortgage assistance of up to $1,200 - $2,000 per month. She asked Mr. Purple to pursue this program for Southborough.

i. Update on Deerfoot Road Ext.

Mr. Shea stated he walked the site with Ms. Galligan last week and she explained the drainage system in place and the roadway that has been newly constructed. He stated he reviewed the area from a public right of way perspective that the Board could act on and he asked the Board's consultant to look at whether an additional drainage structure is needed. Mr. Shea stated PAR is still evaluating the site and does not have an answer yet. Mr. Shea said the next step is for Ms. Galligan and the DPW to move forward with the final paving which she is trying to schedule. He said if more drainage is required, an additional twelve-inch pipe will be put in place to connect the paving. He added that once the determination comes from PAR, he will relay the information to the Board. Chairman Healey asked if any work agreed to be done within 7-10 days by Mr. Giblin at the previous meeting was completed. Mr. Shea described the landscaping on the lots and how that will help deter runoff. Chairman Healey requested an update at each meeting and Mr. Shea agreed.

Mr. Stivers stated that the recent financial report from the golf course through August indicate that revenues are 67% ahead of least year to date. He stated that an agreement could come shortly on the tree removal policy. He stated he plans to have an update at the next meeting.

<u>Town Administrator Report</u>

Ms. Hale thanked the residents and business people for their patience as the access to the driveway at Town Hall has been blocked due to Main Street construction. She added that the blue ballot mailbox is for election information or early ballot submissions.

V. Consent Agenda

a. Ms. Malinowski asked to hold agenda item "a." Ms. Malinowski asked to strike the sentence on page four reading, "Ms. Malinowski said he missed half…" as she did not get a chance to answer the question posed to her. Chairman Healey made a motion to approve Open Session Minutes: September 8, 2020 with the above revision. Mr. Stivers seconded. The motion passed all in favor (5-0-0) by roll call vote, Braccio, aye; Malinowski, aye; Shea, aye; Stivers, aye; Healey, aye.

b. Ms. Braccio made a motion to appoint Julia Fontana as Part-Time Dispatcher per Chief Paulhus' recommendation. Mr. Stivers seconded. The motion passed all in favor (5-0-0) by roll call vote, Braccio, aye; Malinowski, aye; Shea, aye; Stivers, aye; Healey, aye.

c. Ms. Braccio made a motion to declare maximum useful life of E-One Fire Truck as 20 years as condition of bond. Mr. Stivers seconded. The motion passed (3-0-2) by roll call vote, Braccio, aye; Shea, aye; Stivers, aye. Chairman Healey and Ms. Malinowski recused.

d. Chairman Healey asked to hold agenda item "d." Chairman Healey explained the different versions included in the packet and stated that he proposed a hybrid model of each. Ms. Braccio asked why an oversight committee is outlined in the policy when the Public Works Planning Board could oversee the policy. She asked how many people would be on the committee and voiced her concern about lack of volunteerism. Chairman Healey stated that other towns have an oversight committee but he is comfortable with the Public Works Planning Board taking on this role. Mr. Stivers agreed. Mr. Shea stated he preferred the Public Works Planning Board taking this role as well and suggested instead of listing "users" throughout the document that the term "users" be defined in the preamble and referenced as such throughout. Chairman Healey agreed. Ms. Malinowski suggested the Public Works Planning Board oversee the execution of the policy with the Capital Committee. Chairman Healey said he would correct scrivener's errors. Chairman Healey made a motion to approve the Policy on Complete Streets. Mr. Stivers

seconded. The motion passed all in favor (5-0-0) by roll call vote, Braccio, aye; Malinowski, aye; Shea, aye; Stivers, aye; Healey, aye.

e. Chairman Healey asked to hold agenda item "e." Chairman Healey stated that the dates indicate that the farm is blocked out from noon until 6:00 P.M. each Sunday in the fall season. He looked back at the conservation restriction and stated he could not find language that supported these sorts of events or charging for them. He stated that the language states that the tax payers of Southborough have unlimited access to the property from dawn until dusk. Chairman Healey stated he would approve the event for October 4th but wanted to send written communication to the Trustees asking for the basis for the permission to hold these events. He added he was not pleased with the communication with the Trustees and the Conservation Commission and the Commission shares the same concerns. He stated he would like to ask the Trustees if there is parking for these paid events, what steps are in order to make sure parking is available for residents to access the property while the event is taking place. The Board agreed to send the communication. Ms. Braccio stated that she received multiple phone calls with the same concerns and the fear of losing the right to the land. She requested that if the event is approved, there be a condition that the Trailhead Parking Lot be available to Southborough residents. Ms. Malinowski asked who would be monitoring the farm to ensure parking is open. Chairman Healey stated it is the obligation of the farm to do so in good faith. Chairman Healey made a motion that the license request for October 4th be approved with the condition that the Trailhead Parking Lot be reserved for non-attendees of the event. Ms. Braccio added that the lot and land be used as the conservation restriction put in place. Mr. Stivers seconded. The motion passed all in favor (5-0-0) by roll call vote, Braccio, aye; Malinowski, aye; Shea, aye; Stivers, aye; Healey, aye.

f. Ms. Braccio made a motion to approve of Capital Planning – School Research Subcommittee Charge. Mr. Stivers seconded. The motion passed all in favor (5-0-0) by roll call vote, Braccio, aye; Malinowski, aye; Shea, aye; Stivers, aye; Healey, aye.

g. Chairman Healey made a motion to appoint Jason Malinowski and Kathy Cook to Capital Planning – School Research Subcommittee. Mr. Stivers seconded. The motion passed (4-0-1) by roll call vote, Braccio, aye; Shea, aye; Stivers, aye; Healey, aye. Ms. Malinowski recused.

h. Ms. Braccio made a motion to approve Common Victualer Applications: NY Bagel Factory @ 20 Turnpike Rd. and 205 Turnpike Rd. Mr. Stivers seconded. The motion passed all in favor (5-0-0) by roll call vote, Braccio, aye; Malinowski, aye; Shea, aye; Stivers, aye; Healey, aye.

i. Ms. Braccio made a motion to approve of one-year extension Golf Course Management contract with New England Golf. Mr. Stivers seconded. The motion passed all in favor (5-0-0) by roll call vote, Braccio, aye; Malinowski, aye; Shea, aye; Stivers, aye; Healey, aye.

j. Ms. Braccio made a motion to accept resignation of Lisa Braccio from SHOPC. Mr. Stivers seconded. The motion passed all in favor (5-0-0) by roll call vote, Braccio, aye; Malinowski, aye; Shea, aye; Stivers, aye; Healey, aye.

k. Ms. Braccio made a motion to appoint Chelsea Malinowski as Board of Selectmen representative to SHOPC, term of 6/30/2021. Mr. Stivers seconded. The motion passed all in favor (5-0-0) by roll call vote, Braccio, aye; Malinowski, aye; Shea, aye; Stivers, aye; Healey, aye.

VI. Other Matters Properly Before the Board

Review of next steps for Downtown zoning

Chairman Healey stated that the Planning Board will be attending the October 6th meeting at 7:00 P.M. He stated the meeting will be for the Board, the EDC and the Planning Board to discus the next steps for Downtown zoning. He added that he would like other stakeholders such as Open Space, Trails Committee and the Cultural Arts Council to be aware of the meeting but will be

participating at a later date. Mr. Stivers requested SHOPC be made aware of the meeting. Chairman Healey agreed.

Review of ADA Grievance policy

Ms. Hale explained that the Board needs to approve an ADA Grievance Policy along with providing information of public buildings and grounds in order to meet the CMRPC grant requirements. She asked the Board to adopt the policy from the packet for the grant application. Ms. Braccio asked if the ADA Committee had reviewed the document. Ms. Hale responded that they have not met recently but Mr. Purple has been working with Mr. Sines regarding the grant. Ms. Braccio asked who the coordinator would be as outlined in section four and added that the response time to a complaint is listed as fifteen days and she would like to see that reduce to seven calendar days. Ms. Hale agreed. Ms. Braccio sited section nine regarding complaints alleging discrimination appeals to the Town Administrator who is also the ADA Coordinator and asked how that would work. Ms. Hale stated in that situation the Board could stipulate another person in his steed and suggested the Board take on the role. Chairman Healey agreed and Ms. Hale stated she would make the revision. Ms. Braccio requested the ADA review and comment on the document. Ms. Hale agreed to reach out to them.

Mr. Shea stated he agreed with reaching out to the Accessibility Committee. He added that the availability to be a conduit for the public to raise concerns is outlined in their new charge and asked how that was different from filing a grievance. Ms. Hale replied there was not a distinction. Mr. Stivers stated that the difference would be that the Committee does not have adjudication responsibility for solving the complaint and the opportunity to dispose of the problem lies with Mr. Purple. Mr. Shea outlined his suggested revisions which include removing "Town Administrator" from the last sentence in section five, a scrivener's error in section eight and to remove the call out to wheelchairs and replace with "accessible to persons with disabilities" in the third paragraph of the notice of discrimination of rights. Ms. Hale agreed to the changes. Ms. Hale stated the deadline for approval is October 9th and felt that she could make the revisions, meet with the Accessibility Committee and return with another draft by the October 6th meeting.

National Grid notice of vegetation management

Mr. Stivers stated it is unclear what utilities are required to act upon regarding vegetation management and he has been working with Ms. Galligan to understand more. He said it is clear National Grid needs to provide vegetation management plans but it is unclear as to the details required in the plan. Chairman Healey stated a thirty-day notification was supposed to be preceded by an annual notification of this type of work in March and it was not provided. He added that there is no indication of the repercussions if the utility does not comply with conditions. Mr. Stivers stated there needs to be enforcement of the annual vegetation management plan requirement and added that the Board needs to approve the plans. He said it is unclear what were to happen if the Board did not approve. Ms. Braccio asked if the Board could take a position that they are not in favor until further discussion. Mr. Stivers stated Ms. Galligan indicated that the majority of the work would be done Friday and he would follow up with her. Chairman Healey made a motion that the Board communicate to National Grid that no action be undertaken to any public tree or shared tree on a public way pending the opportunity for the Town of Southborough to respond. Mr. Stivers seconded. The motion passed all in favor (5-0-0) by roll call vote, Braccio, aye; Malinowski, aye; Shea, aye; Stivers, aye; Healey, aye.

VII. Public Comment

Tim Litt (148 Woodland Rd) stated he drafted the ADA Policy that was to create the Accessibility Committee for Town Meeting. He said the ADA is acting as it is in effect even though the Town Meeting approval has not taken place due to the pandemic. He stated that he drafted the language to allow the Town Administrator role to be distinct from the ADA Coordinator if the two are not the same in the future. Mr. Litt urged the Board to be careful not to assume the role of ADA Coordinator will always be filled by the Town Administrator. Mr. Litt also requested the Board bring an update about access to the Public Safety Building at the next meeting.

VIII. On a motion made by Chairman Healey, seconded by Mr. Stivers and voted by roll call all in favor, Braccio, aye; Malinowski, aye; Shea, aye; Stivers, aye; Healey, aye, the meeting was adjourned at 11:04 P.M.

Upcoming Meetings *October 6, 2020* *October 20, 2020*

Respectfully submitted,

Kathleen Barry, Recording Secretary

List of Documents referred to at the September 22, 2020 BOS Meeting:

- Original Agenda for September 22, 2020 Meeting
- List of FY 2021Board Goals
- Citizen Activity Form, Annie Pfaff
- Citizen Activity Form, Seath Crandall
- Letter from Vanessa Hale to BOS re: Municipal Approving Authority dated 9.17.20
- MA Department of EEC Remote Learning Enrichment Policy
- St. Mark's Remote Learning Enrichment Program
- Budget Update Presentation
- Analysis of Solid Waste Disposal Presentation
- Policy on Issuance of Outdoor Entertainment Licenses - Auburn Example
- Entertainment License Rules and Regulations - Bourne Example
- General Law - Part I, Title XX, Chapter 140, Section 183A
- Draft Regular Session Minutes, September 8, 2020
- Letter from Chief Paulhus to BOS re: Part-Time Telecommunications Officer/Dispatcher dated 9.11.20
- Resume of Julia Fontana
- Letter from Brian Ballantine to BOS re: Fire Truck Bond - June 2020 Approval dated 9.17.20
- Town of Amherst Complete Streets Policy
- Town of Lexington Complete Streets Policy
- Examples of Complete Streets Provided by MassDOT
- Redlined Draft Southborough Complete Streets Policy
- Draft Southborough Complete Streets
- Red and Blue-lined Draft of Complete Streets Policy from the DPW

- One-Day alcohol license applications, Chestnut Hill Farm Events: Fall Fun on the Farm, October 4 and October 11; Brew Moon Hike, October 10
- Capital Planning Committee - School Research Subcommittee Charge
- Common Victualer Applications: NY Bagel Factory @ 20 Turnpike Rd. and 205 Turnpike Rd.
- Amendment Two - Southborough Golf Club, Management and Maintenance Agreement
- Letter from Lisa Braccio to Martin Healey re: Resignation SHOPC dated 9.17.20
- Draft Southborough Americans With Disabilities Act Grievance Procedure
- Draft Southborough Non Discrimination Notice of Rights
- Letter from National Grid to Brian Shea re: Vegetation management dated 8.26.20

St. Mark's School
Remote Learning Enrichment Program

Contact Information for Remote Learning Enrichment Program:
Lori Karlsson lorikarlsson@stmarksschool.org 508/596-9649

Name of Remote Learning Enrichment Program:
St. Mark's Childcare *(Informally referred to as THE DEN)*

Address of Remote Learning Enrichment Program:
Choate House, St. Mark's School, 100 St. Mark's Circle, Southborough, MA 01772

Days and Hours of Operation:
Mondays, Tuesdays, Thursdays and Fridays 8:00 AM - 3:00 PM

Purpose of Remote Learning Enrichment Program:
The Remote Learning Enrichment Program at St. Mark's School has been created to provide support for St. Mark's faculty children while their parents are teaching (in person). Children will be divided by cohort/age and staff will assist with their online classes as well as other safe, socially distanced activities throughout the day.

Current proposed group between 10 and 12 students varying in age with the youngest being 6 and the oldest being 13. Intent is to group children by cohort/family. Anticipate based on cohorts that we will need three staff members to support the group on Mondays based on the town's all remote day and then potentially reduce down to two staff on the remaining days. Note: we will NOT be offering childcare on Wednesdays when our own faculty is remote.

St. Mark's Childcare attests to the following:

- ✔ It is not currently licensed by the EEC
- ✔ We will provide regular care for children who are enrolled in a public or private school district
- ✔ Understands that its license exemption only applies during the hours of a traditional in-person school day
- ✔ All enrolled children are school age, which is defined as enrolled in kindergarten or higher not to exceed 14 years of age or not more than 16 if the child has special needs
- ✔ A minimum ratio of 1:13 staff to children will be maintained and may serve a maximum of 26 children
- ✔ All staff, volunteers or other adults have completed or will have completed a Background Record Check (BRC) and have been found suitable and appropriate to work with children, prior to working in the program.

✔ We will comply with the health and safety guidelines taken from the EEC's Covid-19 Childcare Playbook based on the following:

PROGRAM OPERATIONS PLAN SUMMARY

Program Administration
Site selection - Choate House was chosen as an ideal location for a Remote Learning Enrichment Program based on the ability to keep children separate from St. Mark's students and the opportunity to utilize different rooms for individual cohorts and/or families. The exterior lawn and the large St. Mark's room allow ample space for social distanced small group activities. Windows in every room allow for air circulation and HEPA filters that provide a minimum of 6 air changes per hour have been added. Each child will be allocated a dedicated work area to include a desk, chair and appropriate lighting; a reading nook – with a more comfortable chair or couch; a bin to house their personal items/toys and sufficient floor space if needed. (Wi-fi and electrical outlets will also be available) Restrooms will also be assigned by cohort.

Communication
Registration forms for all enrolled children will require the collection of cell numbers and best emails for all parents/guardians. Information regarding overall programming, process, updates will be sent out regularly. Staff cell numbers and emails will be shared with all families and general activity reports will be sent weekly (at minimum). As with any other camp or outside program, parents will be required to sign a risk waiver and do health attestation forms daily for their children. Current physical exam forms including immunization records will also be required.

Support
Each child will need to bring their own personal computer/tablet and other school supplies needed to complete their virtual work each day. (Personal items are not to be shared and should remain in designated spaces.) DEN Staff will be on hand to assist as needed but set up and expectations need to be established prior by the child's parents and teachers. Parents/guardians will be asked to provide information regarding their child's class, assignments, learning style and anything else that might help us provide a better experience while at THE DEN.

Parents/guardians will also be asked to label, pack and bring their child's lunch each day along with a personalized water bottle. Snacks will also be welcome but the DEN will also have an assortment of individually wrapped snacks and beverages on hand.

Cleaning & Sanitizing Routines
Cleaning, sanitizing and disinfecting solutions will be labeled properly and kept separate and accessible to staff in each area of the program, out of the reach of children. High touch shared

areas (door handles, railings, bathrooms) will be cleaned throughout the day by DEN staff. Custodial staff will do a sweep of all spaces each morning.

Handwashing signs will be placed in all restrooms. Hand sanitizer will be placed in all rooms and will be used regularly (with parent written permission) throughout the day in between frequent hand washing.

Masks must cover the nose and mouth and are required for anyone in the program space, including parents or guardians at drop off and pick up, and all staff. Children will be allowed to remove them during mealtimes and will have set mask breaks outdoors each day.

Check-In Process

Single Point of Entry - Children will **ONLY** enter and exit through the main front entrance of Choate House. This will ensure that no individual is allowed to enter the immediate child care space until they are screened and are confirmed not to have any symptoms. All non essential visitors will be prohibited from entering the space.

Screening Area - Screening will be done outside the main entrance. During inclement weather, screening will be done in the foyer of Choate House. All data will be recorded daily and kept on file. Temperature checks and health attestations are to be completed by parent *prior* to their arrival on site. Parents are expected to keep their children home if they are experiencing ANY of the symptoms listed below. Staff will also actively monitor children throughout the day for any symptoms as well.

Every parent must complete a health attestation daily prior to the arrival:

1. A check for symptoms listed below
2. A check for close contact with a known COVID-19 positive person within the last 14 days
3. A statement that individuals with a fever or other new or unexpected symptoms consistent with COVID-19 and those who have had close contact with a COVID-19 positive individual will not be permitted into the child care space

Symptoms:

The following symptoms, if observed in a child or staff member are cause for immediate isolation and exclusion from child care:

1. Fever (100.0° and higher), feverish, had chills
2. Cough
3. Sore throat
4. Difficulty breathing
5. Gastrointestinal distress (Nausea, vomiting, or diarrhea)
6. New loss of taste or smell
7. New muscle aches

The following symptoms, if observed in combination with symptoms from above, are cause for immediate isolation and exclusion from child care:

1. Fatigue
2. Headache
3. Runny nose or congestion
4. Any other signs of illness

Responding to Illness

In the event a child becomes symptomatic while in care, we will immediately isolate that child in a separate room on a different floor (Room 9) - and immediately contact the child's parents or emergency contact to arrange for pick up. In the event that a staff member becomes symptomatic during childcare, we will immediately cease all child care duties and the staff member will be isolated from the child care space/sent home if able.

Report Confirmed Cases

In the event that we are informed of a COVID-19-positive individual in the program, or a COVID-19-positive individual that shares a home with someone in your program, we will follow the St. Mark's school guidelines which are consistent with the DESE and the Northborough/Southborough Public Schools. .

TOWN OF AMHERST COMPLETE STREETS POLICY
Adopted May 14, 2018
Town of Amherst Select Board

Preamble:

Amherst is a unique community. It has a three-centuries-long history, a New England town character that includes a compact downtown and numerous localized village centers, large amounts of conservation land and wide areas of rural character, and many narrow roads. It is home to three institutions of higher education, and many college and graduate students. Its neighborhoods have strong identities. It is very diverse, with a range of races and ethnicities, people from all over the world, and a large fraction of low-income students and families.

The Town, through the proven commitment of the Select Board, Town Meeting, Town departments and committees, stakeholders and citizens, has long supported the principles of Complete Streets. Its previous support include formation of the Public Transportation and Bicycle Committee in the 1970s and the recent Transportation Advisory Committee (TAC); the adoption of Safe Routes to School; the development of numerous bicycle lanes and off-road multi-use paths, including the Norwottuck Trail and the Swift Connector; the maintenance of a robust array of hiking trails; fiscal support for UMass Amherst Transportation Services and Pioneer Valley Transit Authority and advocacy for transit routes that are relied upon by all residents and particularly by low-income residents; the reconfiguration of roads and intersections to include crosswalks, sidewalks, bus stops, and roundabouts; support for the upcoming Regional Bike Sharing Program; and the development of the 2015 Amherst Transportation Plan.

1. Vision & Intent

Under this Complete Streets Policy, the Town of Amherst shall develop and provide an integrated multimodal transportation network that contributes directly to the safety, health, economic vitality and quality of life of all residents especially the most vulnerable.

Non-automobile modes of transportation including bicycling, walking, and public transportation shall be included in transportation planning and projects. They will be parts of daily life in Amherst, with enhanced networks and inter-modal connections. Motor vehicular traffic will continue to serve personal needs, commerce, and emergency response, with reduced pollution and traffic congestion. Persons of all ages, abilities and circumstances will be able to use a diversity of transportation modes for all kinds of trips, including commuting, shopping, going to school, and recreating; and they will be able to meet their transportation needs safely, conveniently, reliably, affordably, and efficiently.

The desired outcome of the Complete Streets Policy is to create an equitable, balanced, and effective transportation system where every transportation user can travel safely and comfortably, and where sustainable transportation options are available to everyone. Together, this integrated transportation system will support healthy and thriving people, neighborhoods, village centers, cultural life and businesses.

TOWN OF AMHERST COMPLETE STREETS POLICY
Adopted May 14, 2018
Town of Amherst Select Board

The intent of this Policy is to formalize the strategic and comprehensive planning, design, operation and maintenance of Amherst roadways so that Complete Streets principles are incorporated. These principles strive to provide the best possible combination of service, mobility, convenience, health and safety while strengthening social, economic, equity and environmental influences within Amherst.

Core Commitment

2. All Users and Modes

Amherst's transportation system shall be designed, maintained and operated to the greatest extent possible to ensure and promote the safety, health, comfort and convenience of all users of all modes of transportation. These users include pedestrians, bicyclists, assistive mobility device users, public transit and paratransit riders, motorists, commercial vehicle drivers, emergency crews, and freight providers. Those who cannot drive private cars – including children, and many elderly, disabled or low-income residents – will have increased mobility, independence and safety. The transportation system will contribute directly to the safety, health, economic vitality and quality of life of all Town residents and will promote access to multi-modal transportation for users of all ages, abilities, incomes, races, ethnicities, genders and circumstances.

3. All Projects and Phases

All transportation and roadway projects, including municipal road repairs, upgrades and expansion projects on public right-of-way, are an opportunity to implement Complete Streets planning, design and construction. Complete Streets elements that anticipate future demand for walking, bicycling, transit and motorist uses will be integrated into the design of new, rehabilitated or reconstructed roadways and/or transportation infrastructure projects. Complete Streets may be achieved by incorporating single elements into a particular project or incrementally through a series of smaller improvements or maintenance over time.

The Town will develop procedures to incorporate Complete Street elements in all transportation projects, including municipal road repairs, upgrades, or expansion projects on public right-of-way. The Town will approach every relevant project – transportation, public utilities, infrastructure, and public and private development – as an opportunity to improve the public way and transportation network and will actively seek opportunities to repurpose rights-of-way to enhance inter-connections for pedestrians, bicyclists and transit.

4. Exceptions

Any work to the transportation network that is considered routine maintenance that does not change the roadway geometry or operations, such as traffic signal upgrades, mowing, sweeping, pothole repair and non-structural overlays shall be automatically exempt from this policy.

Additional exceptions to the Policy may be approved when:

- A reasonable and equivalent project along the same corridor is already programmed to provide facilities exempted from the proposed project.
- Transit accommodations are not required where there is no existing or planned transit service.
- Cost of accommodation is excessively disproportionate to the need or probable use.
- Documentation or factors indicating an absence of current and future need.

Additional exceptions from the Complete Street Policy shall be reviewed by the Transportation Advisory Committee, which will forward its recommendations to the Select Board with supporting documentation. Any exceptions must be approved by the Select Board, with documentation made publicly available.

Best Practices:

5. Network

The Town of Amherst Complete Streets Policy will focus on developing an interconnected, integrated, multi-modal transportation network. This network will offer robust transportation routes and options together with inter-modal transfers, to provide connections between homes, neighborhoods, schools/higher education institutions, major employers, recreation/retail destinations including downtown, village centers as well as adjoining towns and transportation systems.

6. Jurisdiction

All transportation infrastructure and street design and construction projects requiring funding (state, federal, and private) or approval by the Town of Amherst shall adhere to the Town's Complete Streets policy. For projects inside the Town's boundaries but outside its jurisdiction, such as on a private development or at a higher education institution, the Town shall advocate that the project comply with the Complete Streets Policy and interconnect with the existing multimodal transportation network.

Complete Streets infrastructure within its jurisdiction shall be performed by the Department of Public Works (DPW) in coordination with the Town Planning Department, Transportation Advisory Committee, Select Board and other relevant departments, boards/committees, agencies and jurisdictions as needed. The Town will build and maintain partnerships with MassDOT, Pioneer Valley Planning Commission, Pioneer Valley Transit Authority, Amherst School Districts, neighboring municipalities, private developers, public and private utilities, higher education institutions and other entities in order to further the Town's vision of an interconnected and integrated multi-modal network.

7. Design

The Town of Amherst shall use the best and latest design guidance, standards, and recommendations to maximize design flexibility and innovation while balancing user and modal needs. The goal will be to design at the human scale so that transportation users from all locations and walks of life can navigate routes and networks safely, conveniently, affordably and reliably. Design criteria shall not be purely prescriptive but shall be based on the thoughtful application of engineering and urban design principals. References include, but are not limited to, the following:

- Documents and plans created for the Town of Amherst, including but not limited to:
  - Amherst Master Plan
  - Amherst Transportation Plan
  - Open Space and Recreation Plan (OSRP)
  - Amherst Street Tree Inventory & Map
- The Massachusetts Department of Transportation Project Design and Development Guidebook
- Massachusetts Separated Bike Lane Planning and Design Guide
- The National Association of City Transportation Officials (NACTO) Urban Street Design Guide
- The National Association of City Transportation Officials (NACTO) Urban Bikeway Design Guide
- Pioneer Valley Planning Commission's Healthy Community Design Toolkit
- Urban, Rural and Suburban Complete Streets Design Manual for the City of Northampton and Communities in Hampshire County
- American Association of State Highway and Transportation Officials (AASHTO), A Policy on Geometric Design of Highway and Streets
- The United States Department of Transportation Federal Highway Administration's Manual on Uniform Traffic Control Devices (MUTCD)
- Guidelines provided in the ADA Standards for Accessible Design
- Transportation Plans from Amherst's higher education institutions

8. Context sensitivity

Complete Streets elements included in the development and implementation of roadway projects shall be applied in a manner sensitive to the context of the community's physical, economic, and social setting. This context sensitive approach seeks a balance between preserving and enhancing scenic, aesthetic, historical, community and environmental resources while improving or maintaining safety, mobility, accessibility and infrastructure. It includes participation of those affected, and, as much as feasible, neighborhood-based community outreach and/or meetings on or near project sites. Balance is achieved through broad, active and innovative public outreach efforts early and continually, the application of flexibility through design, addressing all modes of travel, and considering the community's goals, values and aesthetics at a level commensurate with project needs.

9. Performance measures

Established performance standards that measure how well the street is serving all users will ensure the policy's success. As better data collection evolves so will the standards.

Using existing baseline data, the following performance measures will be used to show progress:

- Linear feet of new or reconstructed sidewalks
- Miles of new or restriped on-street bicycle facilities
- Number of new or repainted crosswalks
- Number of new street trees/number of street trees removed/ Total number of street trees
- Crosswalk and intersection improvements
- Miles of repaved or reconstructed road

The following data will be collected moving forward:

- New intermodal connections
- New and enhanced connections between areas of lower income households to downtown, villages, workplaces, retail and service centers, and other transportation modes
- Miles of buffered and off-street bicycle facilities

Additionally, the Town will work toward using the following metrics as data become available:

- Condition of existing sidewalks, crosswalks, bike lanes and markings, including during winter months
- Percent completion of bicycle and pedestrian networks envisioned by Town plans
- Change in percentage of transit stops accessible via sidewalks and curb ramps
- Change in rate of crashes, injuries and fatalities by mode
- Reduction in vehicle miles traveled (VMT)
- Number and reasons of approved exemptions from Town Complete Streets Policy

10. Implementation

The Town of Amherst shall implement Complete Streets so it becomes integral to everyday transportation decision-making practices and processes. The following is the implementation plan:

1. Develop a Complete Streets Prioritization Plan (Tier 2) and submit to the MassDOT for approval.
2. Establish new or revise existing procedures, plans, regulations, policies, guidelines and other documentation to assure accommodation of all users in each project and to reflect current best practices in transportation design.
3. Encourage municipal staff and community leaders to attend training on Complete Streets principles and best implementation practices.
4. Establish and maintain a comprehensive inventory of pedestrian, bicycle and transit infrastructure to assist with prioritization of improvement projects.
5. Develop a town-wide pedestrian and bicycle network plan.
6. Promote inter-departmental project coordination among Town departments to encourage the most responsible and efficient use of resources for projects within the public way.

7. Consider capital planning and funding increases to encourage implementation of the Complete Streets Policy.
8. Pursue appropriate sources of funding and grants related to Complete Streets.
9. Foster partnerships with neighboring communities and influence agencies to further the Town's Complete Streets initiatives and infrastructure beyond the Town's borders in order to expand the network.
10. Every Complete Streets project shall include an educational and community outreach component to ensure that all users of the transportation system understand and can safely utilize Complete Streets elements while promoting healthy habits. Outreach will include investigation of the needs of diverse users that would help support shifts to greater walking, biking and transit use.
11. Enforce and provide education on proper road use behavior for all users and all modes, and adopt additional regulations as necessary.
12. Present a Progress Report to the Transportation Advisory Committee, Select Board and Town Manager each year including performance measures, outcomes and Complete Streets implementation successes.

Oversight responsibility: The Select Board through the Town Manager shall oversee implementation and execution of this policy in consultation with the Transportation Advisory Committee and other appropriate Town departments and committees.

Effective Date:
This Policy shall be effective May 14, 2018 and any subsequent amendments shall become effective upon the date of their adoption.

Amherst Select Board

Approved this 14 day of May, 2018

BOARD OF SELECTMEN POLICY

COMPLETE STREETS

Date Approved by BOS:	Signature of Chair:
March 7, 2016	*Joseph N. Pato*

Vision and Purpose:

In 2015, Lexington Town Meeting unanimously approved Article 45, which recommended that the Board of Selectmen make it a priority to develop a town-wide process to improve safety for pedestrians and cyclists in a unified, efficient and prompt way. In that same year, Town Meeting also approved unanimously Article 35, which would allow the Town to participate in the State's Complete Streets Program. The passage of both Articles represents the Town of Lexington's understanding and support for the development and adoption of Complete Streets principles.

Complete Streets are designed and operated to provide safe and accessible accommodations for all users of Lexington roadways and travel systems. The implementation of Complete Streets principles contribute toward the safety, health, economic viability, and quality of life in a community by improving the pedestrian and vehicular environments and providing accessible and efficient connections between home, school, work, recreation and retail destinations throughout the community. The purpose of Lexington's Complete Streets policy, therefore, is to accommodate all users by creating a transportation network that meets the needs of residents and visitors who utilize a variety of transportation modes.

It is the intent of the Board of Selectmen to consider, as a matter of practice, the implementation of Complete Streets elements during the planning and design of capital projects so that they are safe for users of all ages and abilities. This policy guides decision-makers to consistently plan, design, and construct capital projects to accommodate all anticipated users. Examples of Complete Streets approaches can be found in Figure 1.

Complete Streets Scope:

The Town of Lexington recognizes the needs of users of various modes of transportation systems, including, but not limited to, pedestrians, bicyclists, transit riders and motorists of varying ages and physical and cognitive abilities as well as operators of passenger, commercial and emergency vehicles.

The Town of Lexington views its transportation capital projects, new and/or to be reconstructed, as potential opportunities to apply Complete Streets design principles. The Town will, to the maximum extent practical, design, construct, maintain, and operate all streets and other travel systems to provide for a comprehensive and integrated network of facilities.

Complete Streets design recommendations shall be evaluated for all transportation related capital projects, as appropriate and subject to the availability of funds. All transportation infrastructure and capital projects requiring funding or approval by the Town, as well as projects funded by the state and federal government (e.g., Chapter 90 funds, Transportation Improvement Program (TIP), the MassWorks Infrastructure Program, and other state and federal funds for infrastructure design), shall consider the Town's Complete Streets policy. Private developments and related roadway design components or corresponding roadway-related components, requiring approval by the Town, shall consider the Town's Complete Streets principles. In addition, to the extent practical, the Town will work with MassDOT to comply with the Complete Streets policy on state-owned roadways within Town boundaries including the design, construction, and maintenance of such roadways.

Transportation infrastructure may be excluded, based upon the determination of the Town Engineer in consultation with the Department of Public Works Director, where documentation and data indicate that:

1. Facilities where specific users are prohibited by law, such as interstate freeways or private property.
2. Cost or impacts of accommodations is excessively disproportionate to the need, current use or probable future use.
3. Funding is currently unavailable, recognizing that all infrastructure projects are subject to the availability of resources. In such cases, efforts will be made to program certain infrastructure improvements at a future date. Costs associated with the maintenance of new infrastructure will also be considered as it effects the Town's future operational budgets.

Model Practices:

The Board of Selectmen's Complete Streets policy will focus on developing a connected, integrated network that serves all users. Complete Streets will be integrated into policies, planning, and design of all types of public projects and private developments, requiring Town approval, including new construction, reconstruction, and rehabilitation of transportation facilities on roadways, trails and redevelopment projects.

Recognizing that the implementation of a Complete Streets program requires interdepartmental involvement, this Complete Streets policy will be organization wide and, to the greatest extent presently possible, be applied to private developers as well as state, regional, and federal agencies. Complete Streets principles include the development and implementation of projects in a context sensitive manner in which project implementation is sensitive to the community's physical, economic, and social setting. The context-sensitive approach to process and design includes a range of goals by considering stakeholder and community values on a level plane with the project need. It includes goals related to livability with greater participation of those affected in order to gain project consensus. The overall goal of this approach is to preserve and enhance scenic, aesthetic, historical, and environmental resources while improving or maintaining safety, mobility, and infrastructure conditions.

The Town of Lexington recognizes that Complete Streets may be achieved through multiple elements incorporated into a particular project or incrementally through a series of smaller improvements or activities over time.

The latest design guidance, standards, and practices available will be used in the implementation of Complete Streets including:

- The Massachusetts Department of Transportation Project Design and Development Guidebook
- The latest edition of the American Association of State Highway Transportation Officials (AASHTO) A Policy on Geometric Design of Highway and Streets
- The United States Department of Transportation Federal Highway Administration's Manual on Uniform Traffic Design Controls (2009)
- The Architectural Access Board (AAB) 521CMR Rules and Regulations
- Proposed and any future adopted versions of the United States Access Board's Public Right-Of-Way Access Guidelines (PROWAG)
- The latest editions of the National Association of City Transportation Officials (NACTO) Urban Street, Bikeway, and Transit Design Guides
- Documents and plans created for the Town of Lexington, such as bicycle and pedestrian network plans

Lexington's Complete Streets implementation and effectiveness shall be annually evaluated for success and opportunities for improvement by the Transportation Safety Group (TSG), a multi-disciplinary group designated by the Town Manager. The Town will also work towards developing performance measures to gauge implementation and effectiveness of this policy.

Implementation:

The Town shall apply the principles of Complete Streets design a practice for all transportation projects and programs, as these provide an opportunity to improve streets and the transportation network for all users. The TSG will review all capital transportation and related projects for Complete Streets opportunities.

Town staff, working with relevant Committees and elected officials, shall review and either revise or develop proposed revisions to all appropriate planning documents (master plans, open space and recreation plan, etc.), zoning and subdivision codes, laws, procedures, rules, regulations, guidelines, programs, and templates to integrate Complete Streets principles in all transportation projects.

To assist in establishing Complete Street priorities, the Town will use existing infrastructure planning tools including a pavement management plan (covering all streets in town), a pedestrian facility condition index, a five-year capital plan, Lexington's Tree Management Manual and various GIS transit related maps. Further, the Town shall maintain a comprehensive inventory of pedestrian and bicycle facility infrastructure to assist in prioritizing proposed projects, helping to eliminate gaps in the Town's sidewalk and bikeway network.

The Town will consider the cost-benefit of capital projects when prioritizing the implementation of proposed Complete Streets projects.

The Town will inform and train pertinent Town staff and decision-makers on the content of Complete Streets principles and best practices for implementing policy through workshops and other appropriate means.

The Town will seek out appropriate sources of funding and grants for implementation of Complete Streets policies.

RECEIVED
By Town Clerk/rhc at 2:39 pm, Dec 02, 2020

TOWN OF SOUTHBOROUGH

BOARD OF SELECTMEN Meeting Minutes

Meeting Date: Tuesday, October 6, 2020, 6:30 P.M.
Location: Virtual Meeting through Zoom
Present: Marty Healey, Lisa Braccio, Chelsea Malinowski, Brian Shea, Sam Stivers and Town Administrator Mark Purple

I. Chairman Healey called the meeting to order at 6:31 P.M. Chairman Healey read the following statement:

Pursuant to Governor Baker's March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, §18, and the Governor's March 15, 2020 Order imposing strict limitation on the number of people that may gather in one place, this meeting of the Southborough Board of Selectmen will be conducted via remote participation to the greatest extent possible. Specific information and the general guidelines for remote participation by members of the public and/or parties with a right and/or requirement to attend this meeting can be found on the Town of Southborough's website, at https://www.southboroughtown.com/. For this meeting, members of the public who wish to watch or participate in the meeting may do so in the following manner by finding the meeting at: https://www.southboroughtown.com/remotemeetings. No in-person attendance of members of the public will be permitted, but every effort will be made to ensure that the public can adequately access the proceedings in real time, via technological means. In the event that we are unable to do so, despite best efforts, we will post on Southborough's website an audio or video recording, transcript, or other comprehensive record of proceedings as soon as possible after the meeting.

II. Public Comment

Marnie Hoolahan (26 Clifford Road) stated she was speaking as a resident regarding the letter included in the packet from Valeria Romano, the Attorney for CommCan. She explained the host agreement language in section four of the contract explicitly states that they agreed to pay $50,000 annually for substance abuse education in the schools and potentially the Southborough Police Department. She asked the Board to consider this as CommCan is saying this payment will negate their license due to recent State guidance.

III. Scheduled Appointments

6:30PM HEARING: Application for Class II Used Car Dealer's license for T & L Auto Care Inc. at 6 Turnpike Road

Mr. Purple read the hearing notice into the record. Chairman Healey informed Attorney Galvani that the Board received information from Ms. Quinn regarding the number of parking spaces requested for used car sales. Attorney Galvani gave a summary of the tenants and the proposed used car sales business at the site. He stated that they are requesting the right to display a maximum of five used cars at any time in the existing parking lot. He added there will be no banners, signage or additional lighting. Attorney Galvani summarized his conversation with Ms. Quinn from this morning and explained that he disagreed with her interpretation of the site plan approval and parking. He spoke to his opinion on the zoning classifications for the business and asked the Board for approval of up to five vehicles but only allow two at this time for the Building Commissioner or Planning Board to approve of the three additional spaces. He stated this will

enable the owner to start selling two cars at a time. Chairman Healey stated this was a reasonable approach and applauded him for the compromise.

Ms. Braccio stated that she is frustrated that the concern from the Planning Board was brought up at the eleventh hour. She thanked Attorney Galvani for his compromise and apologized to him and his client. Mr. Stivers agreed that two spaces are currently available and the path forward sounds reasonable. Chairman Healey stated the Board shared Ms. Braccio's frustration and new businesses opening in Southborough is always a positive. Mr. Morris from the Planning Board explained the next steps for the approval of the additional three spaces. Attorney Galvani stated he would file a request for modification to the site plan.

At 6:45 P.M. Mr. Shea made a motion to close the public hearing. Mr. Stivers seconded. The motion passed all in favor (5-0-0) by roll call vote, Braccio, aye; Malinowski, aye; Shea, aye; Stivers, aye; Healey, aye.

Mr. Shea made a motion to approve the application for Class II Used Car Dealer's license for T & L Auto Care Inc. at 6 Turnpike Road as modified this evening to limit to two used car opportunities to begin. Mr. Stivers seconded. Mr. Purple clarified that Attorney Galvani proposed to limit the number of cars to five but for now limit to two to correct the use with the Planning Board or Building Commissioner. Mr. Shea accepted the modification. The motion passed all in favor (5-0-0) by roll call vote, Braccio, aye; Malinowski, aye; Shea, aye; Stivers, aye; Healey, aye.

<u>Barry Rubenstein, Cable Committee Chair: renewal cable agreement for Charter Communications</u>
Mr. Rubenstein explained the cable renewal negotiations with Charter Communications. He stated the proposal is a five-year agreement with Charter increasing the gross revenue payment from 4% to 5%. He added that Verizon agreed to increase their gross revenue payment to 5% when Charter does the same. Mr. Rubenstein explained the budget proposed from Southborough Access Media and stated that the amount of capital generated by the two agreements over five years exceeds SAM's budget by $32,000. He explained SAM is requesting to live broadcast from the Library and Public Safety Building and described the options proposed from Verizon and Charter. Mr. Rubenstein concluded that the Cable Committee voted unanimously to approve the renewal cable agreement for Charter Communications.

Chairman Healey praised the Committee for producing the agreement in a modest amount of time and asked if Charter or Verizon would be responsible for SAM's tie-in to the Town's fiber line. Mr. Rubenstein replied that SAM will be making the decision to either use Verizon's offer to provide the equipment to tie-in to the fiber line or Charter's offer to supply the Town with $5,000 to pay for the tie-in. Mr. Stivers stated that he felt the agreement was advantageous to the Town and urged the Committee to follow up and follow through with the administrative requirements for cable companies. Ms. Braccio asked if Counsel has reviewed the agreement and Mr. Rubenstein replied they had.

Mr. Stivers made a motion to approve the renewal cable agreement for Charter Communications as proposed. Mr. Shea seconded. The motion passed all in favor (5-0-0) by roll call vote, Braccio, aye; Malinowski, aye; Shea, aye; Stivers, aye; Healey, aye.

<u>Discussion with Planning Board, EDC and other stakeholders regarding potential zoning article for Downtown Business Village District</u>

Chairman Healey informed the other Boards and Committees that he read the Governor's statement for all at the beginning of the Board meeting. Mr. Morris called the Planning Board meeting to order at 7:15 P.M. Ms. Jasinski called the SHOPC meeting to order at 7:15 P.M. Ms. Luttrell of the Master Plan Committee and Mr. Wood of the EDC both announced they do not have a quorum. Chairman Healey gave a brief history of this initiative beginning from the 2008 Master Plan to today. He introduced Judy Barrett, consultant from Barrett Planning Group, LLC, and explained her role to assist in updating the zoning specifications for the downtown area. Ms. Barrett explained that in order to write clear zoning codes for any district, it must be understood what people want to see as far as activity, greenspace, and buildings. She added that the clearer the desires are for an area, the more predictable zoning becomes. Ms. Barrett asked for direction this evening so she can begin writing draft zoning changes.

Chairman Healey stated many surveys have been done to understand how residents would like the downtown to look and asked how the determination of uses impact how a zoning article will be written. Ms. Barrett explained how uses determine standards for property owners to understand what they can and cannot do by right. Chairman Healey asked about the consideration of mixed use and building a varied housing stock. Ms. Barrett explained that the clear goal from 2008 was for mixed use and explained that the intent in Southborough has been to have upper story housing above a commercial use. She said many communities are allowing mixed use and if Southborough would like this ability, she needs to understand what is clearly wanted to make sure the requirements are written deliberately. Ms. Barrett then explained why most planners encourage communities to create a new district rather than creating an overlay district.

Mr. Morris, Chair of Planning, stated he agreed that there should be a new district and explained how that would look in the Town Code. Mr. Mills stated he agreed but did not understand where the need for mixed use was coming from as most people he has talked to do not think its feasible due to parking limitations and lack of sewer services. Ms. Barrett stated she encourages mixed use and explained that if Southborough did not want this, she needs to know so the zoning can facilitate this. Ms. Luttrell agreed to creating new zoning versus an overlay district and explained that she is in favor of small-scale mix used and described what that would entail. She added that the draft Ms. Barrett created was in line with her idea of small-scale mixed use. Ms. Hoolahan stated she was also in favor of small-scale mixed use and felt that the Open Space Preservation Committee should be a key stakeholder in these discussions. She also voiced her concerns about lack of infrastructure and drainage in the downtown area. She asked the Board as the overseer of the DPW to resolve the drainage and wastewater and septic issues before moving forward with Ms. Barratt to solve zoning. Mr. Morris stated what she proposed could take decades and asked if she were suggesting to put this on hold until these issues are addressed. Ms. Hoolahan stated that was for the Board to decide. Ms. Barrett replied that in her experience infrastructure issues have been solved through mixed use developments during the redevelopment and reinvestment process. She added that she does not recommend holding the zoning progress as development can solve the infrastructure issues described. Chairman Healey stated the Board fought and won for the Main Street project which could be a catalyst to update zoning. He said the zoning progress should not be delayed because of other issues and developing Main Street stops right before downtown.

Ms. Braccio stated she supports small-scale mixed use for downtown and the renderings the EDC that depicts walkability and greenspace is what she is looking for in this area. She added she

would like the downtown to be a place to congregate and supports creating a new zoning district. She said her most important factor for downtown is one that promotes a sense of community and added that if there is going to be mixed use, there needs to be an affordability component to it. Ms. Malinowski stated the downtown should have nice places people can live and gather with a balance of open space and residential buildings. She added she is in favor of a creating a new zoning district. She asked about parking. Ms. Barrett stated it is her preference to write parking maximums. Mr. Shea stated that there have been many studies done to identify what people want to see in the downtown and those areas should be focused on. He added that the Town is taking the first step to create a means for people to get downtown safely and working to solve zoning and infrastructure issues should be done at the same time. Mr. Shea agreed to creating a new zoning district. Mr. Stivers stated downtown has a lot of assets to create a sense of community and would like to defer to Ms. Barrett for expertise in developing the district and the Board can focus on Town Meeting approval. He also would like to continue to look into parcel 54-40 to potentially create a larger footprint for the downtown. Mr. Stivers suggested designating a project manager to help streamline efforts.

Mr. Wood from the EDC explained where the thought for an overlay district came from and stated the Committee would be in support of creating a new zoning district. Ms. Connelly explained the need for diversity in the housing stock for the opportunity for young people and seniors to move and stay in Town. She suggested moving forward and following Ms. Barrett's advice as the expert and make sure everyone agrees with the vision for downtown. She added there is large support of the renderings the EDC created last year. Mr. Robbins stated that collaboration is necessary and that the option presented at Town Meeting should be clear with a unanimous consensus from all involved.

Ms. Jasinski described the need for more affordable housing units and the possibility of removing barriers for multi-family housing. She asked Ms. Barrett her views on mixed use and affordable housing. Ms. Barrett explained and warned against loading too many expectations in a small district. Ms. Jasinski explained the 40R option and Ms. Barrett felt this area was too small for a 40R development. Mr. Bhistikul explained 40R and how this could benefit the Town. Ms. Barrett agreed that there is opportunity in Southborough to look into a 40R district but does not feel the downtown is the right place for this.

Ms. Jasinski made a motion to adjourn the SHOPC meeting at 8:46 P.M. Ms. Malinwoski seconded. The motion passed all in favor by roll call vote. Mr. Mills made a motion to adjourn the Planning Board meeting at 8:47 P.M. Ms. Luttrell seconded. The motion passed all in favor by roll call vote.

Mr. Morris added that the Town Planner asked him to inform the Board that there are three items the Tree Committee has to work on before a draft gets moved to Planning and the Board. He suggested that the Board defer this item tonight and let the Tree Committee finish their work. Chairman Healey stated the next steps will take place on a number of levels and enable Ms. Barrett to begin drafting regulations for downtown. He added that the Board will get input from other stakeholders.

IV. Reports

Chairman's Report

Chairman Healey stated he received a response regarding the flagpole at the Town House and it is more favorable for the Town to resolve the issue rather than litigation. He added there is movement towards cooperation and resolution to return the flagpole to its condition prior to the most recent alterations.

Chairman Healey stated Mass Historical Society has reached out to restore the historical sign at the corner of Route 30 and Parkerville Road at no cost to the Town. He said they are going to move forward with this and will engage our Historical Commission and Historical Society to find an appropriate place for the sign.

Chairman Healey said he watched the Capital Planning meeting and they have pressed Ms. Galligan to put together as many shovel ready projects as possible. He added the Board should make sure to reach out to those outside of the DPW to ensure all projects that can be shovel ready soon are being moved forward. Chairman Healey stated there is a strong likelihood that after the election there will be an infrastructure bill in early 2021.

Chairman Healey said the Chair of the Capital Planning Committee reached out to setup a meeting and he suggested a separate meeting after October 20th. The Board agreed to October 27th.

Chairman Healy updated the Board that the Town received a 94 from the Commonwealth of Massachusetts for the Complete Streets Funding Program. He stated they are waiting for guidance from the State for the implementation plan.

Chairman Healey said he received a letter from National Grid and they do not have any projects planned for town property and therefore do not need any town property tree approvals. He said they will reach out before doing any work that impacts town land.

Chairman Healey discussed possible Executive Session topics for the October 20th meeting. He described a current litigation case, a public records request and the possibility of amending the public comment policy.

ii. Selectmen Goals-status report

Chairman Healey stated Mr. Stiver's revisions to the report were too lengthy and asked the Board to inform him of any updates to goals and any that may be missing from the report.

i. Liaison assignments

Chairman Healey explained the budget process and the current liaison relationship with the Finance Team and Advisory Committee. He voiced his concerns that a Board liaison could duplicate efforts. Ms. Malinowski stated that the Board does not have department heads in on a regular basis and they come to speak to their budgets once a year. She said with the upcoming year being challenging fiscally, she believes the Board should look at every line item and a liaison role would help members understand departments and their budgets more intimately. Mr. Stivers stated he is willing to defer to Advisory for budget items but would like to understand the longer-term opportunities or concerns. He said this would be in parallel with the budget process. Ms. Braccio supported the idea of a liaison. Mr. Shea stated that he was concerned that the Board may insert themselves too early in the process and may be duplicating efforts done by the

Finance Team and Mr. Purple. Chairman Healey proposed that between now and October 20th, he speak with Ms. Braccio to create a hybrid approach. The Board agreed.

Members' Report

i. Rent/Mortgage relief under CARES Act

Ms. Braccio explained the program and stated she spoke with the department head from Holliston Youth and Family Services to understand the setup. She stated they began with $25,000 and were overwhelmed with the response. She stated the second round of funding is available by the end of December. Ms. Braccio said she will be speaking with Ms. Cassell and will report back to the Board at the next meeting. Mr. Stivers asked how long it took Holliston to setup the program. Mr. Braccio stated it was relatively quick because funds are currently available. Mr. Stivers suggested she ask the contacts in Holliston about thresholds, if there were any negatives and a full understanding of the program. Ms. Braccio agreed.

Mr. Stivers stated he and Mr. Shea were trained on the ClearGov Budgeting System and he felt it will be helpful to track the budget process going forward. He asked if Mr. Shea had a report and update on the Deerfoot stormwater issue.

Mr. Shea stated there has not been a report from Pare Engineering as of yet. He said Pare Engineering visited the location during multiple rain events last week and observed the effects. Mr. Shea added that initial indications show that an additional catch basin would not intercept the overflow adequately and requested Pare Engineering confirm that the infrastructure in place is appropriate. He added that if the infrastructure in place is deemed appropriate, then it must be ensured that the roadway is paved to ensure the drainage works properly.

Mr. Shea stated that there is an event at the Golf Course this weekend to support ALS One in honor of Mr. Wilson and Mr. Shifrin.

Town Administrator Report

Mr. Purple stated that Ms. Malinowski has also been trained on the ClearGov Budget System and it could be a great answer to a lot of questions about the budget. He added he hopes the budget will be entered into the system at the start of this week. He stated the Town Accountant is looking into the CARES Act with other communities and urged Ms. Braccio to reach out to her. Mr. Purple added that Ms. McAuliffe has also been researching other benefits of the CARES Act and she has found that additional flu clinic expenses is eligible this year as there is anticipation of more participants.

i. Community Host Agreement update – CommCan

Mr. Purple stated Ms. Hoolahan summarized the letter from CommCan and he told the Board that Town or Special Counsel may have to respond. Chairman Healey stated he would have a conversation with Town Counsel and added that there are attorneys specialized in this area of law.

ii. EDC grant aware for Shared Streets program

Mr. Purple stated Southborough received $24,500 through the efforts of EDC Coordinator Marijke Munsiff. He stated the Town will be partnering with businesses to assist in funding

outdoor tents and heaters to extend outdoor dining in addition to improvements to greenspaces downtown. He applauded the EDC for their work.

iii. Status of 2020 Executive Session minutes

Mr. Purple stated he sent the Board a memo regarding the quarterly review on Executive Session minutes and determining what should be released, released with redactions or held due to the confidential nature of the Executive Session. He described the six Executive Session meetings from 2020 and Labor Counsel suggested four of the six sets can be released in their entirety. He stated it was suggested that one not be released due to ongoing litigation and the other could be released with redactions of the union contract negotiations. Mr. Purple stated he would like to put the five on the agenda for approval to release at the next meeting. He stated he is researching previous years for any Executive Session minutes that were held for the Board to review. Chairman Healey stated he was comfortable with this process. Ms. Malinowski asked if the list provided were approved but not released and Mr. Purple confirmed that was correct. Mr. Purple added that if there is no discussion about the minutes, the Board can approve in regular session.

Mr. Purple stated there have been questions from residents regarding their water rates. He said Ms. Galligan has been gathering information for public understanding of the changes and to provide insight as to why the water bills are as they are. This information has been posted on the Town website and they will continue to post updates as more questions come in. Mr. Purple asked the Board to review and provide feedback.

V. Consent Agenda

a. Mr. Stivers held agenda item "a." Mr. Stivers asked for "Ms. Sines" on page eight be changed to "Mr. Sines." Mr. Shea asked for the last sentence on page 6, paragraph one to be changed to "Chairman Healey requested…" Ms. Malinowski wanted to revise a sentence on page four to "…they went over the budget for deferred compensation which is a straight calc." Chairman Healey made a motion to approve Open Session Minutes: September 22, 2020 with the requested revisions. Mr. Shea seconded. The motion passed all in favor (5-0-0) by roll call vote, Braccio, aye; Malinowski, aye; Shea, aye; Stivers, aye; Healey, aye.

b. Chairman Healey made a motion to approve the revision to Golf Course Committee charge. Mr. Shea seconded. The motion passed all in favor (5-0-0) by roll call vote, Braccio, aye; Malinowski, aye; Shea, aye; Stivers, aye; Healey, aye.

c. Chairman Healey held agenda item "c." One-Day alcohol license applications, Chestnut Hill Farm Events: Fall Fun on the Farm, October 1 1 and October 18; Brew Moon Hike, October 10. Ms. Braccio stated concerns regarding parking for the events. She said the Conservation Commission approved expanding the parking lot to include twenty-four spaces and with 200 people expected to attend the October 11th events, she felt there would need to be overflow parking which is in opposition of the intent of the conservation restriction. She asked that if the Board approves these events tonight, there is a caveat that there is to be no overflow parking across the line at the north side defined by Conservation and parking be kept in Farmstead Parking as approved by Conservation. Chairman Healey said he reviewed the conservation restriction and the land management plan and he did not see these events as educational as outlined in a letter from the Trustees. He felt the land management plan is being stretch beyond the spirit of its nature with these events. Mr. Stivers said he shared the concerns and never envisioned events would be held for 200 people. He added that many people would disrupt the passive recreation allowed at the farm. He stated he would like a cap on event size in the future

to not overload the infrastructure. Mr. Shea stated he did not have a strong feeling either way but felt the events are a great opportunity for residents that might not otherwise go to the farm to visit. He added that he would be in support of the events with parking limitations. Ms. Braccio stated that the events on October 11th overlap and she was concerned about traffic leaving and arriving at the same time. Ms. Malinowski stated the same concern and asked that future events be better spaced out with a plan in place for people to come in and out to maximize the twenty-four spots. Mr. Shea made a motion to approve One-Day alcohol license applications, Chestnut Hill Farm Events: Fall Fun on the Farm, October 11 and October 18; Brew Moon Hike, October 10. Chairman Healey seconded for discussion. Mr. Stivers asked if there were opportunity for the applicants to come back to the Board or limit the approval in order to spread out timing. Ms. Braccio stated she initially was open to accepting this plan but is concerned that no one would monitor or enforce parking or timing changes. The vote failed (1-0-4) by roll call, Braccio, nay; Malinowski, nay; Shea, aye; Stivers, nay; Healey, nay.

d. Ms. Malinowski asked to hold agenda item "d." Ms. Malinowski stated the Board discussed the Fire Chief being included and not his designee. She asked for this to be revised. Chairman Healey agreed and added that St. Mark's no longer needs approval for remote learning enrichment. Mr. Purple stated that St. Mark's currently has five students and do not need this approval but will monitor for future applications. Chairman Healey made a motion to approve of COVID-19 Remote Learning Enrichment forms with Ms. Malinowski's revisions. Mr. Shea seconded. The motion passed all in favor (5-0-0) by roll call vote, Braccio, aye; Malinowski, aye; Shea, aye; Stivers, aye; Healey, aye.

e. Ms. Malinowski asked to hold consent agenda item "e." Ms. Malinowski stated she spoke with Ms. Hale to ensure that when the Board approves this policy, the older policy is removed at the same time. She also wanted clarification that there is a difference between a complaint and a grievance; that a complaint goes to the ADA Committee and a grievance goes through this process. She also asked if there was a separate form for a complaint. Mr. Shea stated the article proposed at Town Meeting that was postponed due to the pandemic, read that the ADA Committee serves as a conduit to voice complaints or issues. He said he raised the question as to the intention of the article for a grievance to be different from a complaint where a complaint holds more weight. Ms. Malinowski asked if the policy should be renamed to "complaint procedure." Mr. Purple stated the bylaw in the warrant speaks about concerns complaints and suggested to change the name to "complaint form." Ms. Hale stated the template for this policy was taken from CMRPC and was revised to add information pertinent from Southborough. Ms. Malinowski asked if the form could be submitted online and Ms. Hale stated it could not but they are working with IT. She added that the ADA Committee has not held a meeting to discuss the document and Ms. Hale replied that she reached out to the Chairman of the ADA Committee and received no feedback. Chairman Healey made a motion to approve the ADA Complaint and Non-Discrimination policy modified that "grievance" be replaced with "complaint or complainant" and in approving this at the same time rescind any previous ADA policies that may conflict. Mr. Stivers seconded. The motion passed all in favor (5-0-0) by roll call vote, Braccio, aye; Malinowski, aye; Shea, aye; Stivers, aye; Healey, aye. Mr. Purple thanked Ms. Hale for her work on this and John Parent and Tim Davis for ensuring the facilities were available to those needed for inspection. He explained the grant process through CMRPC and the cost savings to the Town.

f. Chairman Healey made a motion to appoint Keturah Martin to the Capital Planning — School Research Subcommittee. Mr. Shea seconded. The motion passed all in favor (5-0-0) by roll call vote, Braccio, aye; Malinowski, aye; Shea, aye; Stivers, aye; Healey, aye.

g. Chairman Healey made a motion to sign the warrant for November 3, 2020 State Election. Mr. Shea seconded. The motion passed all in favor (5-0-0) by roll call vote, Braccio, aye; Malinowski, aye; Shea, aye; Stivers, aye; Healey, aye.
h. Chairman Healey made a motion to open the warrant for 2021 Annual Town Meeting. Mr. Shea seconded. The motion passed all in favor (5-0-0) by roll call vote, Braccio, aye; Malinowski, aye; Shea, aye; Stivers, aye; Healey, aye.

VI. Other Matters Properly Before the Board

Discussion of partial waiver for Section 12 alcohol license renewals, Calendar Year 2021

Mr. Purple stated there has been movement among other towns to discount the Section 12 alcohol license renewal fees to support businesses that are struggling due to the impact of COVID-19. He explained what these licenses were for and the process for collecting renewal applications and fees. He said most towns are discounting 25% - 50% of the fee. Mr. Stivers stated he was supportive of this and the Board agreed. There was discussion about the need to support local businesses and their current financial struggles due to the pandemic. Chairman Healey made a motion to approve a 50% credit for Section 12 alcohol license renewals for the calendar year 2021 as described in the chart provided in the packet. Ms. Braccio seconded. The motion passed all in favor (5-0-0) by roll call vote, Braccio, aye; Malinowski, aye; Shea, aye; Stivers, aye; Healey, aye.

Tree removal policy

Mr. Stivers described the open issues with the policy regarding the process for trees to be removed on scenic roads. He stated he hopes to have this item on the agenda for the October 20th meeting. Chairman Healey stated he is hesitant to approve a policy that removes the Board from the process. He added that the policy may be more intensive than necessary to address the need for due process on the removal of potential important trees. Chairman Healey said the Town has a competent Tree Warden and process for tree removal. He said he felt the current appeal process is simple and may be the better process rather than creating a potentially complicated policy. Mr. Stivers said that the proposed policy becomes complicated when the tree is on a scenic road due to State Law giving the Planning Board a direct role. Mr. Stivers stated he will reconvene and update the Board.

VII. Public Comment

None

VIII. On a motion made by Mr. Shea, seconded by Mr. Stivers and voted by roll call all in favor, Braccio, aye; Malinowski, aye; Shea, aye; Stivers, aye; Healey, aye, the meeting was adjourned at 10:18 P.M.

Upcoming Meetings *October 20, 2020* *November 4, 2020*

Respectfully submitted,

Kathleen Barry, Recording Secretary

List of Documents referred to at the October 6, 2020 BOS Meeting:

- FY 2021 Goals – Boards and Committees
- Public Hearing Notice for 10.6.20 meeting
- Class II Used Car Dealer's License Application for T&L Auto
- Executive Summary - Charter Cable Television Renewal License
- EDC Downtown Initiative Presentation - September 2020 Update (V2)
- Host Community Agreement ("HCA") between CommCan, Inc. ("CommCan") and Town of Southborough dated 4.29.20
- Grant Announcement - Shared Streets and Spaces
- Draft Regular Session Minutes, September 22, 2020
- Draft Golf Course Committee Charge
- One-Day alcohol license applications, Chestnut Hill Farm Events dated 10.11.20, 10.18.20 and 10.10.20
- Draft Remote Learning Enrichment Program Exemption
- Draft Town of Southborough Non-Discrimination of Rights
- Warrant for 2020 State Election
- Section 12 restaurant-club alcohol licenses
- City and Town Alcohol License Comparison Chart
- Draft Public Shade Tree Policy
- Executive Session minutes review 201005
- TTOR legal follow up
- 10.5.20 Southborough BOS liquor license response letter
- Chestnut Hill Letter of conditions Sept 2020
- Renderings for BOS mtg 10-6
- 10.6.20 M. Danza re. Town Counsel Opinion
- Letter from Attorney Cipriano to Melissa Danza dated October 5, 2020

Trustees | Charles River Valley
37 Powisset Street | Dover, MA 02030

October 1, 2020

Mr. Martin F. Healey
Chair, Board of Selectmen
Office of the Board of Selectmen
Town of Southborough
Town House
17 Common Street
Southborough, MA 01772

Dear Mr. Healey:

We are in receipt of your September 25, 2020 letter requesting clarifications regarding the terms of the conservation restriction ("CR") held by the Town of Southborough at Chestnut Hill Farm as they relate to our application for certain one-day alcohol licenses.

When a permit is granted under the laws and regulations of the Town, we can only conduct that permitted activity as it complies with the terms of the CR. We engage with the Conservation Commission, as the delegated steward of the CR, on discussions of the CR and to ensure that its terms are followed. The Commission is aware of these events, which are designed to ensure town residents can enjoy the trails while also providing the opportunity to engage in family programming. We were pleased to see so many people walking the farm trails this past weekend, while others attended fall farm activities to celebrate the harvest season.

Regarding the Select Board's specific inquiries:

• The provisions of the Conservation Restriction and/or 2015 Land Management Plan for Chestnut Hill Farm under which the proposed events on those dates fall;

These events are educational activities as allowed under the CR.

• Whether approval of the Town of Southborough's Conservation Commission was sought and obtained for the proposed events on those dates;

Such approval is not needed under the CR.

• Whether any part of Chestnut Hill Farm covered by the Conservation Restriction and/or Land Management Plan will be used for the proposed events on those dates;

Yes, portions of the land subject to the CR will be used for these events.

• Whether any part of Chestnut Hill Farm covered by the Conservation Restriction and/or Land Management Plan will not be open to the public, without charge, during the hours of the proposed events;

No; all areas which the CR requires be open to the public at those times will in fact be open to the public, without charge.

• Whether any parking spaces identified in the Land Management Plan will be used for parking for the proposed events and, if so, the provisions of the Conservation Restriction and/or 2015 Land Management Plan that allow for that use.

Yes. The Management Plan addresses multiple locations for parking. Parking spaces located immediately north of the CSA Barn will be used for these events; the northern Parking Area will not be used. As communicated in a 2015 letter from the Conservation Commission, Town Counsel concurred that this was an authorized use under the CR. Please see an attached copy.

We look forward to your response to our applications for one-day alcohol licenses. Thank you for your continued interest in and support of Chestnut Hill Farm.

Sincerely,

D.A. Hayden

D.A. Hayden
Director – Charles River Valley Portfolio

Cc: Melissa Danza
Town of Southborough Conservation Commission

Enc: May 18, 2015 Letter from Town of Southborough Conservation Commission

Trustees | Charles River Valley
37 Powisset Street | Dover, MA 02030

October 6, 2020

Ms. Melissa Danza
Conservation Agent
Town of Southborough Conservation Commission
Town of Southborough
Town House
17 Common Street
Southborough, MA 01772

Dear Melissa:

Thank you for sending us the letter from Attorney Cipriano regarding his opinion on parking at the north lot of Chestnut Hill Farm.

We respectfully disagree with Town Counsel's interpretation and will be providing a response including our legal interpretation by the end of this week or early next week. We look forward to discussing the matter further with the Conservation Commission.

All Best,

D.A. Hayden

D.A. Hayden
Director – Charles River Valley Portfolio

TOWN OF SOUTHBOROUGH

OFFICE OF THE BOARD OF SELECTMEN
TOWN HOUSE · 17 COMMON STREET · SOUTHBOROUGH, MASSACHUSETTS 01772-1662
(508) 485-0710 · FAX (508) 480-0161 · selectmenoffice@southboroughma.com

September 25, 2020

BY 1ST CLASS MAIL AND EMAIL

Susan Eastland
The Trustees, Chestnut Hill Farm
5 Chestnut Hill Road
Southborough MA 01772
seastland@thetrustees.org

Re: Applications for One-Day Alcohol Licenses

Dear Ms. Eastland,

Please provide the following information in a written supplement to your Applications for One-Day Alcohol Licenses for the dates October 11, 2020, and after:

- The provisions of the Conservation Restriction and/or 2015 Land Management Plan for Chestnut Hill Farm under which the proposed events on those dates fall;
- Whether approval of the Town of Southborough's Conservation Commission was sought and obtained for the proposed events on those dates;
- Whether any part of Chestnut Hill Farm covered by the Conservation Restriction and/or Land Management Plan will be used for the proposed events on those dates;
- Whether any part of Chestnut Hill Farm covered by the Conservation Restriction and/or Land Management Plan will not be open to the public, without charge, during the hours of the proposed events;
- Whether any parking spaces identified in the Land Management Plan will be used for parking for the proposed events and, if so, the provisions of the Conservation Restriction and/or 2015 Land Management Plan that allow for that use.

Thank you in advance for providing the requested information. Our Board will consider the Applications at our next regular meeting on October 6, 2020.

Very truly yours,

//s// Martin F. Healey

Martin F. Healey
Chair, Board of Selectmen

City/Town	Reduction	Waived	Section 12 Only	All Alc License Types	Comments
Acton	25%		Y		
Barnstable			Y		3 month credit on their alcohol license fee for 2021. Since Section 12 licensees were closed part of March, April and May, thus the credit. If they did not open, they will not be charged until they reopen and will pro-rate the fee by the months they will open.
Cambridge	40%			Y	Also, other License Types
Chelsea	50%				
Easthamton				Y	LLA agreed to allow licensees the ability to apply for a fee reduction. If approved by the LLA, the licensee will receive the reduced renewal fee of up to 50%.
Egremont	25%			Y	In discussions.
Fall River	No				
New Bedford	No				
Springfield		X	Y		
Ware	25%		Y		
Wayland	25%		Y		All rates revert to the original fees after the 2021 renewals are complete.
Yarmouth	25%		Y		
Wellesley	No				Not publicly discussed, not inclined in fairness across retail. We have provided free 2hour meters through the end of the year

GALVANI LAW OFFICES, P.C.

Attorneys at Law

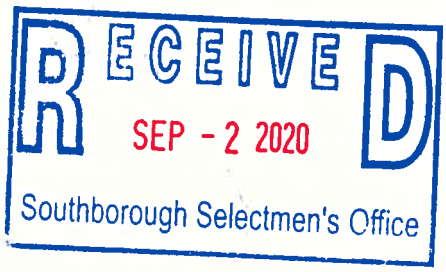
Paul V. Galvani

1881 Worcester Road, Suite 200
Framingham, MA 01701

Phone: (508) 626-3620
Fax: (508) 820-2727

pvg@galvanilawoffices.com

September 1, 2020



Licensing Administrator
Board of Selectmen
Town of Southborough
9 Cordaville Road
Southborough, MA 01772

RE: T&L Auto Care – 6 Turnpike Road – Application for Class II Used Car License

Dear Sir or Madam,

Please be advised that I am representing T&L Auto Care, Inc. with respect to an application for a Class II License to permit the sale of used cars at its current place of business at 6 Turnpike Road, Southborough.

Attached please find the following:

1. Application for a License to Buy, Sell, Exchange or Assemble Second Hand Motor Vehicles,
2. Memorandum in Support of Application,
3. Site and Parking Plans (full-size and reduced size) for 6 Turnpike Road,
4. Articles of Organization and Massachusetts Corporations Division Business Summary for T&L Auto Care, Inc.,
5. Commercial Lease between 6 Turnpike Road, LLC, Landlord, and T&L Auto Care, Tenant,
6. Certificate of Liability Insurance for T&L Auto Care, Inc.,
7. Bond Application to CNA Insurance,
8. Copies of Planning Board decisions for 6 Turnpike Road LLC,
9. Checks payable to Town of Southborough for $100.00 for filing fee and $75.00 for the advertising fee.

Please be advised that I have previously reviewed this matter with Town Planner Karina Quinn and Building Commissioner Laurie Livoli. Ms. Livoli agreed that no additional zoning approvals are necessary for the proposed sale of used vehicles at this location as the sale of new

and used vehicles is permitted in the Highway Business District and there is sufficient parking on the site to accommodate the proposed use as per zoning requirements.

If anything further is required, please do not hesitate to call or email. Otherwise, kindly schedule the required public hearing. Thank you.

Very truly yours,

Paul V. Galvani

Paul V. Galvani

Attachments

GALVANI LAW OFFICES, P.C.

Attorneys at Law

Paul V. Galvani

1881 Worcester Road, Suite 200
Framingham, MA 01701

Phone: (508) 626-3620
Fax: (508) 820-2727

pvg@galvanilawoffices.com

RECEIVED
SEP - 2 2020
Southborough Selectmen's Office

September 1, 2020

Board of Selectmen
Town of Southborough
9 Cordaville Road
Southborough, MA 01772

RE: T&L Auto Care – 6 Turnpike Road – Application for Class II Used Car License
MEMORANDUM IN SUPPORT OF APPLICATION

Dear Members of the Board of Selectmen,

I am representing 6 Turnpike Road LLC, owner of the land and building at 6 Turnpike Road, and T&L Auto Care, Inc., the primary tenant and business at this location. Both entities are solely owned by Anthony Medri. T&L Auto Care, Inc. has filed application with the Board of Selectmen for a Class II License to permit the sale of used cars at this location.

As per the Town's applicable rules and procedures, I initially reviewed this matter with Town Planner Karina Quinn and then filed a copy of this Application with Building Commissioner Laurie Livoli for the required zoning determination. Ms. Livoli determined that the sale of used cars in accordance with the factors listed below is an allowed use (subject to a license from the Board of Selectmen) without the necessity of further zoning approvals.

The property is located in a Highway Business zoning district on the southerly (eastbound lanes) of Turnpike Road at the Southborough/Framingham town line and was developed pursuant to a Special Permit and Major Site Plan Approval issued by the Planning Board by decisions dated May 3, 2016. A copy of those decisions and the "as-built" site plan are attached. The sale of used cars in this zoning district is an allowed use in accordance with the Southborough Zoning By-Law.

The "as-built" site plan, a copy of which is filed herewith, shows that 42 parking spaces were constructed on this site. There are two tenants in the building: T&L Auto Care, an automotive

repair facility, and Luxury Details, which sells and installs accessory equipment (such as sound systems) for automobiles and small trucks.

Luxury Details occupies 2,700 square feet, of which approximately 1,500 square feet is retail space. The balance is storage area. T&L Auto Care occupies approximately 7,000 square feet of space consisting of a customer waiting area, office, storage areas and interior service bays. T&L Auto Care is a full-service repair facility run by Mr. Medri who employs 6 mechanics full-time.

The total number of parking spaces required by the Southborough Zoning By-Law for both uses combined is 24. As indicated, the parking lot contains 42 off-street parking spaces as shown on the as-built plan. The parking spaces are used by customers of the businesses, employees and vehicles awaiting service and repair. This property is surrounded by various industrial, office and commercial uses.

Mr. Medri desires the ability to purchase vehicles from the Adesa Auto Auction in Framingham which only sells to auto dealers with a Class I or Class II license. The ability to sell used cars as an accessory to his primary business will help supplement his business. As required by Massachusetts law, the holder of a Class II License must be able to provide warranties and repair service to its buyers. In this instance, automotive service and repair is Mr. Medri's primary business and he can provide the required service on-site.

Mr. Medri is only requesting the right to display a maximum of five (5) used cars on the existing parking lot at one time. There will be no on-site advertising such as banners or placards or other similar displays. The spaces devoted to used vehicles for sale will be along the right (westerly) side of the existing parking lot. No additional lighting is proposed.

Proposed hours of operation will be within the existing hours of operation for T&L Auto Care, namely; 8:00AM to 5:00PM Monday through Friday and 8:00AM to 2:00PM on Saturday. The facility is closed on Sundays and no sales will be conducted on that day.

Thank you for your time and consideration.

Very truly yours,

Paul V. Galvani

Paul V. Galvani

Attachments

THE COMMONWEALTH OF MASSACHUSETTS

Town of Southborough

APPLICATION FOR A LICENSE TO BUY, SELL, EXCHANGE OR ASSEMBLE SECOND HAND MOTOR VEHICLES OR PARTS THEREOF

I, the undersigned, duly authorized by the concern herein mentioned, hereby apply for a Class II license, to Buy, Sell, Exchange or Assemble second hand motor vehicles or parts thereof, in accordance with the provisions of Chapter 140 of the General Laws.

1. What is the name of the concern? T&L Auto Care, Inc.

Business address of concern. No. 6 Turnpike Road,

Southborough City-Town.

2. Is the above concern an individual, co-partnership, an association or a corporation? corporation

3. If an individual, state full name and residential address.

4. If a co-partnership, state full names and residential addresses of the persons composing it.

5. If an association or a corporation, state full names and residential addresses of the principal officers.

President: Anthony G. Medri, 4 Hixon Street, Bellingham, MA 02019

Secretary: Anthony G. Medri, 4 Hixon Street, Bellingham, MA 02019

Treasurer: Anthony G. Medri, 4 Hixon Street, Bellingham, MA 02019

6. Are you engaged principally in the business of buying, selling or exchanging motor vehicles?

If so, is your principal business the sale of new motor vehicles? no

Is your principal business the buying and selling of second hand motor vehicles? yes

Is your principal business that of a motor vehicle junk dealer? no

7. Give a complete description of all the premises to be used for the purpose of carrying on the business.
Existing building at 6 Turnpike Road, which is owned by the Applicant, is the current location of T&L Auto Care, Inc., an automotive repair business. The premises contain four (4) service bays, customer waiting area, office and related facilities. The existing parking lot contains 42 parking spaces, 24 of which are required by the Zoning By-Law based upon the current uses and space within the building.

8. Are you a recognized agent of a motor vehicle manufacturer? No
(Yes or No)

If so, state name ofmanufactuer _____

9. Have you a signed contract as required by Section 58, Class 1? Yes.
(Yes or No)

10. Have you ever applied for a license to deal in second hand motor vehicles or parts thereof? No
(Yes or No)

If so, in what city-town _____

Did you receive a license? _____ For what year? _____
(Yes or No)

11. Has any license issued to you in Massachusetts or any other state to deal in motor vehicles or parts thereof ever been suspended or revoked? no
(Yes or No)

Sign your name in full _____
(Duly authorized to represent the concern herein mentioned)

Residence 4 Hixon Street, Bellingham, MA 02019

IMPORTANT

EVERY QUESTION MUST BE ANSWERED WITH FULL INFORMATION, AND FALSE STATEMENTS HEREIN MAY RESULT IN THE REJECTION OF YOUR APPLICATION OR THE SUBSEQUENT REVOCATION OF YOUR LICENSE IF ISSUED.

NoTE: If the applicant has not held a license in the year prior to this application, he must file a duplicate of the application with the registrar. (See Sec. 59)

Business Name: T&L AUTO CARE INC.

D/B/A: _____

Address: 6 TURNPIKE ROAD

Manager: ANTHONY G. MEDRI

HOURS OF OPERATION

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
CLOSED	8:00AM-5:00PM	8:00AM-5:00PM	8:00AM-5:00PM	8:00AM-5:00PM	8:00AM-5:00PM	8:00AM-2:00PM

APPLICANT WILL NOT FILL THE FOLLOWING BLANKS

Application after investigation _____
(Approved or Disapproved)

License No. _____ granted _____ 20____ Fee $ _____

Signed _____

_____

_____

_____

_____

_____

CHAPTER 140 OF THE GENERAL LAWS, TER. ED., WITH AMENDMENTS THERETO (EXTRACT)

Section 57. License; When Required; Report of Sales

Section 57. No person, except one whose principal business is the manufacture and sale of new motor vehicles but who incidentally acquires and sells second hand vehicles, or a person whose principal business is financing the purchase of or insuring motor vehicles but who incidentally acquires and sells second hand vehicles, shall engage in the business of buying, selling, exchanging or assembling second hand motor vehicles or parts thereof or allow any property under his control to be used as a place of sale or display of motor vehicles without securing a license as providing in section fifty-nine. This section shall apply to any person engaged in the business of conducting auctions for the sale of motor vehicles, and to any person engaged in the business of leasing or renting motor vehicles and who, as an incident to such business, sells or offers to sell any such lease or rental vehicle to the public. All sales of second-hand motor vehicles or parts thereof made by any person referred to in this section shall be reported weekly to the registrar of motor vehicles on such forms as may be prescribed by him.

Section 58. Classes of Licenses

Section 58. (a) Licenses granted under sections 59 and 59A shall be classified in accordance with subsections (b) to (d), inclusive. (b) Class 1. Any person who is a recognized agent of a motor vehicle manufacturer or a seller of motor vehicles made by such manufacturer whose authority to sell the same is created by a written contract with such manufacturer or with some person authorized in writing by such manufacturer to enter into such contract, and whose principal business is the sale of new motor vehicles, the purchase and sale of second hand motor vehicles being incidental or secondary thereto, may be granted an agent's or a seller's license; provided, that with respect to second hand motor vehicles purchased for the purpose of sale or exchange and not taken in trade for new motor vehicles, such dealer shall be subject to all provisions of this chapter applicable to holders of licenses of Class 2, except subsection (c), and to rules and regulations made under those provisions; and provided further, that such dealer maintains or demonstrates access to repair facilities sufficient to enable him to satisfy the warranty repair obligations imposed by section 7N1/4 of chapter 90, and shall remain liable for all warranty repairs made and other obligations imposed by said section 7N1/4 of said chapter 90.

(c) Class 2. A person whose principal business is the buying or selling of second hand motor vehicles, a person who purchases and displays second hand motor vehicles for resale in retail transactions, and any other person who displays second hand motor vehicles not owned by him pursuant to an agreement in which he receives compensation, whether solely for displaying the vehicles, upon the sale of each vehicle, or otherwise, may be granted a used car dealer's license and shall be subject to the following conditions:

(1) The person shall obtain a bond, or equivalent proof of financial responsibility as described in paragraph (5), and continue in effect a surety bond or other equivalent proof of financial responsibility satisfactory to the municipal licensing authority in the amount of $25,000 executed by a surety company authorized by the insurance department to transact business in the commonwealth. The bond or its equivalent shall be for the benefit of a person who purchases a vehicle from a Class 2 licensee, and who suffers loss on account of:-

(i) the dealer's default or nonpayment of valid bank drafts, including checks drawn by the dealer for the purchase of motor vehicles;

(ii) the dealer's failure to deliver, in conjunction with the sale of a motor vehicle, a valid motor vehicle title certificate free and clear of any prior owner's interests and all liens except a lien created by or expressly assumed in writing by the buyer of the vehicle;

(iii) the fact that the motor vehicle purchased from the dealer was a stolen vehicle;

(iv) the dealer's failure to disclose the vehicle's actual mileage at the time of sale;

(v) the dealer's unfair and deceptive acts or practices, misrepresentations, failure to disclose material facts or failure to honor a warranty claim or arbitration order in a retail transaction; or

(vi) the dealer's failure to pay off a lien on a vehicle traded in as part of a transaction to purchase a vehicle when the dealer had assumed the obligation to pay off the lien.

(2) Recovery against the bond or its equivalent may be made by any person who obtains a final judgment in a court of competent jurisdiction against the dealer for an act or omission on which the bond is conditioned if the act or omission occurred during the term of the bond. Every bond shall also provide that no suit may be maintained to enforce any liability on the bond unless brought within 1 year after the event giving rise to the cause of action.

(3) The bond or its equivalent shall cover only those acts and omissions described in clauses (i) to (vi), inclusive, of paragraph (1). The surety on a bond shall not be liable for total claims in excess of the bond amount, regardless of the number of claims made against the bond or the number of years the bond remained in force.

(4) A separate bond shall be required for each different name under which the dealer conducts his business and for each city or town in which the dealer has a place of business.

(5) In lieu of the bond required by this section, the municipal licensing authority may allow the dealer to deposit collateral in the form of a certificate of deposit or irrevocable letter of credit, as authorized by the banking laws of the commonwealth, which has a face value equal to the amount of the bond otherwise required. The collateral may be deposited with or executed through any authorized state depository designated by the commissioner. Interest on the certificate of deposit shall be payable to the dealer who has deposited it as collateral, or to a person as the dealer or the certificate may direct.

(6) A surety shall provide to the municipal licensing authority notice of cancellation of the bond within 30 days of the cancellation.

(7) Upon receipt of notification from a surety that a bond has been cancelled, the municipal licensing authority shall notify the licensee that he has 10 days to comply with the bonding requirement. If the licensee does not comply within the 10 day period, the municipal licensing authority shall revoke the Class 2 license and shall notify the registrar who shall suspend or revoke any dealer plate issued to the licensee pursuant to section 5 of chapter 90.

(8) A municipal licensing authority shall not issue or renew a Class 2 license unless it is satisfied that a bond or equivalent proof of financial responsibility meeting the requirements of this section is in effect during the term under which the license shall be issued or renewed, and that the licensee maintains or demonstrates access to repair facilities sufficient to enable him to satisfy the warranty repair obligations imposed by section 7N1/4 of chapter 90. A used car dealer shall remain liable for all warranty repairs made and other obligations imposed by said section 7N1/4 of said chapter 90.

(d) Class 3. A person whose principal business is the buying of second hand motor vehicles for the purpose of remodeling, taking apart or rebuilding and selling the same, or the buying or selling of parts of second hand motor vehicles or tires, or the assembling of second hand motor vehicle parts may be granted a motor vehicle junk license.

(e) The registrar of motor vehicles, after consulting the office of consumer affairs and business regulation, shall adopt rules and regulations defining sufficient repair facilities for the purposes of subsection (b) and paragraph (8) of subsection (c).

Section 59. Licensing authorities; expiration; fees; application; prerequisites; premises; ordinance regulations; revocation;

The police commissioner in Boston and the licensing authorities in other cities and towns may grant licenses under this section which shall expire on January first following the date of issue unless sooner revoked. The fees for the licenses shall be fixed by the licensing board or officer, but in no event shall any such fee be greater than $200. Application for license shall be made in such form as shall be approved by the registrar of motor vehicles, in sections fifty-nine to sixty-six, inclusive, called the registrar, and if the applicant has not held a license in the year prior to such application, such application shall be made in duplicate, which duplicate shall be filed with the registrar. No such license shall be granted unless the licensing board or officer is satisfied from an investigation of the facts stated in the application and any other information which they may require of the applicant, that he is a proper person to engage in the business specified in section fifty-eight in the classifications for which he has applied, that said business is or will be his principal business, and that he has available a place of business suitable for the purpose. The license shall specify all the premises to be occupied by the licensee for the purpose of carrying on the licensed business. Permits for a change of situation of the licensed premises or for additions thereto may be granted at any time by the licensing board or officer in writing, a copy of which shall be attached to the license. Cities and towns by ordinance or by-law may regulate the situation of the premises of licensees within class 3 as defined in section fifty-eight, and all licenses and permits issued hereunder to persons within said class 3 shall be subject to the provisions of ordinances and by-laws which are hereby authorized to be made. No original license or permit shall be issued hereunder to a person within said class 3 until after a hearing, of which seven days' notice shall have been given to the owners of the property abutting on the premises where such license or permit is proposed to be exercised. Except in the city of Boston, the licensing board or officer may, in its discretion, waive the annual hearing for renewal of a class 3 license. All licenses granted under this section shall be revoked by the licensing board or officer if it appears, after hearing, that the licensee is not complying with sections fifty-seven to sixty-nine, inclusive, or the rules and regulations made thereunder; and no new license shall be granted to such person thereafter, nor to any person for use on the same premises, without the approval of the registrar. The hearing may be dispensed with if the registrar notifies the licensing board or officer that a licensee is not so complying. In each case where such license is revoked, the licensing board or officer shall forthwith notify the registrar of such revocation. Any person aggrieved by any action of the licensing board or officer refusing to grant, or revoking a license for any cause may, within ten days after such action, appeal therefrom to any justice of the superior court in the county in which the premises sought to be occupied under the license or permit applied for are located. The justice shall, after such notice to the parties as he deems reasonable, give a summary hearing on such appeal, and shall have jurisdiction in equity to review all questions of fact or law and may affirm or reverse the decision of the board or officer and may make any appropriate decree. The parties shall have all rights of appeal as in other cases.

APPLICATION FOR A LICENSE TO BUY, SELL, EXCHANGE OR ASSEMBLE SECOND HAND MOTOR VEHICLES OR PARTS THEREOF.

APPLICANT WILL NOT FILL THE FOLLOWING BLANKS

Application No. _____

Class _____ License No. _____

Name _____

St. and No. _____

City — Town _____

Date Issued _____

Remarks _____

_____

_____

_____

_____

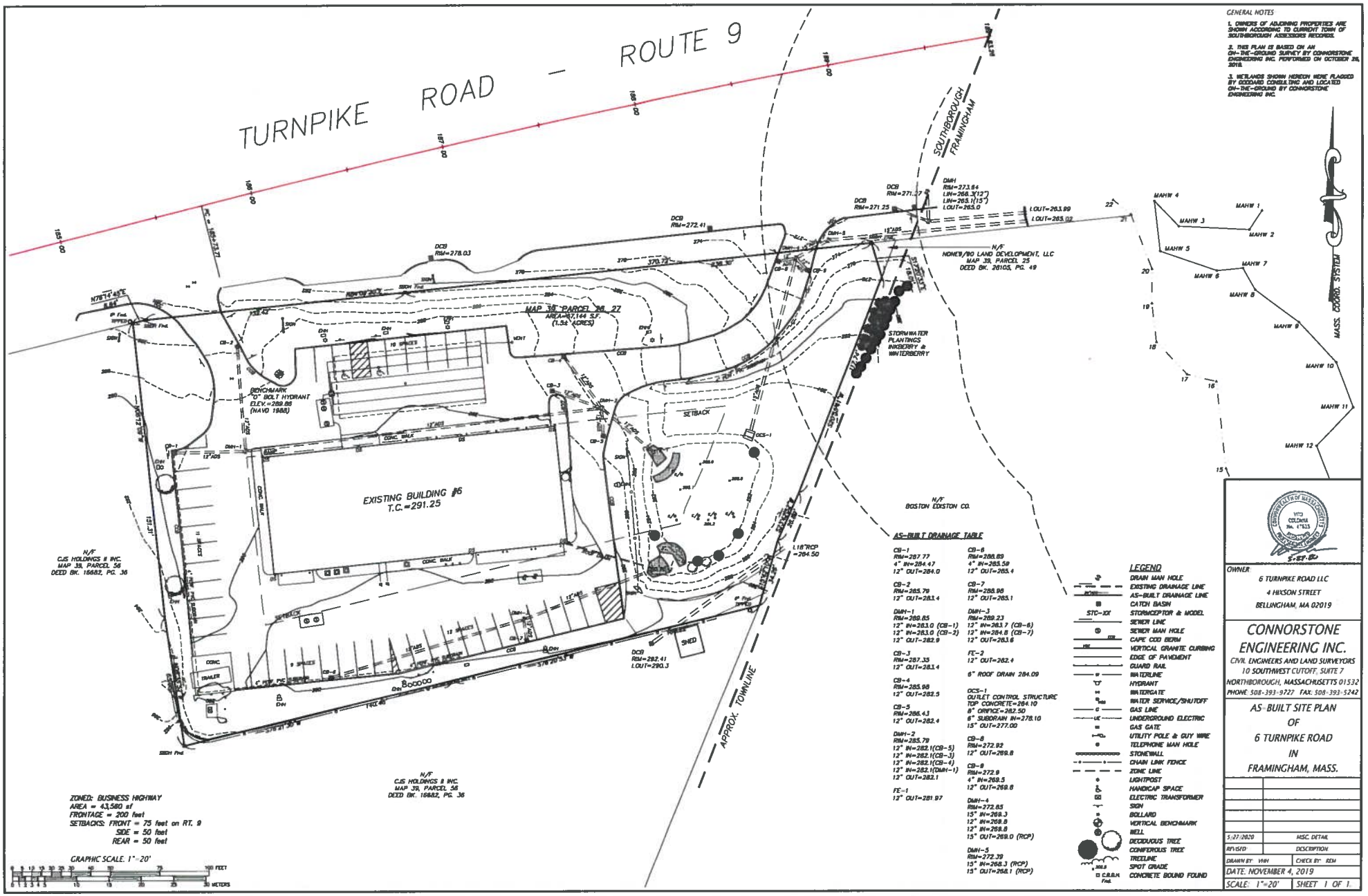
_____

_____

_____

_____

FORM 53 HOBBS & WARREN



GENERAL NOTES

1. OWNERS OF ABUTTING PROPERTIES ARE SHOWN ACCORDING TO CURRENT TOWN OF SOUTHBOROUGH ASSESSORS RECORDS.
2. THIS PLAN IS BASED ON AN ON-THE-GROUND SURVEY BY CONNORSTONE ENGINEERING INC. PERFORMED ON OCTOBER 30, 2018.
3. WETLANDS SHOWN HEREON WERE FLAGGED BY GOODARD CONSULTING AND LOCATED ON-THE-GROUND BY CONNORSTONE ENGINEERING INC.

ZONED: BUSINESS HIGHWAY
AREA = 43,580 sf
FRONTAGE = 200 feet
SETBACKS: FRONT = 75 feet on RT. 9
SIDE = 50 feet
REAR = 50 feet

GRAPHIC SCALE. 1"=20'

AS-BUILT DRAINAGE TABLE

CB-1
RIM=287.77
4" IN=284.47
12" OUT=284.0

CB-2
RIM=285.79
12" OUT=283.4

DMH-1
RIM=288.85
12" IN=283.0 (CB-1)
12" IN=283.0 (CB-2)
12" OUT=282.9

CB-3
RIM=287.35
12" OUT=283.4

CB-4
RIM=285.98
12" OUT=282.5

CB-5
RIM=286.41
12" OUT=282.4

DMH-2
RIM=285.79
12" IN=282.1(CB-5)
12" IN=282.1(CB-3)
12" IN=282.1(CB-4)
12" IN=282.1(DMH-1)
12" OUT=282.1

FE-1
12" OUT=281.97

CB-6
RIM=288.89
4" IN=285.59
12" OUT=285.4

CB-7
RIM=288.96
12" OUT=285.1

DMH-3
RIM=289.23
12" IN=283.7 (CB-6)
12" IN=284.8 (CB-7)
12" OUT=283.6

FE-2
12" OUT=282.4

6" ROOF DRAIN 284.09

OCS-1
OUTLET CONTROL STRUCTURE
TOP CONCRETE=284.10
6" ORIFICE=282.50
6" SUBDRAIN IN=278.10
15" OUT=277.00

CB-8
RIM=272.92
12" OUT=269.8

CB-9
RIM=272.9
4" IN=269.5
12" OUT=269.8

DMH-4
RIM=272.65
15" IN=268.3
12" IN=269.8
12" IN=269.8
15" OUT=269.0 (RCP)

DMH-5
RIM=272.39
15" IN=268.3 (RCP)
15" OUT=268.1 (RCP)

DMH
RIM=271.84
LIN=268.3(12")
LIN=265.1(15")
LOUT=265.0

DCB
RIM=271.27

DCB
RIM=271.25

LOUT=263.99

LOUT=265.02

DCB
RIM=272.41

DCB
RIM=278.03

DCB
RIM=292.41
LOUT=290.3

18"RCP
=264.50

LEGEND

- DRAIN MAN HOLE
- EXISTING DRAINAGE LINE
- AS-BUILT DRAINAGE LINE
- CATCH BASIN
- STC-101 STORMCEPTOR & MODEL
- SEWER LINE
- SEWER MAN HOLE
- CAPE COD BERM
- VERTICAL GRANITE CURBING
- EDGE OF PAVEMENT
- GUARD RAIL
- WATERLINE
- HYDRANT
- WATERGATE
- WATER SERVICE/SHUTOFF
- GAS LINE
- UNDERGROUND ELECTRIC
- GAS GATE
- UTILITY POLE & GUY WIRE
- TELEPHONE MAN HOLE
- STONEWALL
- CHAIN LINK FENCE
- ZONE LINE
- LIGHTPOST
- HANDICAP SPACE
- ELECTRIC TRANSFORMER
- SIGN
- BOLLARD
- VERTICAL BENCHMARK
- WELL
- DECIDUOUS TREE
- CONIFEROUS TREE
- TREELINE
- SPOT GRADE
- CONCRETE BOUND FOUND

OWNER
6 TURNPIKE ROAD LLC
4 HICKSON STREET
BELLINGHAM, MA 02019

CONNORSTONE ENGINEERING INC.
CIVIL ENGINEERS AND LAND SURVEYORS
10 SOUTHWEST CUTOFF, SUITE 7
NORTHBOROUGH, MASSACHUSETTS 01532
PHONE 508-393-9727 FAX: 508-393-5242

AS-BUILT SITE PLAN OF 6 TURNPIKE ROAD IN FRAMINGHAM, MASS.

5/27/2020	MISC. DETAIL
REVISED:	DESCRIPTION
DRAWN BY: VHH	CHECK BY: REH
DATE: NOVEMBER 4, 2019	
SCALE: 1"=20'	SHEET 1 OF 1.

Corporations Division

Business Entity Summary

ID Number: 204997845 Request certificate New search

Summary for: T & L AUTO CARE INC.

The exact name of the Domestic Profit Corporation: T & L AUTO CARE INC.
The name was changed from: TURNPIKE GETTY INC. **on** 05-28-2008
Merged with RTE 9 AUTOMOTIVE INC. on 04-04-2012
Entity type: Domestic Profit Corporation
Identification Number: 204997845
Date of Organization in Massachusetts: 05-11-2006
Last date certain:
Current Fiscal Month/Day: 12/31
The location of the Principal Office: Address: 6 TURNPIKE RD City or town, State, Zip code, Country: SOUTHBORO, MA 01772 USA
The name and address of the Registered Agent: Name: ANTHONY G. MEDRI Address: 6 TURNPIKE RD City or town, State, Zip code, Country: SOUTHBOROUGH, MA 01772 USA

The Officers and Directors of the Corporation:

Title	Individual Name	Address
PRESIDENT	ANTHONY G MEDRI	6 TURNPIKE RD SOUTHBORO, MA 01772 USA
TREASURER	ANTHONY G MEDRI	6 TURNPIKE RD SOUTHBORO, MA 01772 USA
SECRETARY	ANTHONY G MEDRI	6 TURNPIKE RD SOUTHBORO, MA 01772 USA
DIRECTOR	ANTHONY G MEDRI	6 TURNPIKE RD SOUTHBORO, MA 01772 USA

Business entity stock is publicly traded: ☐

The total number of shares and the par value, if any, of each class of stock which this business entity is authorized to issue:

Class of Stock	Par value per share	Total Authorized		Total issued and outstanding
		No. of shares	Total par value	No. of shares

CNP	$ 0.00	200,000	$ 0.00	200

Consent	Confidential Data	Merger Allowed	Manufacturing
☐	☐	☐	☐

View filings for this business entity:

ALL FILINGS
Administrative Dissolution
Annual Report
Application For Revival
Articles of Amendment

View filings

Comments or notes associated with this business entity:

New search

D

The Commonwealth of Massachusetts

William Francis Galvin
Secretary of the Commonwealth
One Ashburton Place, Boston, Massachusetts 02108-1512

FORM MUST BE TYPED **Articles of Organization** FORM MUST BE TYPED

(General Laws Chapter 156D, Section 2.02; 950 CMR 113.16)

ARTICLE I

The exact name of the corporation is:

TURNPIKE GETTY INC.

ARTICLE II

Unless the articles of organization otherwise provide, all corporations formed pursuant to G.L. Chapter 156D have the purpose of engaging in any lawful business. Please specify if you want a more limited purpose:

ARTICLE III

State the total number of shares and par value, * if any, of each class of stock that the corporation is authorized to issue. All corporations must authorize stock. If only one class or series is authorized, it is not necessary to specify any particular designation.

WITHOUT PAR VALUE		WITH PAR VALUE		
TYPE	NUMBER OF SHARES	TYPE	NUMBER OF SHARES	PAR VALUE
Common	200,000			

*G.L. Chapter 156D eliminates the concept of par value, however a corporation may specify par value in Article III. See G.L. Chapter 156D

ARTICLE IV

Prior to the issuance of shares of any class or series, the articles of organization must set forth the preferences, limitations and relative rights of that class or series. The articles may also limit the type or specify the minimum amount of consideration for which shares of any class or series may be issued. Please set forth the preferences, limitations and relative rights of each class or series and, if desired, the required type and minimum amount of consideration to be received.

NOT APPLICABLE

ARTICLE V

The restrictions, if any, imposed by the articles of organization upon the transfer of shares of any class or series of stock are:

SEE ATTACHMENT 1

ARTICLE VI

Other lawful provisions, and if there are no such provisions, this article may be left blank.

SEE ATTACHMENT 2

ARTICLES OF ORGANIZATION

ARTICLE V

Any stockholder, including the heirs, assigns, executors or administrators of a deceased stockholder, desiring to sell or transfer such stock owned by him or them, shall first offer it to the corporation through the Board of Directors, in the manner following:

He shall then notify the directors of his desire to sell or transfer by notice in writing, which notice shall contain the price at which he is willing to sell or transfer and the name of one arbitrator. The directors shall within thirty days thereafter either accept the offer, or by notice to him in writing, name a second arbitrator and these two shall name a third. It shall then be the duty of the arbitrators to ascertain the value of the stock and if any arbitrator shall neglect or refuse to appear at any meeting appointed by the arbitrators, a majority may act in the absence of such arbitrator. The value set by the arbitrators shall be binding on all parties. After the acceptance of the offer, or the report of the arbitrators as to the value of the stock, the said directors shall have thirty days within which to purchase the same at such valuation, but if at the expiration of the thirty days, the corporation shall not have exercised the right to purchase, the owner of the stock shall then be at liberty to dispose of the same in any manner he may see fit. No shares of stock may be sold or transferred on the books of the corporation until these provisions have been complied with, but the Board of Directors may in particular instance waive the requirements.

ARTICLE VI

Other lawful provisions, if any, for the conduct and regulation of the business and affairs of the corporation, for its voluntary dissolution, or for limiting, defining, or regulating the powers of the corporation, or of its directors or stockholders, or of any class of stockholders:

6A. Limitation of Director Liability

A director of this corporation shall not be personally liable to the corporation or its stockholders for monetary damages for breach of fiduciary duty as a director, notwithstanding any provision of laws imposing such liability, except for liability (i) for any breach of the director's duty of loyalty to the corporation or stockholders, (ii) for acts or omissions not in good faith or which involve intentional misconduct or a knowing violation of law, (iii) for any transaction from which the director derived an improper personal benefit. No amendment to or repeal of this provision shall apply to or have any effect on the liability or alleged liability of any director of the corporation for or with respect to any acts or omissions of such director occurring prior to such amendment.

6B. Indemnification

1. The corporation shall, to the fullest extent permitted by the applicable provisions of Chapter 156D of the Massachusetts General Laws, as amended from time to time, indemnify each person who was or is a party or is threatened to be made a party to any threatened, pending or completed action, suit or proceeding, whether civil, criminal, administrative or investigative, by reason of the fact that he is or was, or has agreed to become, a director or officer of the corporation, or is or was serving, or has agreed to serve, at the request of the corporation, as a director or officer of, or in a similar capacity with, another organization or in any capacity with respect to any employee benefit plan of the corporation, or by reason of any action alleged to have been taken or omitted in such capacity, against all expenses (including attorney fees), judgments, fines and amounts paid in settlement incurred by him or on his behalf in connection with such action, suit or proceeding and any appeal therefrom, unless such person shall be finally adjudicated in such action, suit or proceeding not to have acted in good faith in the reasonable belief that his action was in the best interests of the corporation or, to the extent such matter relates to service with respect to an employee benefit plan, in the best interests of the participants or beneficiaries of such employee benefit plan.

2. Notwithstanding the provisions of Section 1 of this Article 6B, in the event that a pending or threatened action, suit or proceeding is compromised or settled in a manner which imposes any liability or obligation upon any person in a matter for which such person would otherwise be entitled to indemnification hereunder, no indemnification shall be provided to such person with respect to such matter if it is determined, pursuant to Section 4 of this Article 6B, on the basis of facts known at that time (without independent investigation), that such person did not act in good faith in the reasonable belief that his action was in the best interests of the corporation or, to the extent such matter relates to service with respect to an employee benefit plan, in the best interests of the participants or beneficiaries of such employee benefit plan.

3. Indemnification may include payment by the corporation of expenses in defending an action or proceeding in advance of the final disposition of such action or proceeding upon receipt of an undertaking by the person indemnified to repay such payment if it is ultimately determined that such person is not entitled to indemnification under this Article 6B, which undertaking may be accepted without reference to the financial ability of such person to make such repayment.

4. Any determination of whether a person is entitled to indemnification pursuant to Section 2 of this Article 6B shall be made by: (a) a majority vote of a quorum of the directors of the corporation consisting of persons who are not at that time parties to the action, suit or proceeding in questions ("disinterested -director"), (b) if no such quorum is obtainable, a majority vote of a committee of two or more disinterested directors, (c) a majority vote of a quorum of the outstanding shares of stock of all classes entitled to vote for directors, voting as a single class, which quorum shall consist of stock holders who are not at that time parties to the action, suit or proceeding in question, (d) independent legal counsel (who may be regular legal counsel to the corporation) appointed for such purpose by vote of the directors in the manner specified in clause (a) or (b) above, or (e) a court of competent jurisdiction.

5. The corporation shall not indemnify any such person seeking indemnification in connection with a proceeding (or part thereof) initiated by such person unless the initiation thereof was approved by the Board of Directors of the corporation.

6. The indemnification rights provided in this Article (i) shall not be deemed exclusive of any other rights to which those indemnified may be entitled under any law, agreement or vote of stockholders or disinterested directors or otherwise, and (ii) shall inure to the benefit of the heirs, executors and administrators of such persons. The corporation may, to the extent authorized from time to time by its Board of Directors, grant indemnification rights to other employees or agents of the corporation or other persons serving the corporation and such rights may be equivalent to, or greater or less than, those set forth in this Article 6B.

6C. Other Provisions

(a) The directors may make, amend, or repeal the Bylaws in whole or in part, except with respect to any provision of such Bylaws which by law or these Articles or the Bylaws requires action by the stockholders.

(b) Meetings of the stockholders of the corporation may be held anywhere in the United States.

(c) The corporation, by vote of a majority of the stock outstanding and entitled to vote thereon (or if there are two or more classes of stock entitled to vote as separate classes, then by vote of a majority of each such class of stock outstanding), may (i) authorize any amendment to its Articles of Organization pursuant to the Massachusetts General Laws, as amended from time to time, (ii) authorize the sale, lease or exchange of all or substantially all of its property and assets, including its goodwill, pursuant to the Massachusetts General Laws, as amended from time to time; and (iii) approve an agreement of merger or consolidation pursuant to the Massachusetts General Laws, as amended from time to time.

(d) The Corporation may be a partner in any partnership, joint venture, or other business enterprise which it would have the power to conduct by itself.

ARTICLE VII

The effective date of organization of the corporation is the date and time the articles were received for filing if the articles are not rejected within the time prescribed by law. If a later effective date is desired, specify such date, which may not be later than the 90th day after the articles are received for filing:

ARTICLE VIII

The information contained in this article is not a permanent part of the articles of organization.

a. The street address of the initial registered office of the corporation in the commonwealth:
1660 Worcester Road, Framingham, MA 01702

b. The name of its initial registered agent at its registered office:
Anthony G. Medri

c. The names and street addresses of the individuals who will serve as the initial directors, president, treasurer and secretary of the corporation (an address need not be specified if the business address of the officer or director is the same as the principal office location):

President: Jack M. Azar

Treasurer: Anthony G. Medri

Secretary: Anthony G. Medri

Director(s): Jack M. Azar
Anthony G. Medri

d. The fiscal year end of the corporation:
The Last Day of the Month of December

e. A brief description of the type of business in which the corporation intends to engage:
Gas Station, Auto Repair, Convenience Store

f. The street address of the principal office of the corporation:
1660 Worcester Road, Framingham, MA 01702

g. The street address where the records of the corporation required to be kept in the commonwealth are located is:

1660 Worcester Road, Framingham, MA 01702 , which is
(number, street, city or town, state, zip code)

☑ its principal office;

☐ an office of its transfer agent;

☐ an office of its secretary/assistant secretary;

☐ its registered office.

Signed this 8th day of May , 2006 by the incorporator(s):

Signature: _____

Name: Anthony G. Medri

Address: 4 Hixon Street, Bellingham, MA 02019

5198

COMMONWEALTH OF MASSACHUSETTS

William Francis Galvin
Secretary of the Commonwealth
One Ashburton Place, Boston, Massachusetts 02108-1512

Articles of Organization
(General Laws Chapter 156D, Section 2.02; 950 CMR 113.16)

980184

I hereby certify that upon examination of these articles of organization, duly submitted to me, it appears that the provisions of the General Laws relative to the organization of corporations have been complied with, and I hereby approve said articles; and the filing fee in the amount of $ 275 having been paid, said articles are deemed to have been filed with me this 15 day of May, 2006, at 12:19 a.m./p.m.
time

Effective date: _____
(must be within 90 days of date submitted)

William Francis Galvin

WILLIAM FRANCIS GALVIN
Secretary of the Commonwealth

Examiner

Name approval

C

M

Filing fee: $275 for up to 275,000 shares plus $100 for each additional 100,000 shares or any fraction thereof.

TO BE FILLED IN BY CORPORATION
Contact Information:

Peter E. Padula, Esq., Wozniak & Padula, P.C.

247 East Central Street

Franklin, MA 02038

Telephone: 508-528-8811

Email: pepadula@comcast.net

Upon filing, a copy of this filing will be available at www.sec.state.ma.us/cor.
If the document is rejected, a copy of the rejection sheet and rejected document will be available in the rejected queue.

2006 MAY 11 P 12:19

D
PC

The Commonwealth of Massachusetts

William Francis Galvin
Secretary of the Commonwealth
One Ashburton Place, Boston, Massachusetts 02108-1512

FORM MUST BE TYPED

Articles of Merger
Involving Domestic Entities

(General Laws Chapter 156D, Section 11.06; 950 CMR 113.36)

FORM MUST BE TYPED

(1) Exact name of each domestic corporation or other entity involved in the merger:

RTE 9 AUTOMOTIVE INC. (M) 2-14-11 001046433

T & L Auto Care Inc (S) 5-11-06 204997845

(2) Exact name of the surviving entity: T & L AUTO CARE INC.

(3) The merger shall be effective at the time and on the date approved by the Division, unless a later effective date not more than 90 days from the date and time of filing is specified: _____

(check appropriate box)

(4) ☑ The plan of merger was duly approved by the shareholders, and where required, by each separate voting group as provided by G.L. Chapter 156D and the articles of organization.

OR

☐ The plan of merger did not require the approval of the shareholders.

(5) Participation of each other entity was duly authorized by the law under which the other entity is organized or by which it is governed and by its articles of organization or other organizational documents.

(6) Attach any amendment to articles of organization of the surviving entity, where the survivor is a domestic business corporation.

(7) Attach the articles of organization of the surviving entity where the survivor is a NEW domestic business corporation, including all the supplemental information required by 950 CMR 113.16.

Signed by: ,

(signature of authorized individual)

- ☐ Chairman of the board of directors,
- ☑ President,
- ☐ Other officer,
- ☐ Court-appointed fiduciary,

on this 23rd day of January, 2012.

Signed by: ,

(signature of authorized individual)

- ☐ Chairman of the board of directors,
- ☑ President,
- ☐ Other officer,
- ☐ Court-appointed fiduciary,

WAIVER OF NOTICE OF THE SPECIAL MEETING

OF

THE DIRECTORS

OF

RTE 9 AUTOMOTIVE INC

We, the undersigned, being all of the directors of the corporation, hereby agree and consent that the Special meeting of the directors of the corporation be held at the offices of the corporation at 1660 Worcester Road, Framingham, MA on January 27, 2012 at 10:00 AM and hereby waive all notice whatsoever of such meeting and of any adjournment or adjournments thereof.

We do further agree and consent that any and all lawful business may be transacted at such meeting or at any adjournment or adjournments thereof as may be deemed advisable by any shareholder present thereat. Any business transacted at such meeting or at any adjournments thereof shall be as valid and legal and of the same force and effect as if such meeting or adjourned meeting were held after notice.

ANIL BHAWANANI

Dated:

1091

COMMONWEALTH OF MASSACHUSETTS

William Francis Galvin
Secretary of the Commonwealth
One Ashburton Place, Boston, Massachusetts 02108-1512

Articles of Merger
Involving Domestic Entities
(General Laws Chapter 156D, Section 11.06; 950 CMR 113.36)

I hereby certify that upon examination of these articles of merger, duly submitted to me, it appears that the provisions of the General Laws relative thereto have been complied with, and I hereby approve said articles; and the filing fee in the amount of $ 250 having been paid, said articles are deemed to have been filed with me this 4 day of April 20 12 at 9:30 a.m./p.m.
time

1169146

Effective date: April 4 2012
(must be within 90 days of date submitted)

William Francis Galvin

WILLIAM FRANCIS GALVIN
Secretary of the Commonwealth

Filing fee: Minimum $250

SECRETARY OF THE COMMONWEALTH
2012 APR -4 AM 9:30
CORPORATIONS DIVISION

MP
Examiner

Name approval

C

#A.R.

TO BE FILLED IN BY CORPORATION
Contact Information:

Robert P. Jachowicz, Esquire

Mayer, Antonellis, Jachowicz & Haranas LLP

439 Worcester Road, Framingham, MA 01701

Telephone: 508-620-0140

Email: rjachowicz@hkwg.com

Upon filing, a copy of this filing will be available at www.sec.state.ma.us/cor.
If the document is rejected, a copy of the rejection sheet and rejected document will be available in the rejected queue.

COMMERCIAL LEASE

1. PARTIES

Commercial Lease Agreement made this 2nd day of January, 2020.

6 TURNPIKE ROAD LLC, a Massachusetts limited liability company with a place of business at 4 Hixon Street, Bellingham, MA 02019, the "LANDLORD", which expression shall include its heirs, successors, and assigns where the context so admits, does hereby lease to

T & L AUTO CARE, INC., a Massachusetts corporation with a current place of business at 6 Turnpike Road, Southborough, Massachusetts 01772 the **"TENANT"**, which expression shall include her successors, executors, administrators, and assigns where the context so admits, and the TENANT hereby leases the following described premises:

2. PREMISES

The "Premises" consist of approximately 7,000 rentable square feet of commercial space within the building on the "Property" known and numbered as 6 – 8 Turnpike Road, Southborough, Massachusetts, (the "premises") together with the right to use, in common with others entitled thereto, the parking areas and vehicular and pedestrian access ways. TENANT shall be allowed signage on the monument sign constructed along the frontage of the Property with Turnpike Road and on the front façade of the building. The cost of signage shall be at TENANT's expense and subject to any necessary permits and approvals from the Town of Southborough, and also subject to the consent of the LANDLORD.

LANDLORD shall construct the building and all site improvements, including driveways, parking areas, drainage, lighting and landscaping. LANDLORD shall deliver the premises to TENANT with all utilities brought into the space, including electricity, data, and telephone, a concrete floor, doors for customers and employees and overhead doors, fire protection as required by the Southborough Fire Department and an HVAC system. LANDLORD shall also construct a single half-bathroom containing a sink and toilet for TENANT'S use. All of the work and improvements that shall be provided by the LANDLORD are set forth in "Exhibit A" attached hereto and incorporated herein by reference. Upon completion of these improvements, TENANT accepts the Premises in its "as-is" condition. TENANT shall then be responsible to pay for and construct all of its interior improvements and fit-up for its proposed use and occupancy of the premises. LANDLORD shall have no obligation to do any work or make installation or alteration of any kind other than as listed and specified here in. LANDLORD shall allow the TENANT to access the Premises upon substantial completion of LANDLORD's work as described above prior to occupancy for the purpose of constructing its improvements.

3. TERM

The term of this lease shall commence upon the LANDLORD'S delivery of possession of the premises to the TENANT, estimated to be January 1, 2020 and expire Five (5) Years thereafter. The delivery of possession shall also be the "Rent Commencement Date." TENANT shall have two, five-year options to renew the Lease. The rental rate for the two, five-year, market rates for comparable space in Southborough and surrounding towns and subject to negotiation by the parties.

The TENANT shall pay to the LANDLORD basic rent at the rates listed below starting on the Rent Commencement Date:

CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY): 08/27/2020

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Dowling Insurance Agency, Inc 44 Adams Street P.O. Box 850962 Braintree MA 02185-0962	CONTACT NAME: Bridgette Marcella PHONE (A/C, No, Ext): (781) 848-7652 FAX (A/C, No): (781) 380-8783 E-MAIL ADDRESS: bmarcella@dowlingins.com
INSURED T & L Auto Care, Inc. 6 Turnpike Road Southborough MA 01701	INSURER(S) AFFORDING COVERAGE — NAIC # INSURER A : MA Retail Merchants WC Group, Inc. — 34355 INSURER B : INSURER C : INSURER D : INSURER E : INSURER F :

COVERAGES **CERTIFICATE NUMBER:** 8-27 Town Of Southborough **REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS	
	COMMERCIAL GENERAL LIABILITY						EACH OCCURRENCE	$
	☐ CLAIMS-MADE ☐ OCCUR						DAMAGE TO RENTED PREMISES (Ea occurrence)	$
							MED EXP (Any one person)	$
							PERSONAL & ADV INJURY	$
	GEN'L AGGREGATE LIMIT APPLIES PER:						GENERAL AGGREGATE	$
	☐ POLICY ☐ PRO-JECT ☐ LOC						PRODUCTS - COMP/OP AGG	$
	☐ OTHER:							$
	AUTOMOBILE LIABILITY						COMBINED SINGLE LIMIT (Ea accident)	$
	☐ ANY AUTO						BODILY INJURY (Per person)	$
	☐ OWNED AUTOS ONLY ☐ SCHEDULED AUTOS						BODILY INJURY (Per accident)	$
	☐ HIRED AUTOS ONLY ☐ NON-OWNED AUTOS ONLY						PROPERTY DAMAGE (Per accident)	$
								$
	☐ UMBRELLA LIAB ☐ OCCUR						EACH OCCURRENCE	$
	☐ EXCESS LIAB ☐ CLAIMS-MADE						AGGREGATE	$
	☐ DED ☐ RETENTION $							$
A	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) Y/N: N If yes, describe under DESCRIPTION OF OPERATIONS below	N/A		014005032477120	01/01/2020	01/01/2021	☐ PER STATUTE ☐ OTH-ER	
							E.L. EACH ACCIDENT	$ 100,000
							E.L. DISEASE - EA EMPLOYEE	$ 100,000
							E.L. DISEASE - POLICY LIMIT	$ 500,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

CERTIFICATE HOLDER

Town Of Southborough
49 Boston Road
Southborough, MA 01772

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

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The ACORD name and logo are registered marks of ACORD

Premium Requested:
☐ 1 yr
☐ 2 yrs
☐ 3 yrs

CNA SURETY

(Application Number) _____

Individual ☐
Partnership ☐
Corporation ☐
Limited Liability Company ☐
Limited Liability Partnership ☐

Form 10-E
EASY APPLICATION FOR BONDS

The submission of this application by the Applicant and its owners is authorization to the Company to obtain a credit report on the Applicant and its owners. The Company reserves all rights and legal duties associated with this application and any and all bonds issued as a result; including, but not limited to the right to handle or settle any claim or suit in good faith and the Company's decision shall be binding on the Applicant and its owners. This Agreement shall be in addition to and not in lieu of or in replacement of all other indemnity agreements.

PLEASE PRINT OR TYPE.

Applicant(s) - Individual, partners, or corporate owner(s). List the principal owner first. Attach additional Form 10-E's and cross reference if more than four owners.

1. Name ANTHONY MEDRI
Residence Address 4 HIXON ST
BELLINGHAM MA 02019
Telephone # ___ ___ ____
☐ Single ☒ Married
Social Security No. ___ ___ ____
Does this applicant own real estate? ☒ Yes ☐ No

2. Name _____
Residence Address _____
Telephone # _____ ☐ Single ☐ Married
Social Security No. _____
Does this applicant own real estate? ☐ Yes ☐ No

3. Name _____
Residence Address _____
Telephone # _____ ☐ Single ☐ Married
Social Security No. _____
Does this applicant own real estate? ☐ Yes ☐ No

4. Name _____
Residence Address _____
Telephone # _____ ☐ Single ☐ Married
Social Security No. _____
Does this applicant own real estate? ☐ Yes ☐ No

Business or Corporate Name:
T & L AUTOCARE
Business Address 6 TURNPIKE RD
SOUTHBORO MA 01772
Telephone # 508 872 9382

Number of Years in this Business: 27	Number of Years Licensed:
Type of Bond Requested:	
Amount of Bond: $	License No.
Effective date:	

Has the business, or any other owner/applicant:
a. Ever been convicted of a crime? ☐ Yes ☒ No
b. Ever had their license suspended, revoked or denied? ☐ Yes ☒ No
c. Ever been party to a surety bond claim? ☐ Yes ☒ No
(If any answers are yes, provide details.)

Entity requiring this bond (and address):
_____
_____

Agent's recommendation/additional comments:

Agency DOWLING INS AGENCY
Address PO BOX 859222
Street
BRAINTREE MA 02185
City State Zip
Agent's Code —

Any person who, with intent to defraud or knowing that he is facilitating a fraud against an insurer, submits an application or files a claim containing a false or deceptive statement is guilty of insurance fraud.

☐ Check here if this correspondence was previously faxed or emailed

CNA SURETY
P.O. Box 5077 • Sioux Falls, South Dakota 57117-5077
www.cnasurety.com

Phone: (800) 331-6053 Fax: (605) 335-0357
Email: uwservices@cnasurety.com

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Town of Southborough

PLANNING BOARD

SOUTHBOROUGH, MASSACHUSETTS 01772

17 COMMON STREET
SOUTHBOROUGH, MASSACHUSETTS 01772-1662
508-485-0710

RECEIVED
TOWN CLERK'S OFFICE
2016 MAY -6 A 11:44
SOUTHBOROUGH, MA

May 3, 2016

DECISION of MAJOR SITE PLAN APPROVAL
6-8 Turnpike Road LLC

Procedural History

1. An Application for Major Site Plan Approval was filed in the Office of the Southborough Town Clerk on January 29, 2016.
2. The Major Site Plan Approval is sought under Southborough Zoning Bylaw §174-10 to construct a one-story commercial building containing 9,000 Sq. Ft. for automotive repair and retail use, off-street parking and associated landscaping and lighting.
3. The Applicant is before the Planning Board for:
    a. Major Site Plan Review. Sections:
        - 174-10-A (1) Any nonresidential development that results in an increase in on-site parking
        - 174-10-A (2) All modifications to existing development projects which fall within the applicability of the town's regulations for parking and loading Section 174-12 or landscaping Section 174-13
        - 174-10-A (3) any change in use or reactivation of a facility that has not been in use for a period of two (2) years.
4. The Record Owner of the property is 6 Turnpike Road LLC, 4 Hixson Road, Bellingham, MA 02019
5. The Applicant is 6 Turnpike Road LLC, 4 Hixson Road, Bellingham, MA 02019.
6. The subject property is identified as 6-8 Turnpike Road and according to the Southborough Assessor's Tax Map 39, Lot 26 & 27, Southborough, MA. The property is located within the Business Highway District.
7. The hearing has been duly complied with regarding notice; a public hearing was opened on March 7, 2016. The public hearing was continued to March 21, 2016 and April 25, 2016. A copy of the minutes for each session of the public hearing is available in the Planning Department.
8. The application was accompanied by plans entitled "Proposed Site Plan 6 Turnpike Road, Southborough, MA", dated December 28, 2015; Connorstone Engineering Consulting Civil Engineers and Land Surveyors, 10 Southwest Cutoff, Suite 7, Northborough, MA 01532

stamped by Vito Colonna, PE; and consisting of seven (7) sheets. Revised plans dated March 14, 2016 were submitted to the Planning Board.

9. Other materials received with the application and during the project review:

Project Narrative & Stormwater Report	Connorstone Engineering, Inc.	dated December 11, 2015
Landscape Plan	Cosmos Associates	dated November 23, 2015 revisions dated March 17, 2016, March 30, 2016 and April 18, 2016
Lighting Plan	RAB Lighting Prepared for Holbrook Associated, 35 Reservoir Park Drive, Rockland, MA 02370	dated January 14, 2016
Proposed Sewage Disposal System	Connorstone Engineering, Inc.	dated March 29, 2016
Lighting Fixture Cuts	RAB Lighting	submitted April 25, 2016
Conceptual Design Plans	Buckingham Architectural Design, Inc.	dated April 12, 2016
Excerpts from Chapter 174 – Southborough Zoning Code	Buckingham Architectural Design, Inc.	submitted April 20, 2016
Deed for Sale of 6-8 Turnpike Road		Book 4842, Page 252, submitted April 25, 2016

a. The following correspondence was received during the project review:

Name	Department/Company	Form	Date
Chief Joseph Mauro	Fire Department	Letter	dated February 2, 2016
Robert Sykes, Town Engineer	DPW	Letter	dated February 25, 2016; email dated March 17, 2016
Dan Delaney	Fuss & O'Neill	3 Letters	dated March 3, 2016, March 28, 2016 and April 25, 2016
Vito Colonna	Connorstone Engineering, Inc.	Letter	dated March 14, 2016
Greg Buckingham	Buckingham Architectural Design, Inc.	3 emails	dated April 25, 2016
Dan Delaney	Fuss & O'Neill	Email	dated April 25, 2016

Findings

1. The proposal constitutes a Major Site Plan Review because the proposal entails the construction of more than two thousand (2,000) square feet or more of floor area and requires twenty (20) or more parking spaces.

2. Under the Town of Southborough Zoning Bylaws, Site Plan Review is an administrative review of site design for uses that are allowed in the underlying Zoning district, and is not a review of a proposed or existing use.

3. The Planning Board, Fuss & O'Neill and other Town Departments have reviewed the application, plans, design documentation, correspondence, and other submission material. Throughout the public hearing process, the Planning Board has been mindful of the statements and comments of the applicants, their representatives, town staff, the abutters, and the general public.

4. 6 and 8 Turnpike Road are located in the Business Highway District.

5. Currently all buildings have been razed from the two parcels; 6 Turnpike Road, Map 39, Parcel 26 consists of .62 acres; 8 Turnpike Road, Map 39, Parcel 27 consists of .67 acres; totaling 1.29 acres, located in Southborough.

6. Currently there is an easement across 8 Turnpike Road, Map 39, Parcel 27, accessing the Boston Edison property behind located in Framingham shown on the Town of Southborough Assessor Maps but did not appear on a title search that was conducted.

7. Applicant proposes to build a single story 9,000 Sq. Ft. building for automotive repairs and an associated retail space with associated parking, landscaping, lighting and signage.

8. The Applicant proposes nine (9) free standing, fifteen (15') foot tall pole lights, 2 wall mounted signs with a gooseneck light for illumination, one for each business in the proposed building and a free standing sign on the front edge of the property which will be landscaped with two (2') foot high plantings.

9. The existing water service will be abandoned per the Southborough Department of Public Works Rules and Regulations.

10. A portion of the property will be marketed as retail space. The applicant will occupy the remaining space for automotive repairs.

11. All utilities will be connected to Southborough.

12. The Southborough Fire, Fire and Ambulance Departments will provide services.

13. The Decision Criteria for approval of a Site Plan are contained in § 174-10.D of the Zoning Bylaw, which states that the Planning Board shall approve an application for site plan review if it finds that any new building construction or other site alteration shall provide adequate access to each structure for fire and service equipment and adequate provision for utilities and stormwater drainage consistent with the functional requirements of the Southborough Planning Board's Rules and Regulations for the Subdivision of Land and shall be so designed that for the given location and type and extent of land use, the design of building form, building location, egress points, grading and other elements of the development shall be so as to:
    - Minimize the volume of cut and fill, the number of removed trees six (6) inches in caliper and larger, the length of removed stone walls, the area of wetland vegetation displaced, the extent of stormwater flow increase from the site, soil erosion and the threat of air or water pollution.

- Maximize pedestrian and vehicular safety and convenience within the site and egressing from it.
- Minimize obstruction of scenic views from publicly accessible locations.
- Minimize visual intrusion by minimizing the visibility of parking, storage or other outdoor service areas viewed from public ways or premises residentially used or zoned; minimizing glare from headlights through plantings or other screening, minimizing lighting intrusion through use of such devices as cutoff luminaries confining direct rays to the site; fixture mounting height not higher than twenty (20) feet except adjacent to Route 9; and avoiding unreasonable departure from the character of building in the vicinity.

14. The applicant and the project representatives demonstrated on the plans, in reports, through correspondence and during the public hearing that the proposed development is in conformance with the Zoning Bylaws.

15. The Planning Board found that the plan, subject to conditions listed herein, is substantially in conformance with the standards required by the Southborough Zoning Bylaw and that the proposed use is in harmony with the general purpose and intent of the Zoning Bylaw.

Waiver Requests:

1. None Requested

Decision and Vote of the Board

At its meeting on April 25, 2016, the Southborough Planning Board voted (5/0) to determine that the (1) Approval Criteria contained in Section 174-10.D of the Zoning Bylaw had been met and (2) grant the Major Site Plan Approval to allow construction of a single story 9,000 Sq. Ft. building along with parking, lighting, landscaping, drainage, and associated infrastructure at 6-8 Turnpike Road, Southborough MA; In accordance with plans entitled ""Proposed Site Plan 6 Turnpike Road, Southborough, MA", dated December 28, 2015; Connorstone Engineering Consulting Civil Engineers and Land Surveyors, 10 Southwest Cutoff, Suite 7, Northborough, MA 01532 stamped by Vito Colonna, PE; and consisting of seven (7) sheets. Revised plans dated March 14, 2016 were submitted to the Planning Board.

Subject to the following conditions:

1. The Applicant shall replace the stone wall at the southern perimeter.

2. The Applicant will build a wall on the east side near the drainage area and work with the abutter and with Boston Edison to regrade the southeast corner to divert drainage spillover back onto the Boston Edison property.

3. Shields shall be placed on lights that abut property lines. The Planning Board shall be notified upon completion of the site lighting installation. After said notification, the Planning Board shall have one (1) year to review illumination. During this review period, the Planning Board reserves the right to require adjustment of the number and/or intensity of exterior fixtures, if it determines illumination is insufficient or spill-over onto the adjacent property is excessive. This is subject to the understanding that lighting levels will not go below standard safety requirements. Night time lighting shall be minimized to the extent possible based upon the tenant usage of the property and standard safety requirements.

4. After construction is completed, an as-built site plan shall be submitted to the Planning Department. The as-built plan shall be stamped by a Professional Land Surveyor and accompanied by a letter from a Professional Engineer certifying that construction was completed substantially in accordance with the approved plans.

On the motion to grant the Major Site Plan approval 6Turnpike Road LLC, the vote of the Board is as follows:

Donald Morris	Yes
Kathleen Bartolini	Yes
Andrew Mills	Yes
Phil Jenks	Yes
Jesse Stein	Yes

As per §174-10.F, this Decision shall become void one (1) year from the date of issue if the actions authorized hereby are not exercised.

Any person aggrieved by the action of the Planning Board on a site plan approval application may appeal said action to the Zoning Board of Appeals as provided in Article VI of the Zoning Bylaw.

Donald Morris, Chairman
Southborough Planning Board

Filed with Town Clerk:

James F. Hegarty

5/6/16
Date

I, James F. Hegarty, Town Clerk for the Town of Southborough, hereby do certify that ten (10) business days have elapsed since the filing of this decision and no appeal has been filed with the Southborough Town Clerk.

James F. Hegarty, Town Clerk

Date

Town of Southborough

PLANNING BOARD

SOUTHBOROUGH, MASSACHUSETTS 01772

17 COMMON STREET
SOUTHBOROUGH, MASSACHUSETTS 01772-1662
508-485-0710

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May 3, 2016

DECISION of SPECIAL PERMIT APPROVAL
LOWER IMPACT DEVELOPMENT
6-8 Turnpike Road

Procedural History

1. An Application for Lower Impact Development Special Permit was filed in the Office of the Southborough Town Clerk on January 29, 2016.

2. The Special Permit is sought under Southborough Zoning Bylaw §174-13.3, Lower Impact Development Major Site Plan Southborough Zoning Bylaw §174-10 to construct a single story 9,000 Sq. Ft. building for automotive repairs and associated retail space.

3. The Record Owner of the property is 6 Turnpike Road LLC, 4 Hixson Road, Bellingham, MA 02019.

4. The Applicant(s) is 6 Turnpike Road LLC, 4 Hixson Road, Bellingham, MA 02019.

5. The subject property is identified as 6 and 8 Turnpike Road and according to the Southborough Assessor's Tax Map 39, Lot 26 & 27, Southborough MA. The property is located within the Business Highway District.

6. The hearing has been duly complied with regarding notice; a public hearing was opened on March 7, 2016. The public hearing was continued to March 21, 2016 and April 25, 2016. A copy of the minutes for each session of the public hearing is available in the Planning Department.

7. The application was accompanied by plans entitled "Proposed Site Plan 6 Turnpike Road, Southborough, MA", dated December 28, 2015; Connorstone Engineering Consulting Civil Engineers and Land Surveyors, 10 Southwest Cutoff, Suite 7, Northborough, MA 01532 stamped by Vito Colonna, PE; and consisting of seven (7) sheets. Revised plans dated March 14, 2016 were submitted to the Planning Board.

8. Other materials received with the application and during the project review:

Project Narrative & Stormwater Report	Connorstone Engineering, Inc.	dated December 11, 2015
Landscape Plan	Cosmos Associates	dated November 23, 2015 revisions dated March 17, 2016, March 30, 2016 and April 18, 2016
Lighting Plan	RAB Lighting Prepared for Holbrook Associated, 35 Reservoir Park Drive, Rockland, MA 02370	dated January 14, 2016

Proposed Sewage Disposal System	Connorstone Engineering, Inc.	dated March 29, 2016
Lighting Fixture Cuts	RAB Lighting	submitted April 25, 2016
Conceptual Design Plans	Buckingham Architectural Design, Inc.	dated April 12, 2016
Excerpts from Chapter 174 – Southborough Zoning Code	Buckingham Architectural Design, Inc.	submitted April 20, 2016
Deed for Sale of 6-8 Turnpike Road		Book 4842, Page 252, submitted April 25, 2016

9. The following correspondence was received during the project review:

Name	Department/Company	Form	Date
Chief Joseph Mauro	Fire Department	Letter	dated February 2, 2016
Robert Sykes, Town Engineer	DPW	Letter	dated February 25, 2016; email dated March 17, 2016
Dan Delaney	Fuss & O'Neill	3 Letters	dated March 3, 2016, March 28, 2016 and April 25, 2016
Vito Colonna	Connorstone Engineering, Inc.	Letter	dated March 14, 2016
Greg Buckingham	Buckingham Architectural Design, Inc.	3 emails	dated April 25, 2016
Dan Delaney	Fuss & O'Neill	Email	dated April 25, 2016

Findings

1) In the Commonwealth of Massachusetts, no one has an absolute right to a Special Permit. While the Planning Board must act fairly and reasonably on the evidence presented, keeping in mind the objectives and purposes of the Zoning Act and the Bylaw, the Planning Board has the discretion to deny a Special Permit even if the facts show that such a permit could have been lawfully granted.

2) The Planning Board, Fuss & O'Neill, and other Town Departments have reviewed the application, plans, design documentation, correspondence, and other submission material. Throughout the public hearing process, the Planning Board has been mindful of the statements and comments of the applicants, their representatives, town staff, the abutters, and the general public.

3) In accordance with Section 174-13.3.J of the Southborough Zoning Bylaw, before the Planning Board may issue the Special Permit, it shall determine that the following conditions have been met and the LID techniques listed in the Bylaw have been employed to the maximum extent practicable to meet the stated purpose of this Bylaw:

   - That run-off be controlled, erosion prevented and either a constructed surface or cover vegetation be provided not later than the first full spring season immediately following completion of the stripping operation. Any stripped area that is allowed to remain stripped through the winter shall have a temporary cover of winter rye or similar plant material for soil control, except in the case of agricultural activity when such temporary cover would be infeasible.

- That measures are employed to minimize adverse impacts on wildlife habitats and corridors, natural or historic landscape features, and scenic vistas and views.
- Compliance with all applicable federal, state and local regulations and guidelines, including but not limited to the Stormwater Management Handbook as it may be amended, has been demonstrated.

4) The applicant and the project representatives demonstrated on the plans, in reports, through correspondence and during the public hearing that the proposed development is in conformance with the Zoning Bylaws.

5) The Planning Board found that the plan, subject to conditions listed herein, is substantially in conformance with the standards required by the Southborough Zoning Bylaw and that the proposed use is in harmony with the general purpose and intent of the Zoning Bylaw.

6) The Applicant has received approval from Mass Highway, in writing, to use the Mass Highway drainage pipe on Route 9. The property has a high ground water level so that septic system will be elevated with no ground water recharge.

7) Assessor's records for the Town of Southborough indicate an easement across the 8 Turnpike, Map 39, Lot 27 parcel granted to Boston Edison in 1915 which abutter Cliff Shore concurred. Abutter Shore acknowledges that Boston Edison sends him a letter annually confirming the easement. The original easement went through 8 Turnpike Road, Map 39, Lot 27 but a prior owner built a garage on the easement, therefore Boston Edison has been using Abutter Shore's driveway for access to their property.

Waiver Requests:
No waivers were requested.

Decision and Vote of the Board

At its meeting on April 25, 2016, the Southborough Planning Board voted 5/0 (Morris, Bartolini, Mills, Jenks and Stein in favor) to (1) determine that the Approval Criteria contained in Section 174-13.3.J of the Zoning Bylaw had been met and (2) grant the Special Permit for Lower Impact Development to

Allow construction of single story 9,000 Sq. Ft. building for automotive repairs and associated retail space along with parking, lighting, landscaping, drainage, and associated infrastructure at 6-8 Turnpike Road, Southborough MA;

In accordance with plans entitled "Proposed Site Plan 6 Turnpike Road, Southborough, MA", dated December 28, 2015; Connorstone Engineering Consulting Civil Engineers and Land Surveyors, 10 Southwest Cutoff, Suite 7, Northborough, MA 01532 stamped by Vito Colonna, PE; and consisting of seven (7) sheets. Revised plans dated March 14, 2016 were submitted to the Planning Board.; and

Subject to the following conditions:

1. The Applicant will build a wall on the east side near the drainage area and work with the abutter and with Boston Edison to regrade the southeast corner to divert drainage spillover back onto the Boston Edison property.

2. Shields shall be placed on lights that abut property lines. The Planning Board shall be notified upon completion of the site lighting installation. After said notification, the Planning Board shall have one (1) year to review illumination. During this review period, the Planning Board reserves the right to require adjustment of the number and/or intensity of exterior fixtures, if it determines illumination is insufficient or spill-over onto the adjacent property is excessive. This is subject to the understanding that lighting levels will not go below standard safety requirements. Night time lighting shall be minimized to the extent possible based upon the tenant usage of the property and standard safety requirements.

3. This Special Permit for Lower Impact Development must be recorded at the Worcester Registry of Deeds prior to any construction on the property. A fully executed Operations and Maintenance (O & M) Plan must be filed with the Planning Board of the Town of Southborough prior to construction.

4. After construction is completed, an as-built site plan shall be submitted to the Planning Department. The as-built plan shall be stamped by a Professional Land Surveyor and accompanied by a letter from a Professional Engineer certifying that construction was completed substantially in accordance with the approved plans.

5. Applicant shall provide the name of the person who is responsible for site disturbing activity once it is known to the Applicant.

On the motion to grant the Special Permit for Lower Impact Development approval 6-8 Turnpike Road, the vote of the Board is as follows:

Donald Morris	Yes
Kathleen Bartolini	Yes
Andrew Mills	Yes
Phil Jenks	Yes
Jesse Stein	Yes

Any person aggrieved by this decision may appeal in accordance with M.G.L. Chapter 40A within 20 days of the filing of the decision with the Town Clerk. This Special Permit shall become void within two years from the date of issue in accordance with Mass. General Laws, Chapter 40A, Section 9.

This Special Permit shall not be effective until filed with the Registry of Deeds by the Applicant.

Donald C Morris

Donald Morris, Chairman
Southborough Planning Board

Filed with Town Clerk:

James F. Hegarty

James F. Hegarty

5/6/16

Date

I, James F. Hegarty, Town Clerk for the Town of Southborough, hereby do certify that ten (10) business days have elapsed since the filing of this decision and no appeal has been filed with the Southborough Town Clerk.

James F. Hegarty, Town Clerk

Date

Golf Course Committee Charge

Membership

- The Committee shall consist of up to 5 members, consisting of at-large representatives of the community, with professional backgrounds and qualifications consistent with those needed for design, maintenance, policies and operation of a municipal golf course facility in Massachusetts;
- Members will be appointed by the Board of Selectmen at a duly posted public meeting following the advertisement for interest in serving on the committee;
- ~~Appointed committee members must be sworn in by the Town Clerk's Office according to pertinent town by-laws.~~

Term and Organization

- The term of office shall be for one (1) year;
- The Committee shall report to the Board of Selectmen as required, with a report at the end of each golf season;
- The Committee shall elect its own Chair, and shall establish a regular meeting schedule. All records of the Committee shall be filed with the Town Clerk and open to public inspection in accordance with applicable Open Meeting Law and Public Record statutes;
- The Committee shall operate in accordance with the State Conflict of Interest Laws;
- Members shall serve without financial compensation.

Duties

- The Committee shall manage the day-to-day relationship with the current management company;
- The Committee shall provide a scorecard to evaluate the current management company's performance;
- The Committee shall identify opportunities for increasing revenue through additional golf programming in conjunction with other town departments and the community at large;
- The Committee shall prepare draft budgets for operations and capital improvements to be considered by the Board of Selectmen for future Town Meetings;
- The Committee shall take input from the public regarding golf matters and communicate policies to residents;
- The Committee shall develop a "master plan" to include annual goals for the golf course with resident and management company input;
- The Committee shall communicate with town departments, officials, and other resources as needed [i.e. Inspectional Departments, Town Administrator, permitting boards, etc.].

Updated by BOS 7-14-20

Town of Southborough—Public Shade Tree Policy (KG Edits)

The Town of Southborough (the "Town") is a designated Tree City. Town residents value the benefits that trees bring to the community—including providing shade, beauty and wildlife refuge, providing clean air, stabilizing land and filtering water. The Town is committed to preserving this important asset to the greatest extent reasonably possible, and to pursuing opportunities to enhance this asset through tree planting programs.

Massachusetts has adopted a variety of laws designed to protect "public shade trees" (as defined by MGL Ch 87). There are additional State regulations (in MGL Ch 40 Sec 15C) relative to trees located along roads that have been designated as "scenic ways" (and there are approximately 18 of these scenic ways in the Town). Chapter 153 of the Town Code also contains regulations relative to trees and 220 CMR 22.03 details "vegetation management" activities by utility companies.

The Town, through this policy, intends to clarify how the Town will work within, and where appropriate, will expand on, the State regulations for tree-related activities by Town departments and non-Town entities.

Public Shade Tree Definition

All trees within a public way or on the boundaries thereof are public shade trees. To determine if a particular tree is a public shade tree please call the DPW office at 508-485-1210 and a determination will be made.

Tree Warden

The Tree Warden ("TW") shall be responsible for the care and control of all public shade trees, shrubs and vegetation along Town roadways, and shall enforce all the provisions of State and local regulations for the preservation of such trees, shrubs and vegetation.

Planting Public Shade Trees

The TW, or a private organization acting with the written consent of the TW, may plant shade trees acquired with public or private funds in a public way, or if the TW deems it expedient, upon adjoining land at a distance not exceeding 20 feet from the layout of such public way, for the purpose of improving, protecting, shading or ornamenting the same; provided, however, that the written consent of the owner of such adjoining land shall first be obtained.

Southborough residents and/or business owners interested in planting a public shade tree or in contributing to the Town's tree planting program can find more information at: https://www.southboroughtown.com/planning-board/webforms/tree-planting-program.

Reporting Of Public Shade Tree Issues

To report a public shade tree that appears to be dead or dying, as well as to report dead limbs on such a tree that may pose a hazard to sidewalks, roadways, or privately-owned structures, an individual may call the DPW office during business hours at 508-485-1210. The TW will determine if the tree at issue is a public shade tree, will assess the situation, and will report his findings to the DPW Office. The DPW Office will contact the reporter to inform them of the status of their issue.

Public Shade Tree Management in Southborough

The Southborough DPW does not have a "Tree Division". Tree removals and most tree trimming in the Town is done by third-party contractors. The Town's contractors cannot work near utility wires. Trees that are threats to utility wires will be referred to National Grid or other utility companies, as appropriate, and the utility will arrange for necessary trimming or removal (subject to State regulations and Town policy).

The TW shall work to create and maintain a database of the public shade trees in the Town. This database shall include, but not be limited to, the following information: location, species, size (approximate diameter and height), and general condition.

Public Shade Tree Removals

Most public shade tree removals (except, for example, in an emergency situation) must be authorized by a Public Shade Tree Removal Public Hearing ("PSTRH") or be part of an approved "Annual Plan" submitted by a utility company. If a public shade tree that is being considered for removal is located on a scenic way, a ~~consolidated~~ PSTRH with the Planning Board and a PSTRH with the TW ~~is~~are required; when possible, or when required by law, the two hearings will be consolidated . ~~o~~Otherwise, the PSTRH is conducted by the TW. Appeals for all ~~nonconsolidated~~ public hearing decisions about tree removal are heard by the Board of Selectmen. The attached flowchart summarizes the process for tree removal in a variety of circumstances. Anyone with additional questions about this process can contact the DPW.

Public Shade Tree Removal Hearings

Any PSTRH shall be held in accordance with MGL chapter 87 section 3 and/or MGL chapter 40 section 15C and/or the Town's public shade tree policy. The date and time of a PSTRH hearing shall be publicized on a placard affixed to the tree, publicized in the legal notices section of a local paper, and publicized on the DPW web site. Notices of PSTRHs and a list of trees associated with those hearings shall be provided to the Town Planner and the Town Administrator for distribution to their respective Boards and to the public. Any objection to the cutting and/or removal of a public shade tree that is the subject of a PSTRH may be communicated in writing, including e-mail, to the TW or DPW Superintendent, either prior to the PSTRH or at the PSTRH. The TW shall not authorize the cutting down or removal or grant a permit for the cutting down or removal of a public shade tree if a written objection is made by one or more persons, unless the Board of Selectman approves such cutting or removal.

A resident who requests the removal of a living public shade tree that is approved for such removal is legally responsible for all costs associated with this process, including notification, conducting the PSTRH hearing, and removing the tree.

Utility Company Tree and Vegetation Management Activities

There are non-local provisions regarding tree work and vegetation management by utility companies as well as Town policy applicable for such work, as follows:

- The TW shall request from utility companies, and such utility companies must submit (per MGL Ch 87 Sec 14), an annual "Hazard Tree Removal Plan" and/or a "Vegetation Management Plan", as applicable~~-~~ (separately, and together, an "Annual Plan") describing any planned tree trimming or removal work or vegetation management work in the Town. Such

Annual Plan shall include at least the following information: a map of the circuits where maintenance will occur; a listing of any public shade tree (including the location of such tree(s)) expected to be affected by such work (i.e., either to be removed or to be trimmed to a degree that adversely affects the viability or structural integrity of such tree); and a map showing the location of any public shade tree affected by the Annual Plan. A map showing the work locations and the listing of any affected public shade tree(s) for each Annual Plan shall be posted on the DPW's website and sent to the Town Planner and the Town Administrator for distribution to their respective Boards and to the public.

- Any public shade tree expected to be affected by such work (as above) will be appropriately marked by the utility company, so that the public may be made aware of the proposed work. The TW and the utility representative(s) will visit the proposed work site(s) to inspect the proposed work.
- Any Annual Plan shall be submitted to the TW no less than 90 days prior to the date the utility company proposes to begin its maintenance work or tree removal work. Upon receipt of the Annual Plan the TW shall submit the plan to the Board of Selectmen and the Planning Board for their review and comment.
- The TW will notify the utility within 60 days of receipt of an Annual Plan if the plan is approved or not approved by the TW and the Board of Selectmen. No tree removal or trimming work or vegetation management work affecting a public shade tree that is not part of an Annual Plan approved by the TW and the Board of Selectmen shall be done by the utility company without a PSTRH.
- In addition to the Annual Plan submission, a utility will provide at least 30 days advance written notice to the TW before beginning tree trimming or tree removal work pursuant to an Annual Plan.
- If during trimming operations the utility discovers a hollow or compromised tree, the utility may contact the TW to request advance approval for removal. For any such proposed removal that is not included in an approved Annual Plan and that does not qualify as an "emergency" removal (pursuant to the Town's tree removal policy), the TW will arrange for a PSTRH, per the Town's standard tree removal process—with approval pursuant to this process required before such removal can take place.
- Per 220 CMR 22.03 (Electric Utility Vegetation Maintenance Notice), any "transmission company" is required to notify the Town no later than March 31 each year about any vegetation maintenance activities to be performed during the following calendar year. Such plans shall include identification and marking of each public shade tree to be removed (or trimmed to a degree that adversely affects the viability or structural integrity of such a tree).

Adopted by the Board of Selectmen on _____, 2020

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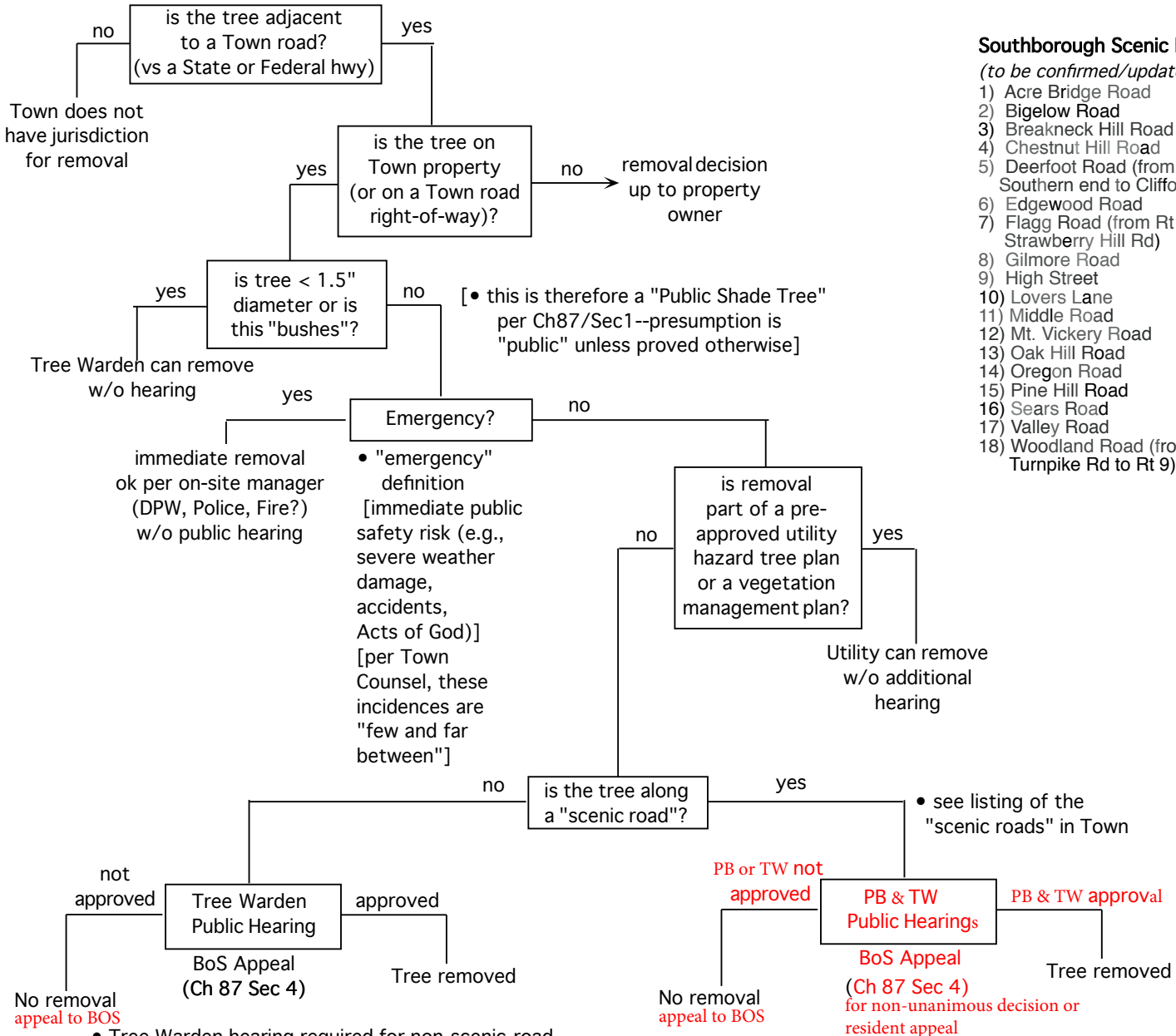
TREE REMOVAL PROCESS OVERVIEW

KG EDITS

Discussion Draft 9/27/20



Southborough Scenic Roads

(to be confirmed/updated)

1) Acre Bridge Road
2) Bigelow Road
3) Breakneck Hill Road
4) Chestnut Hill Road
5) Deerfoot Road (from Southern end to Clifford Street)
6) Edgewood Road
7) Flagg Road (from Rt 9 to Strawberry Hill Rd)
8) Gilmore Road
9) High Street
10) Lovers Lane
11) Middle Road
12) Mt. Vickery Road
13) Oak Hill Road
14) Oregon Road
15) Pine Hill Road
16) Sears Road
17) Valley Road
18) Woodland Road (from Turnpike Rd to Rt 9)

- Tree Warden hearing required for non-scenic-road trees (including for reasons such as pest control, traveler safety, road repair, maintenance, reconstruction, paving or widening work); [note that this TW hearing includes situations like dead/ dying/diseased trees that are not an immediate hazard]
- any objection to TW decision is subject to appeal to the Board of Selectmen

- Joint TW/Planning Board hearing required for scenic road trees (including for reasons such as pest control, traveler safety, road repair, maintenance, reconstruction, paving or widening work); [note that this TW hearing includes situations like dead/ dying/diseased trees that are not an immediate hazard]
- any objection to TW or PB decision is subject to appeal to the Board of Selectmen

Any person may object, in writing, to the removal of a tree, prior to, or before the close of, ANY TW or PB Tree Removal Hearing, thus moving the Tree Removal decision to Southborough's Board of Selectmen at a BOS Tree Removal Hearing at a later date.

Applicable MA General Laws

Ch 87 Sec 3 *(Cutting of public shade trees; public hearing; damages to owner)*
Except as provided by section five, public shade trees shall not be cut, trimmed or removed, in whole or in part, by any person other than the tree warden or his deputy...except upon a permit in writing from said tree warden, nor shall they be cut down or removed by the tree warden or his deputy or other person without a public hearing.

Ch 87 Sec 4 *(Cutting of public shade trees; approval of Selectmen)*
Tree wardens shall not cut down or remove or grant a permit for the cutting down or removal of a public shade tree if, at or before a public hearing as provided in the preceding section, objection in writing is made by one or more persons, unless such cutting or removal or permit to cut or remove is approved by the selectmen or by the mayor.

Ch 87 Sec 5 *(Cutting down, trimming or removing bushes and small trees)*
Tree wardens and their deputies, but no other person, may, without a hearing, trim, cut down or remove trees, less than one and one half inches in diameter one foot from the ground, and bushes, standing in public ways...and shall trim or cut down trees and bushes, if the same shall be deemed to obstruct, endanger, hinder or incommode persons traveling thereon...

Nothing contained in this chapter shall prevent the trimming, cutting or removal of any tree which endangers persons traveling on a highway, or the removal of any tree, if so ordered by the proper officers for the purpose of widening the highway and nothing herein contained shall interfere with the suppression of pests declared to be public nuisances...

Ch 87/Sec14 *(Performance of maintenance and tree removal work by utility)*
(b) A utility may, or at the request of the tree warden shall, submit an annual vegetation management plan...The plan shall comply with local ordinances and regulations...
(c) A utility may, or at the request of the tree warden shall, submit an annual hazard tree removal plan...The plan shall comply with local ordinances and regulations.
(e) Notwithstanding approval of a vegetation management plan or hazard tree removal plan, a utility shall notify a tree warden, in writing, not less than 14 days prior to beginning maintenance work or tree removal work in a municipality. If a local ordinance or regulation requires more than 14 days notice, the utility shall comply with such ordinance or regulation...

Ch 40/Sec15C *(Scenic road designations; improvements; fines)*
After a road has been designated as a scenic road any repair, maintenance, reconstruction, or paving work done with respect thereto shall not involve or include the cutting or removal of trees, or the tearing down or destruction of stone walls, or portions thereof, except with the prior written consent of the planning board.

220 CMR 22.03: Notification Regarding [Electricity] Transmission-related Vegetation Maintenance Activities
(1) Prior to March 31st each year, each Transmission Company shall notify the Department, by first class mail and electronic mail, and the Municipal Officials in each municipality in which the Transmission Company plans to conduct transmission-related vegetation maintenance activities during the following calendar year...
The notification shall provide a description of the vegetation maintenance activities to be performed and the timeframe and location(s) of such activities.
(2) Each Transmission Company also shall make a good faith effort to notify Abutters, Municipal Officials, and the Department not less than 30 days before commencing any transmission-related vegetati maintenance activities...
(3) Each Transmission Company shall maintain a log of notifications or notification attempts...
(4) Each Transmission Company shall maintain an up-to-date list of Municipal Officials in each municipality in which the Transmission Company maintains Rights-of-way. Each Transmission Company shall annually update such list...

TOWN OF SOUTHBOROUGH

BOARD OF SELECTMEN Meeting Minutes

Meeting Date: Tuesday, September 22, 2020, 6:30 P.M.
Location: Virtual Meeting through Zoom
Present: Marty Healey, Lisa Braccio, Chelsea Malinowski, Brian Shea, Sam Stivers and Assistant Town Administrator Vanessa Hale

I. Chairman Healey called the meeting to order at 6:30 P.M. Chairman Healey read the following statement:

Pursuant to Governor Baker's March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, §18, and the Governor's March 15, 2020 Order imposing strict limitation on the number of people that may gather in one place, this meeting of the Southborough Board of Selectmen will be conducted via remote participation to the greatest extent possible. Specific information and the general guidelines for remote participation by members of the public and/or parties with a right and/or requirement to attend this meeting can be found on the Town of Southborough's website, at https://www.southboroughtown.com/. For this meeting, members of the public who wish to watch or participate in the meeting may do so in the following manner by finding the meeting at: https://www.southboroughtown.com/remotemeetings. No in-person attendance of members of the public will be permitted, but every effort will be made to ensure that the public can adequately access the proceedings in real time, via technological means. In the event that we are unable to do so, despite best efforts, we will post on Southborough's website an audio or video recording, transcript, or other comprehensive record of proceedings as soon as possible after the meeting.

II. Public Comment
None

III. Scheduled Appointments
Volunteer Interviews

a. Annie Pfaff, Historical Commission; term 6/30/23

Chairman Healey stated based on her activity form, Ms. Pfaff would be a good fit for the Commission and he invited her to give background on why she applied. Ms. Pfaff stated she has lived in Southborough for three years and has been restoring her historic home at 50 Oak Hill Road. She stated that she renovated three other historic properties previously. Ms. Braccio asked if she had watched any Historical Commission meetings and Ms. Pfaff replied that she had not. She added that she reviewed past agendas and meeting minutes and found that the Historical Commission was of interest to her. Ms. Braccio asked if there were any priorities she would like the Commission to focus on. Ms. Pfaff replied that she does not have any at the moment but would like to immerse herself in the work and learn from other members in order to understand any opportunities for new projects or initiatives. Mr. Shea asked if Ms. Pfaff had worked with the Historical Commissions during her previous renovations. Ms. Pfaff explained the renovations done at those properties. Mr. Stivers asked her to consider ways the Historical Commission could contribute to the upcoming Town Tricentennial. Ms. Pfaff agreed.

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Mr. Stivers made a motion to appoint Annie Pfaff to the Historical Commission; term 6/30/23. Mr. Shea seconds. The motion passed all in favor (5-0-0) by roll call vote, Braccio, aye; Malinowski, aye; Shea, aye; Stivers, aye; Healey, aye.

b. Seath Crandall, Recreation Commission; term 6/30/23
Chairman Healey stated based on his activity form, Mr. Crandall was interested in numerous committees. He invited Mr. Crandall to give background on why he was interested in the Recreation Commission. Mr. Crandall stated that he is a management analysist and new to Town and wanted to be more involved. He stated that he is starting a family and noticed the number of schools, fields and recreational facilities and was interested in supporting the Recreation Department. Ms. Malinowski asked if had any experience with Town Meeting or CPC funded projects. Mr. Crandall stated that he was responsible for creating and maintaining the warrant booklet for town meeting in Wayland which included working with department managers and chairs of various committees. Mr. Stivers asked if he had experience in youth coaching and Mr. Crandall replied that he had not but is interested in doing so in the future. Mr. Stivers asked if he watched any Recreation Commission meetings and he said he had and spoke with Jen Hanson the Commission Chair. Mr. Stivers asked if there were any important priorities he would suggest to the Commission. Mr. Crandall replied that he would like to immerse himself in the Commission and understand the role fully before suggesting changes.

Chairman Healey invited the Chair to speak. Ms. Hanson stated she spoke to Mr. Crandall regarding the Commission's current work and priorities and it was a pleasant conversation. She added that she felt he would be a great addition but asked the Board if there were opportunity to actively search to find a candidate with more expertise in recreation and funding. Ms. Malinowski stated that the Capital Committee plans to be more actively involved with Town funded projects and will aid in the aspects of project management. Mr. Stivers stated that it would be risky to hold off appointing a capable volunteer but it would be beneficial in the future to have more pointed recruiting. Ms. Braccio added that Mr. Crandall brings diversity to the Commission as he does not yet have children using recreational programs and could provide a different perspective.

Ms. Braccio made a motion to appoint Seath Crandall to the Recreation Commission; term 6/30/23. Mr. Stivers seconded. The motion passed all in favor (5-0-0) by roll call vote, Braccio, aye; Malinowski, aye; Shea, aye; Stivers, aye; Healey, aye.

<u>Tom Laflamme, IT Manager – Appointment of Part-Time Technical Specialist position</u>
Mr. Laflamme explained that Christopher McGinn will resign his position as Library Associate and transition to IT staff. He added that he responds to Library IT tickets currently and Mr. McGinn would provide eight after hours of support. Mr. Laflamme stated the Library Director supports this move. Ms. Braccio asked that if Mr. McGinn provided eight hours, how many hours would be held with the second position. Mr. Laflamme responded that the additional person would work approximately 11.5 hours. The Board discussed concerns regarding the marketability of an 11.5-hour position and the urgency to fill the position. Ms. Hale told the Board that she and Mr. Laflamme have been recruiting for the better part of the summer and have struggled to find a suitable applicant. She stated that they will reach out to colleges for students with appropriate skills to fill the position. She added that this will not be an internship. Mr. Laflamme stated that he is collaborating with the Advisory Committee and the Municipal Technology committee to create a long-term staffing plan to present to the Board by the end of the year. Ryan Donovan,

Library Director, explained Mr. McGinn's current role at the Library and that he will need to eventually fill the position Mr. McGinn is vacating. Ms. Malinowski asked Mr. Laflamme about training and Mr. Laflamme replied that he would hold weekly virtual meetings.

Chairman Healey made a motion to appoint Christopher McGinn as an eight hour part-time Technical Specialist. Ms. Malinowski seconded. The motion passed all in favor (5-0-0) by roll call vote, Braccio, aye; Malinowski, aye; Shea, aye; Stivers, aye; Healey, aye.

Barry Rubenstein – Renewal cable agreement for Charter Communications
Chairman Healey tabled this discussion as the cable agreement is not ready for Board review.

Lori Karlsson – Request for Local Approval for St. Mark's Faculty Childcare Option
Chairman Healey asked Ms. Karlsson to explain St. Mark's needs and the State guidance regarding the child care option she is presenting. Ms. Karlsson explained that the teachers at St. Mark's are struggling to manage their children's remote school day. She said St. Mark's would like to offer free child care to staff teaching during those remote days. She explained the exemption classification and that the school is looking to care for 8-10 children per day with Monday being the heaviest child care day with 10 children. Ms. Karlsson explained the setup of Choate House and breakout rooms that will allow for safe social distancing. Chairman Healey stated that the first step outlined by the State would be for the Board to create a Municipal Approving Authority. Ms. Hale recommended the Authority consist of the Building Commissioner, the Fire Prevention Officer and the Public Health nurse. Chairman Healey asked if the application and requirements needed for this childcare option would be approved by the Municipal Approving Authority and then it would come before the Board. Ms. Hale confirmed that was the case and the Approving Authority would perform the required inspections. Mr. Shea asked if the appointees have been contacted and agreed to be a part of this Authority and Ms. Hale confirmed they had. Mr. Shea asked if this is only available to children of St. Mark's teachers and not the public. Ms. Karlsson confirmed and stated the hours offered are 8:00 A.M. – 3:00 P.M.

Mr. Stivers asked if Town Counsel should be conferred regarding the creation and execution of duties from the Authority. He added that he felt the process of creating such a group should be clear and carefully planned. Ms. Braccio summarized questions she asked prior to the meeting and confirmed that it is unknown if there are any students on IEPs, it is unknown how many inspections should be done and St. Mark's has not announced a date for rolling out this program. Chairman Healey stated that the Authority must follow State guidelines and these must be communicated clearly and met by the applicant. There was discussion regarding what needs to be done to roll this out quickly and effectively. The Board agrees to create a list of guidelines and hold a special meeting for this approval sooner than the October 6th meeting.

Laurie Livoli, Building Commissioner, stated she has a safety inspection guide that crosses over with the Fire Department that she will send to the Board to review. Ms. Malinowski stated she wanted the Fire Chief to be a member of the Authority instead of the Fire Prevention Officer. She confirmed she spoke with Chief Achilles and he was willing to participate. Chairman Healey requested that following the Municipal Approving Authorities from other towns, he would like Ms. Livoli to be the sole member with the requirement that she consult with Chief Achilles and the Public Health Nurse before making a determination.

Chairman Healey made a motion to appoint Laurie Livoli as Southborough's Municipal Approving Authority pursuant to the Remote Learning Enrichment Program that the Commonwealth of Massachusetts has setout through the Department of Early Education and Care with the understanding that she is the Municipal Approving Authority and any approval would only be done in consultation and agreement with Chief Achilles and Ms. Amico. Ms. Braccio seconded. The motion passed all in favor (5-0-0) by roll call vote, Braccio, aye; Malinowski, aye; Shea, aye; Stivers, aye; Healey, aye.

Brian Ballantine, Finance Director – Budget update

Mr. Ballantine walked the Board through Presentation entitled "Budget Update, Closeout of Fiscal 2020, Update on 1st Qtr. Of Fiscal 2021 and Planning for Fiscal 2022." included in the packet. Ms. Malinowski stated she felt it was misleading to present turnbacks as presented and asked that future presentations flag departments that have had transfers and what was needed from that transfer. Mr. Ballantine agreed. Ms. Malinowski asked about Board and Advisory Committee transfers and requested that for the sake of transparency, all departments are shown areas where they went over budget and why with a straight calculation of deferred compensation. She requested that every line item is presented when over budget along with the net amount and reason for the transfer. Mr. Ballantine agreed. Ms. Malinowski stated her concern that department level budgets are not staying within their salary and expense line items and asked that the Board create a policy for departments to follow. Mr. Ballantine stated that previously the Board had a policy that if a department were going to cross a category, they had to get Board approval. He stated this could be done again or issue a policy that there could be no cross over.

Ms. Malinowski asked if the expenses applied for reimbursement through FEMA and the CARES Act were not included in the turnback slide and Ms. McAuliffe replied in the affirmative. Ms. Malinowski asked for a timeline of these reimbursements and Ms. McAuliffe explained. She added that the schools have three grants they could apply for and they are utilizing those grants to the maximum. Mr. Stivers urged the Finance Team to be aggressive with the pandemic reimbursement grants as he had seen there are over one hundred grants available related to the pandemic.

Ms. Braccio requested the Board have a detailed copy of the expenditure ledger. Mr. Ballantine asked for clarity on how often the Board would like the report and Ms. Malinowski replied that she would like the information quarterly at least. Mr. Shea offered guidance to have a conservative approach to the budget due to the financial impact the pandemic has had on residents. Mr. Stivers agreed and asked the Board keep an open mind on new positions and look at restructuring departments. Mr. Shea reminded the Board that they decided there will be no new positions without an identified funding source to fund the position for fiscal year 2021. Ms. Braccio said she will be looking towards a level funded budget going into next year and Chairman Healey stated he will be requesting alternative budget scenarios similar to last years with a 0% increase and a 2% increase. Ms. Malinowski requested that revenue be added to the quarterly report in addition to the budget to actual numbers. Mr. Ballantine agreed. Ms. Malinowski made a motion that the Board in conjunction with the Advisory Board, develop a policy for all departments to manage salary and expenses within those lines. Mr. Stivers seconded. Chairman Healey made an amendment to manage salary and expenses and to give flexibility in terms of lines. Ms. Malinowski stated she felt it weas important to keep the last clause in the motion. Chairman Healey withdrew his motion. Mr. Shea stated that the Advisory Committee should be

independent of the Board and should not be working in conjunction with the Board. Ms. Malinowski agreed to amend the motion. Ms. Braccio volunteered Ms. Malinowski to draft the policy and Ms. Malinowski agreed. Mr. Stivers seconded the amended motion. The motion passed all in favor (5-0-0) by roll call vote, Braccio, aye; Malinowski, aye; Shea, aye; Stivers, aye; Healey, aye.

8:00 P.M. – John Butler – Presentation on DPW Transfer Station

Mr. Butler presented his research regarding the Transfer Station from the PowerPoint included in the packet. Mr. Shea stated that it was found that the current Transfer Station system is not broken and there have been many discussions from previous Boards to change the station to Town funded but he is happy this report shows that it is working as is. He added that there needs to be close attention to the contract renewal with Wheelabrator to ensure the Town is continuing to provide the right services to the public. Mr. Shea added that he agreed with Mr. Butler's assessment that new residents are choosing curbside pickup as opposed to using the Transfer Station. Mr. Stivers stated it is critically important for the Board of Health to get licenses from private haulers and suggested better marketing to new residents regarding the benefits of the Transfer Station. Ms. Braccio added that the Capital Committee agreed with Mr. Butler's assessment that the Town should not reinvest to renovate the Transfer Station. Ms. Malinowski stated that residents on her street prefer curbside pickup despite the extra cost. She asked if there has been a ten-year lookback on the number of Transfer Station stickers purchased and trends. Mr. Butler replied that he did not but it is something that needs to be done in addition to understanding the tonnage for a more solid picture of customer use and trends. Mr. Butler stressed the importance of understanding all facets of the Transfer Station before the contract negotiations with Wheelabrator and how to work with the Board of Health for licenses from private haulers.

IV. Reports

Chairman's Report

i. Process for Entertainment License request

Chairman Healey stated there are entertainment request policies from other towns included in the packet that the Board was asked to review prior to the meeting. He stated that Tomasso submitted a request for outdoor entertainment and the Board should discuss the creation of an entertainment licensing policy. He stated a policy could not be created tonight and asked Ms. Hale to reach out to Tomasso to let them know the Board will be working on this but it may take a month before it is complete. Ms. Hale agreed.

ii. Department/Committee liaisons

Chairman Healey requested that each Board member send him one or two departments they are interested in working with. He said he will make a draft list to discuss how the liaison role will be carried out. The Board agreed.

Chairman Healey stated that he is including the list of goals decided upon by the Board on agendas moving forward. He added that there will be checkmarks added to those goals completed and he asked the Board to update him on any goals achieved. The Board agreed. Mr. Stivers asked that a column be added for comments. Chairman Healey stated he will work on the document.

Members' Reports

Ms. Braccio stated that Holliston has created a Rent and Relief Program covered by the CARES Act. She explained the services for up to three months rental or mortgage assistance of up to $1,200 - $2,000 per month. She asked Mr. Purple to pursue this program for Southborough.

i. Update on Deerfoot Road Ext.

Mr. Shea stated he walked the site with Ms. Galligan last week and she explained the drainage system in place and the roadway that has been newly constructed. He stated he reviewed the area from a public right of way perspective that the Board could act on and he asked the Board's consultant to look at whether an additional drainage structure is needed. Mr. Shea stated PAR is still evaluating the site and does not have an answer yet. Mr. Shea said the next step is for Ms. Galligan and the DPW to move forward with the final paving which she is trying to schedule. He said if more drainage is required, an additional twelve-inch pipe will be put in place to connect the paving. He added that once the determination comes from PAR, he will relay the information to the Board. Chairman Healey asked if any work agreed to be done within 7-10 days by Mr. Giblin at the previous meeting was completed. Mr. Shea described the landscaping on the lots and how that will help deter runoff. Chairman Shea requested an update at each meeting and Mr. Shea agreed.

Mr. Stivers stated that the recent financial report from the golf course through August indicate that revenues are 67% ahead of least year to date. He stated that an agreement could come shortly on the tree removal policy. He stated he plans to have an update at the next meeting.

Town Administrator Report

Ms. Hale thanked the residents and business people for their patience as the access to the driveway at Town Hall has been blocked due to Main Street construction. She added that the blue ballot mailbox is for election information or early ballot submissions.

V. Consent Agenda

a. Ms. Malinowski asked to hold agenda item "a." Ms. Malinowski asked to strike the sentence on page four reading, "Ms. Malinowski said he missed half…" as she did not get a chance to answer the question posed to her. Chairman Healey made a motion to approve Open Session Minutes: September 8, 2020 with the above revision. Mr. Stivers seconded. The motion passed all in favor (5-0-0) by roll call vote, Braccio, aye; Malinowski, aye; Shea, aye; Stivers, aye; Healey, aye.

b. Ms. Braccio made a motion to appoint Julia Fontana as Part-Time Dispatcher per Chief Paulhus' recommendation. Mr. Stivers seconded. The motion passed all in favor (5-0-0) by roll call vote, Braccio, aye; Malinowski, aye; Shea, aye; Stivers, aye; Healey, aye.

c. Ms. Braccio made a motion to declare maximum useful life of E-One Fire Truck as 20 years as condition of bond. Mr. Stivers seconded. The motion passed (3-0-2) by roll call vote, Braccio, aye; Shea, aye; Stivers, aye. Chairman Healey and Ms. Malinowski recused.

d. Chairman Healey asked to hold agenda item "d." Chairman Healey explained the different versions included in the packet and stated that he proposed a hybrid model of each. Ms. Braccio asked why an oversight committee is outlined in the policy when the Public Works Planning Board could oversee the policy. She asked how many people would be on the committee and voiced her concern about lack of volunteerism. Chairman Healey stated that other towns have an oversight committee but he is comfortable with the Public Works Planning Board taking on this role. Mr. Stivers agreed. Mr. Shea stated he preferred the Public Works Planning Board taking this role as well and suggested instead of listing "users" throughout the document that the

term “users” be defined in the preamble and referenced as such throughout. Chairman Healey agreed. Ms. Malinowski suggested the Public Works Planning Board oversee the execution of the policy with the Capital Committee. Chairman Healey said he would correct scrivener’s errors. Chairman Healey made a motion to approve the Policy on Complete Streets. Mr. Stivers seconded. The motion passed all in favor (5-0-0) by roll call vote, Braccio, aye; Malinowski, aye; Shea, aye; Stivers, aye; Healey, aye.

e. Chairman Healey asked to hold agenda item “e.” Chairman Healey stated that the dates indicate that the farm is blocked out from noon until 6:00 P.M. each Sunday in the fall season. He looked back at the conservation restriction and stated he could not find language that supported these sorts of events or charging for them. He stated that the language states that the tax payers of Southborough have unlimited access to the property from dawn until dusk. Chairman Healey stated he would approve the event for October 4th but wanted to send written communication to the Trustees asking for the basis for the permission to hold these events. He added he was not pleased with the communication with the Trustees and the Conservation Commission and the Commission shares the same concerns. He stated he would like to ask the Trustees if there is parking for these paid events, what steps are in order to make sure parking is available for residents to access the property while the event is taking place. The Board agreed to send the communication. Ms. Braccio stated that she received multiple phone calls with the same concerns and the fear of losing the right to the land. She requested that if the event is approved, there be a condition that the Trailhead Parking Lot be available to Southborough residents. Ms. Malinowski asked who would be monitoring the farm to ensure parking is open. Chairman Healey stated it is the obligation of the farm to do so in good faith. Chairman Healey made a motion that the license request for October 4th be approved with the condition that the Trailhead Parking Lot be reserved for non-attendees of the event. Ms. Braccio added that the lot and land be used as the conservation restriction put in place. Mr. Stivers seconded. The motion passed all in favor (5-0-0) by roll call vote, Braccio, aye; Malinowski, aye; Shea, aye; Stivers, aye; Healey, aye.

f. Ms. Braccio made a motion to approve of Capital Planning – School Research Subcommittee Charge. Mr. Stivers seconded. The motion passed all in favor (5-0-0) by roll call vote, Braccio, aye; Malinowski, aye; Shea, aye; Stivers, aye; Healey, aye.

g. Chairman Healey made a motion to appoint Jason Malinowski and Kathy Cook to Capital Planning – School Research Subcommittee. Mr. Stivers seconded. The motion passed (4-0-1) by roll call vote, Braccio, aye; Shea, aye; Stivers, aye; Healey, aye. Ms. Malinowski recused.

h. Ms. Braccio made a motion to approve Common Victualer Applications: NY Bagel Factory @ 20 Turnpike Rd. and 205 Turnpike Rd. Mr. Stivers seconded. The motion passed all in favor (5-0-0) by roll call vote, Braccio, aye; Malinowski, aye; Shea, aye; Stivers, aye; Healey, aye.

i. Ms. Braccio made a motion to approve of one-year extension Golf Course Management contract with New England Golf. Mr. Stivers seconded. The motion passed all in favor (5-0-0) by roll call vote, Braccio, aye; Malinowski, aye; Shea, aye; Stivers, aye; Healey, aye.

j. Ms. Braccio made a motion to accept resignation of Lisa Braccio from SHOPC. Mr. Stivers seconded. The motion passed all in favor (5-0-0) by roll call vote, Braccio, aye; Malinowski, aye; Shea, aye; Stivers, aye; Healey, aye.

k. Ms. Braccio made a motion to appoint Chelsea Malinowski as Board of Selectmen representative to SHOPC, term of 6/30/2021. Mr. Stivers seconded. The motion passed all in favor (5-0-0) by roll call vote, Braccio, aye; Malinowski, aye; Shea, aye; Stivers, aye; Healey, aye.

VI. Other Matters Properly Before the Board

Review of next steps for Downtown zoning

Chairman Healey stated that the Planning Board will be attending the October 6th meeting at 7:00 P.M. He stated the meeting will be for the Board, the EDC and the Planning Board to discus the next steps for Downtown zoning. He added that he would like other stakeholders such as Open Space, Trails Committee and the Cultural Arts Council to be aware of the meeting but will be participating at a later date. Mr. Stivers requested SHOPC be made aware of the meeting. Chairman Healey agreed.

Review of ADA Grievance policy

Ms. Hale explained that the Board needs to approve an ADA Grievance Policy along with providing information of public buildings and grounds in order to meet the CMRPC grant requirements. She asked the Board to adopt the policy from the packet for the grant application. Ms. Braccio asked if the ADA Committee had reviewed the document. Ms. Hale responded that they have not met recently but Mr. Purple has been working with Ms. Sines regarding the grant. Ms. Braccio asked who the coordinator would be as outlined in section four and added that the response time to a complaint is listed as fifteen days and she would like to see that reduce to seven calendar days. Ms. Hale agreed. Ms. Braccio sited section nine regarding complaints alleging discrimination appeals to the Town Administrator who is also the ADA Coordinator and asked how that would work. Ms. Hale stated in that situation the Board could stipulate another person in his steed and suggested the Board take on the role. Chairman Healey agreed and Ms. Hale stated she would make the revision. Ms. Braccio requested the ADA review and comment on the document. Ms. Hale agreed to reach out to them.

Mr. Shea stated he agreed with reaching out to the Accessibility Committee. He added that the availability to be a conduit for the public to raise concerns is outlined in their new charge and asked how that was different from filing a grievance. Ms. Hale replied there was not a distinction. Mr. Stivers stated that the difference would be that the Committee does not have adjudication responsibility for solving the complaint and the opportunity to dispose of the problem lies with Mr. Purple. Mr. Shea outlined his suggested revisions which include removing "Town Administrator" from the last sentence in section five, a scrivener's error in section eight and to remove the call out to wheelchairs and replace with "accessible to persons with disabilities" in the third paragraph of the notice of discrimination of rights. Ms. Hale agreed to the changes. Ms. Hale stated the deadline for approval is October 9th and felt that she could make the revisions, meet with the Accessibility Committee and return with another draft by the October 6th meeting.

National Grid notice of vegetation management

Mr. Stivers stated it is unclear what utilities are required to act upon regarding vegetation management and he has been working with Ms. Galligan to understand more. He said it is clear National Grid needs to provide vegetation management plans but it is unclear as to the details required in the plan. Chairman Healey stated a thirty-day notification was supposed to be preceded by an annual notification of this type of work in March and it was not provided. He added that there is no indication of the repercussions if the utility does not comply with conditions. Mr. Stivers stated there needs to be enforcement of the annual vegetation management plan requirement and added that the Board needs to approve the plans. He said it is unclear what were to happen if the Board did not approve. Ms. Braccio asked if the Board could take a position that they are not in favor until further discussion. Mr. Stivers stated Ms. Galligan indicated that the majority of the work would be done Friday and he would follow up with her. Chairman Healey made a motion that the Board communicate to National Grid that no

action be undertaken to any public tree or shared tree on a public way pending the opportunity for the Town of Southborough to respond. Mr. Stivers seconded. The motion passed all in favor (5-0-0) by roll call vote, Braccio, aye; Malinowski, aye; Shea, aye; Stivers, aye; Healey, aye.

VII. Public Comment

Tim Litt (148 Woodland Rd) stated he drafted the ADA Policy that was to create the Accessibility Committee for Town Meeting. He said the ADA is acting as it is in effect even though the Town Meeting approval has not taken place due to the pandemic. He stated that he drafted the language to allow the Town Administrator role to be distinct from the ADA Coordinator if the two are not the same in the future. Mr. Litt urged the Board to be careful not to assume the role of ADA Coordinator will always be filled by the Town Administrator. Mr. Litt also requested the Board bring an update about access to the Public Safety Building at the next meeting.

VIII. On a motion made by Chairman Healey, seconded by Mr. Stivers and voted by roll call all in favor, Braccio, aye; Malinowski, aye; Shea, aye; Stivers, aye; Healey, aye, the meeting was adjourned at 11:04 P.M.

Upcoming Meetings
October 6, 2020
October 20, 2020

Respectfully submitted,

Kathleen Barry, Recording Secretary

List of Documents referred to at the September 22, 2020 BOS Meeting:

- Original Agenda for September 22, 2020 Meeting
- List of FY 2021Board Goals
- Citizen Activity Form, Annie Pfaff
- Citizen Activity Form, Seath Crandall
- Letter from Vanessa Hale to BOS re: Municipal Approving Authority dated 9.17.20
- MA Department of EEC Remote Learning Enrichment Policy
- St. Mark's Remote Learning Enrichment Program
- Budget Update Presentation
- Analysis of Solid Waste Disposal Presentation
- Policy on Issuance of Outdoor Entertainment Licenses - Auburn Example
- Entertainment License Rules and Regulations - Bourne Example
- General Law - Part I, Title XX, Chapter 140, Section 183A
- Draft Regular Session Minutes, September 8, 2020
- Letter from Chief Paulhus to BOS re: Part-Time Telecommunications Officer/Dispatcher dated 9.11.20
- Resume of Julia Fontana
- Letter from Brian Ballantine to BOS re: Fire Truck Bond - June 2020 Approval dated 9.17.20

- Town of Amherst Complete Streets Policy
- Town of Lexington Complete Streets Policy
- Examples of Complete Streets Provided by MassDOT
- Redlined Draft Southborough Complete Streets Policy
- Draft Southborough Complete Streets
- Red and Blue-lined Draft of Complete Streets Policy from the DPW
- One-Day alcohol license applications, Chestnut Hill Farm Events: Fall Fun on the Farm, October 4 and October 11; Brew Moon Hike, October 10
- Capital Planning Committee - School Research Subcommittee Charge
- Common Victualer Applications: NY Bagel Factory @ 20 Turnpike Rd. and 205 Turnpike Rd.
- Amendment Two - Southborough Golf Club, Management and Maintenance Agreement
- Letter from Lisa Braccio to Martin Healey re: Resignation SHOPC dated 9.17.20
- Draft Southborough Americans With Disabilities Act Grievance Procedure
- Draft Southborough Non Discrimination Notice of Rights
- Letter from National Grid to Brian Shea re: Vegetation management dated 8.26.20

DRAFT

October xx 2020

RE: Remote Learning Enrichment Program Exemption

Dear XXX:

Whereas XXX is authorized and approved to apply for an exemption from the Department of Early Education and Care for the Remote Learning Enrichment Program exemption required to operate the XXX, the Board of Selectmen designate the following conditions must be met.

As discussed, breaks will be taken outdoors and all other activities will be restricted to the property of XXX.

The proposed group size and ratio for the Remote Learning Enrichment Program is designed as noted below:

- Current proposed group between XXX students varying in age with the youngest being X and the oldest being X
- Intent is to group children by cohort/family
- Anticipate based on cohorts that XXX staff members are required to support the group
- All non-essential visitors will be prohibited from entering the space
- Parents/guardians will be asked to provide information regarding their child's class, assignments, learning style and anything else that might help provide a better experience
- CORI/SORI checks will be performed by XXX

The health and safety guidelines that the Remote Learning Enrichment Program will follow are detailed and thorough and include the following:

- Each child will need to bring their own personal computer/tablet and other school supplies needed to complete their virtual work each day
- Personal items are not to be shared and should remain in designated spaces
- Cleaning, sanitizing and disinfecting solutions will be labeled properly and kept separate and accessible to staff in each area of the program, out of the reach of children
- High touch shared areas (door handles, railings, bathrooms) will be cleaned throughout the day by staff. Custodial staff will do a sweep of all spaces each morning
- Handwashing signs will be placed in all restrooms. Hand sanitizer will be placed in all rooms and will be used regularly throughout the day in between frequent hand washing

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- Masks must cover the nose and mouth and are required for anyone in the program space, including parents/guardians at drop off and pick up. Children will be allowed to remove them during mealtimes and will have set mask breaks outdoors each day.

Parents are required to take the child's temperature prior to attending; staff temperature are taken and recorded daily. No one is permitted to attend with a temperature over 100.OF degrees or if they are displaying any unexplained symptom.

The Board of Selectmen have designated Laurie Livoli, Building Commissioner, as the "Municipal Approving Authority" and have stated Ms. Livoli should be in frequent contact with the Fire Chief and Public Health Nurse to solicit guidance and feedback as the program progresses. The frequency of monitoring visits planned by the Municipal Approving Authority will include random, unannounced visits to ensure compliance and that approved safety guidelines are being followed. The Fire Chief [or his designee] and Public Health Nurse shall participate the primary inspection of XXX. This protocol is similar to inspection practices all business can expect due to the COVID-19 pandemic.

Please let us know if you require anything further to begin implementation of this program.

Sincerely yours,

Mark J. Purple, Town Administrator

cc:

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Town of Southborough Remote Learning Enrichment Program
Municipal Approval – Application

Applicant name: _____

Business / School name: _____

Address: _____

Address: _____

Phone # _____

Phone # _____

Email Address: _____

Date: _____

Name and address of all Staff: _____

_____

_____

_____

_____

Program description: _____

_____

Attach separate sheet if needed

Total square footage dedicated to this program: _____

Square footage per student _____

Maximum number of students at one time: _____

Maximum teacher: student ratio _____

Description of COVID control measures: _____

_____

Attach separate sheet if needed

**** Note, if this program is already licensed by EEC, Municipal Approval is not required ****

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Sign Off: Recommend Approval / Disapproval

Fire Dept. _____; Comments: _____

Signature: _____

Building Dept. /Zoning Enforcement _____; Comments: _____

Signature: _____

Board of Health: _____; Comments: _____

Signature: _____

Compliance with State Requirements:

Yes / No 1:13 staff to children. Maximum of 26 per room

Yes / No CORI, SORI, DCF Attestation for all staff

Yes / No Up to date ADA, Fire, lead paint inspections. Meets Building Code

Yes / No Children also enrolled in public or private kindergarten or above

Yes / No Self attestation that they will follow all EEC and DESE safety requirements

Municipal Approval is _____ to: _____ _____

Approved / Denied Name: Business / School

By: _____ _____

Name Position

Date: _____

This approval is conditioned on the State EEC, DESE, and Governor Baker's Executive Orders in affect at the time of this approval. It is subject to changes in State and Local regulations and guidelines.

This Municipal Approval is valid for one (1) year and will expire one year from the approval date above.

The Municipal Approving Authority will schedule periodic inspections to verify ongoing compliance.

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Town of Southborough
Non-Discrimination Notice of Rights

In accordance with the requirements of Title II of the Americans with Disabilities Act of 1990 ("ADA"), the Town of Southborough will not discriminate against qualified individuals with disabilities on the basis of a disability in its services, programs, or activities. The Town also does not discriminate on the basis of disability in its hiring or employment practices and complies with all regulations promulgated by the U.S. Equal Employment Opportunity Commission under Title I of the ADA.

Modifications to Policies and Procedures: The Town will make all reasonable modifications to policies and programs to ensure that persons with disabilities have an equal opportunity to enjoy all of its programs, services, and activities.

Equal Access to Public Meetings: All Town-sponsored public meetings and hearings must be held in locations/formats that are accessible to persons with disabilities.

Effective Communication: Persons with disabilities who need either: (1) auxiliary aids and services for effective communication, or (2) written materials in alternative formats, or (3) reasonable modifications in policies and procedures, in order to access programs and activities of the Town of Southborough, are invited to make their needs known to program staff or to the Town's ADA Coordinator [i.e. the Town Administrator]. Requests should be made as soon as possible.

The Town will not place a surcharge on a particular individual with a disability or any group of individuals with disabilities to cover the cost of providing auxiliary aids/services or reasonable modifications of policy, such as retrieving items from locations that are open to the public but are not accessible to persons with a disability.

Questions or requests for additional information may be sent to:

Town of Southborough– Office of the Town Administrator
Attn: ADA Coordinator
17 Common Street
Southborough, MA 01772
mpurple@southboroughma.com
508-485-0710

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This notice is provided as required by Title II of the Americans with Disabilities Act (ADA) and by Section 504 of the Rehabilitation Act of 1973. This Notice is available in alternative formats from the ADA Coordinator and is posted in Town buildings and on the Town's website at: https://www.southboroughtown.com/

Adopted by the Southborough Board of Selectmen at their meeting on xxx.

TOWN OF SOUTHBOROUGH MASSACHUSETTS
AMERICANS WITH DISABILITIES ACT GRIEVANCE PROCEDURE

Section 1: In accordance with the Americans with Disabilities Act (ADA), The Town of Southborough may not discriminate on the basis of disability against any qualified individual with a disability in the services, programs or activities it provides, in accessibility to public meetings and in its employment practices.

Section 2: In the event that a person with a disability believes he/she has been discriminated against, a complaint may be filed, using the following format:

a. Complaint shall be in writing, signed by the Complainant or an authorized representative.

b. Complainant shall include Complainant's name, address and telephone, or alternative method of contact.

c. Complaint shall identify the Town Department, employee, officer or agency committing the alleged discriminatory action.

d. Complaint shall describe, in detail, the alleged discriminatory action.

e. If the complaint is regarding the Town's website please also contact the Town's ADA Coordinator.

Section 3: The Complaint shall be submitted, within thirty (30) days of the alleged discriminatory action, or knowledge thereof, to the appropriate ADA Coordinator:

Town of Southborough– Office of the Town Administrator
Attn: ADA Coordinator
17 Common Street
Southborough, MA 01772
mpurple@southboroughma.com
508-485-0710

Note: Complaints should be submitted in writing, via email, or by completing the website complaint form

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[https://www.southboroughtown.com/sites/g/files/vyhlif1231/f/uploads/ada_grievance_form.pdf] and will be promptly addressed. If you prefer to use an alternative format such as Braille or a telephone interview, please contact the ADA Coordinator at 508-485-0710 or at mpurple@southboroughma.com to ensure that the Town can accommodate the format of your choice.

Section 4: The Coordinator shall contact and/or meet with the Complainant within seven days to discuss the nature of the Complaint and to request/obtain clarifying information from the Complainant.

Section 5: The Town's designated ADA Coordinator ("Coordinator") shall investigate the Complaint and meet with the appropriate board, official or employee(s), to resolve the Complaint. Within fifteen (15) calendar days after such meeting, the Coordinator shall inform the Complainant of the resolution. This communication shall explain the position of the Town of Southborough and offer options for resolution. A copy of this correspondence shall be provided to the Town Administrator and/or the Town's ADA Committee.

Section 6: If the response given by the Coordinator does not satisfactorily address the issue, the Complainant may within fifteen (15) days of the receipt of the response file a request to appeal the decision of the Coordinator to the Board of Selectmen or their designee.

Section 7: The Town or his/her designee will contact or meet with the Complainant to discuss the appeal within fifteen (15) calendar days of receipt of the appeal.

Section 8: The Board of Selectmen or their designee shall respond to the appeal in writing or alternative format as appropriate within fifteen (15) calendar days of the appeal contact or meeting, with a final resolution of the complaint. A copy of this correspondence and the original request to appeal will be sent to the Southborough ADA Committee.

Section 9: All complaints alleging discrimination on the basis of a disability received by the ADA Committee, Town Administrator, Board of Selectmen or their designee, and responses from the ADA Committee, Town Administrator or Board of Selectmen or their designee will be retained by the Town of Southborough for a minimum of three (3) years.

DRAFT

Section 10: Nothing in this Grievance Procedure shall preclude the Complainant from filing a complaint with any appropriate state/federal agencies, or by filing a lawsuit in Federal Court.

Adopted by the Board of Selectmen at their meeting on XXX

DRAFT

EDC Downtown Initiative

Village Mixed Use District

September 2020 Update (V2)

of Southborough

Why are we doing this ???

Source: Housing Production Plan 2015

Past Recommendations for Downtown

2008 Master Plan

Goal #1:
Promote growth and development within the Downtown to encourage a mixed use environment.

2012 MAPC Report

Southborough Zoning Bylaw Review and Build-out Analysis
- Build-out Analysis for Town Center Parcels

2015 Housing Production Plan

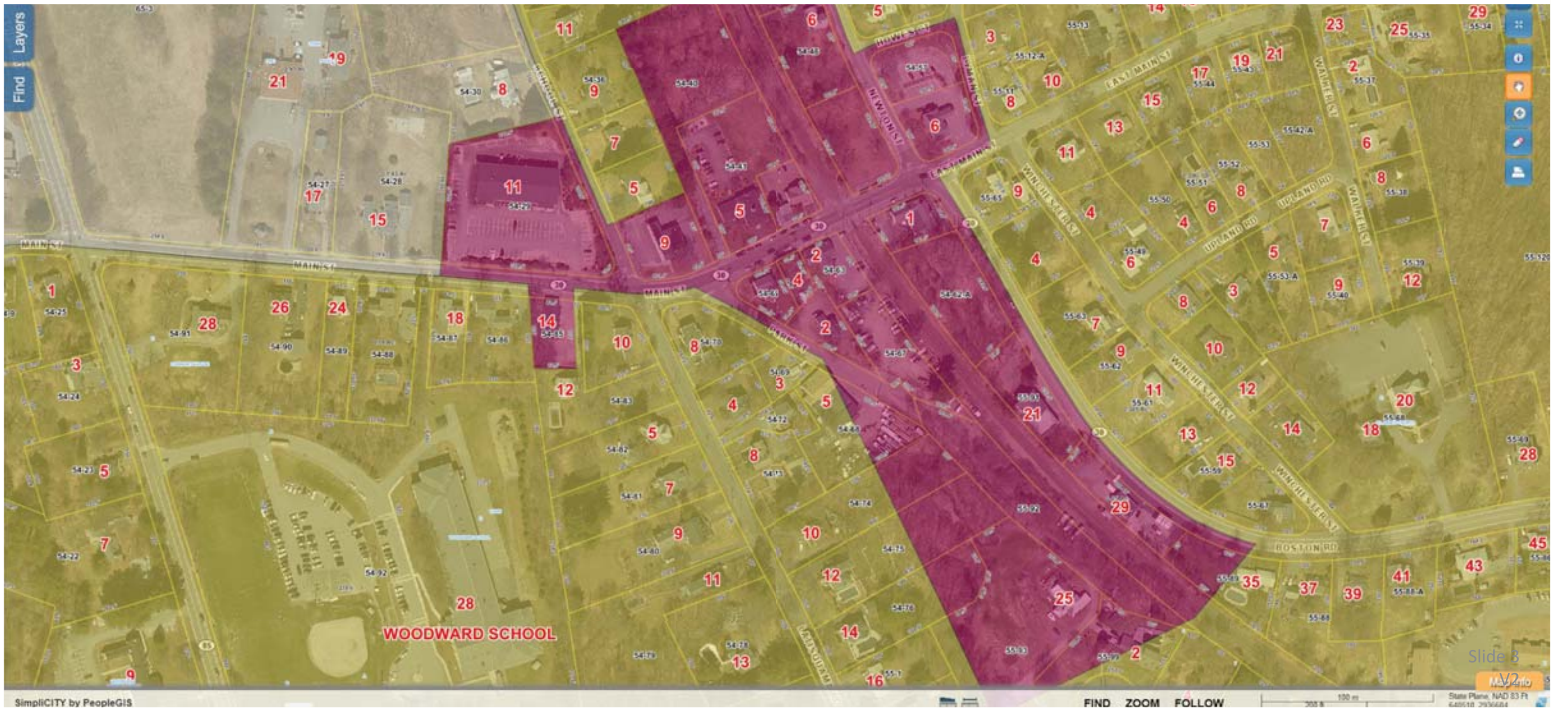
- Encourage mixed use development
- Make infrastructure improvements to promote housing/economic development
- Proposed Implementation of Milestones: Planning Board to create subcommittee to review prior proposed mixed-use bylaw amendments, collect density data, identify properties for redevelopment, prepare visualization sketches, revise proposed amendment if necessary, and solicit public feedback (Spring/Summer 2017)

2018 ULI Report

"…there appears to be a willingness on the part of the town government and its residents to consider ***the reinvigoration of the downtown as an investment that is beneficial to the entirety of Southborough"***

http://71.126.253.179:8087/Cablecast/Public/Show.aspx?ChannelID=3&ShowID=1157

MAP A: Downtown Business Village District (DBVD)



Village Mixed Use District: Work To Date

EDC Zoning Work to Date:

- Identified "What we want in Downtown" through surveys, studies and recommendation/plans (*See Appendix*)
- Identified downtown parcels for possible (re)development
- Created a Vision for Downtown
- Researched zoning bylaws of comparable communities with desirable downtowns (Westborough, Grafton, Groton, Hamilton, Longmeadow, Barnstable, Stockbridge, Dorset VT and Washington CT)
- Used Grafton's overlay district (among others), as a guide to drafting a mixed-use zoning document
- Considered different zoning options for downtown Southborough
- EEA Grant allowed the EDC to hire zoning/planning consultants:
  - A. Costa for legal zoning assistance (to ensure the overlay works with the underlying zoning)
  - J. Barrett for professional planning assistance to write the Southborough specific performance standards

Project Timeline

July-Dec. 2017

- "What are you doing about Downtown"?
- EDC Identified Downtown revitalization as a top priority
- EDC Downtown Survey (Sept-Oct)
- Survey results presented (Oct)
- Downtown forum (Nov)

2018

- Outreach with downtown businesses & residents – providing updates on construction, hosting planning sessions, collecting feedback
- Contracted to ULI TAP (May 9th)
- Supported 2 East Main St proposed mixed-use building
- Researched land availability/acquisition
- Zoning review meetings (ZBA & Planning Board) – Drafted zoning amendment, reviewed with ZBA & Planning Board

2019

- Downtown 'working' plan driven by data and resident's feedback *(Master Plan 2008, 2015 SHOPC Housing Production Plan, ULI Report, 2017 EDC Survey)*
- Researched zoning bylaws - comparable communities
- Met with Grafton Town Planner
- Wrote draft zoning amendment using Grafton's overlay district as a guide for Southborough
- Identified land opportunities
- Sept - Presented to BOS: Mixed use overlay, available land, investment opportunities, vision statement & historic pictures
- EEA Planning Assistance Grant - awarded 9/25
- Dec 17 - EDC presented to BOS
- EDC flyer created (THEN & NOW)

2020 ongoing

- Zoning article rescheduled - Fall STM
- Planning Board presentation - Jan 6th
- Advisory Board discussion - Jan 9th
- Downtown Initiative "Roadshow" (Library, Town House & Senior Center)
- Hired Adam Costa (Zoning attorney) - drafted an overlay zoning article to be completed by a Planning Consultant
- Notified all Bd/Comm Stakeholders May 8th email, requesting input
- VMUD (Version 2) distributed June 15th to all Bd/Comm Stakeholders
- Jun 29 - OSPC reviewed VMUD (V2) w/Project Mgr.
- Planned zoning article rescheduled - ATM
- Jul 3 - BVD Design Guidelines Draft
- Jul 10 - VMUD (V3) distributed w/request to review
- Jul 28 - initial call with J Barrett (calls 8/14, 8/25)
- Sept 8 - Received Town Center Standards V1 draft from J Barrett & meeting w/BOS

Village Mixed Use District: (Re)Development Sites

Village Mixed Use District: Vision for Downtown

Village Mixed Use District: Purpose

It is the purpose of the Village Mixed Use District (VMUD) to make mixed-use development options more readily available in the downtown area, and to encourage thoughtful and distinctive development or redevelopment opportunities that prioritize a diversity of uses, use and design compatibility, accessibility, innovative parking solutions and overall compliance with the performance and design standards to follow.

Specific objectives of the VMUD include:

1) Promoting revitalization of Southborough's downtown area by encouraging and facilitating a mixed-use environment.

2) Fostering a diverse mix of retail, office, residential, and recreational uses for residents, businesses, students, and visitors.

3) Updating the range of non-residential uses allowed, thereby promoting the creation of local jobs.

4) Providing more diverse local housing opportunities (within mixed-use development).

5) Encouraging village-style streetscapes and uses, in part through modification of existing dimensional requirements.

6) Increasing the town's tax base by creating a thriving small business environment, helping existing businesses and attracting new enterprises.

7) Permitting uses that promote conversion of existing buildings in a manner that maintains the visual character and architectural scale of existing development within the VMUD.

8) Encouraging a vibrant environment to live, work and play, and create pedestrian and bicycle-friendly spaces where the community can gather.

Source: VMUD Draft V.3

Village Mixed Use District: Technical Zoning Options

Edit Business Village District Zoning	New Overlay District	New Zoning District
• Easiest to present/understand at Town Meeting • Associated review process & design standards specific to the BV districts have already been adopted • Updates can be accommodated w/in warrant article • Changes will apply to all 3 Business Village Districts • Does not address streamlining permitting process	• Ability to package all of the new overlay district requirements and definitions in one bylaw • Could override issues with Section 174-8 (c-2 & c-5) • Expansion possibility to include additional parcels • Underlying zoning stays the same • No changes for other Business Village Districts • May need additional warrant article (ie, map change)	• New zoning district would eliminate BVD zoning for the downtown area • May be perceived as too big of a change for current residents in the BVD in Downtown • Will require legal counsel direction

Village Mixed Use District: Technical Zoning Options

Why the EDC voted to go with an overlay zoning option:

- The EDC suggested amending the existing BVD bylaw to include a mixed use component - (after review, it was considered too broad)
- Other options:
  - Create an overlay
  - Revise BVD zoning
  - Create a separate Downtown BVD
- A mixed-use overlay district was considered to be the preferred option as:
  - ***The underlying zoning stays the same***
  - ***It is easy to expand geographically in the future***
  - ***It can be amended when needed***
  - ***It only applies to the Downtown area, other business villages are not affected***

Village Mixed Use District: Timeline for Zoning Article

Spring 2021 Annual Town Meeting - subject to change*

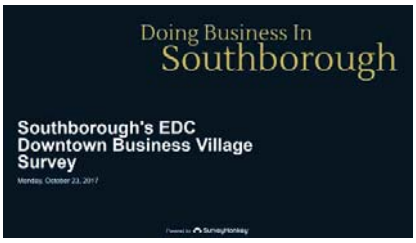
Date	Activity
November 17 BOS mtg	Final draft article reviewed & approved at BOS meeting
November 19	PB needs to receive the finalized draft from the BOS
December 14th	PB Public Hearing #1
Jan 2021 PB meetings	PB Public Hearing #2 & 3 (continues until vote is taken to close the Public Hearing
Feb 2021 PB meeting	Public Hearings continue if necessary
Feb BOS meeting	BOS votes changes (if necessary) from Public Hearings(s)
Mar 2021 PB meeting	Planning Board provides recommendations on article to be included in the Town Meeting Warrant

* BOS Town Meeting calendar and Board/Comm meeting dates for 2021

APPENDIX - Survey & Forums

2017 – EDC Downtown Initiative Survey

- **Outreach** August/September 2017
- **427 Total Responses** (including review/input from Boards & Committees)
  - Only *31% were satisfied* with business climate in Downtown
  - *86% were dissatisfied* with shopping and dining opportunities
  - 55% felt that the area doesn't have a 'downtown' feel
- **Summary**
  - Residents and businesses care deeply about Downtown and want improvements.
  - There is a strong sense of community.
  - More amenities are wanted:
    - 90% want more restaurants. Publik house/pub mentioned repeatedly:
    - 67% want more retail shops:
    - Most are open to small-scale mixed use (Only 15% opposed);
    - Historic buildings, signage, "public spaces" and connectivity are highly valued.
- **Forums**
  - October 2017 - SAM link - https://www.youtube.com/watch?v=haPP0ILJn7Y
  - November 2017 - https://www.youtube.com/watch?v=8IUHLRjKv0I



APPENDIX - 2019 EDC Public Forums

February 7th

- **Outreach** Mailing to all households and businesses
- **Attendance**
  - 22 residents/business representatives/Board & Committee members
- **Summary**
  - Residents and businesses discussed their support/questions/ideas for Downtown (re)development
- **Meeting link -** televised by SAM **https://www.youtube.com/watch?v=3KwHMC0IDt8**

October 30th

- **Summary**
  - Presented images of Southborough's Historic Downtown
  - Updated the Downtown Initiative Project - activities to date
  - Discussed EDC's vision for a future Downtown - renderings for a suggested look of Downtown

VILLAGE MIXED USE DISTRICT (VMUD)

1 Purpose

It is the purpose of the Village Mixed Use District (VMUD) to make mixed-use development options more readily available in the downtown area, and to encourage thoughtful and distinctive development or redevelopment opportunities that prioritize a diversity of uses, use and design compatibility, accessibility, innovative parking solutions and overall compliance with the performance and design standards to follow. More specific objectives of the VMUD include to:

1) Promote revitalization of Southborough's downtown area by encouraging and facilitating a mixed-use environment.
2) Foster a diverse mix of retail, office, residential, and recreational uses for residents, businesses, students, and visitors that are pedestrian and bicycle friendly.
3) Update the range of non-residential uses allowed, thereby promoting the creation of local jobs.
4) Provide more diverse local housing opportunities (within mixed-use development),
5) Encourage village-style streetscapes and uses, in part through modification of existing dimensional requirements.
6) Increase the town's tax base by creating a thriving small business environment, helping existing businesses and attracting new enterprises,
7) Permit uses that promote conversion of existing buildings in a manner that maintains the visual character and architectural scale of existing development within the VMUD.
8) Encourage a vibrant environment to live, work and play, and create pedestrian and bicycle-friendly walking spaces where the community can gather.

2 Establishment

The VMUD is an overlay district having a land area of approximately 15 acres that is superimposed on the downtown portion of the underlying Business Village District as shown on the map entitled "VMUD Map," attached hereto as Attachment 1. Said map is hereby made a part of the Zoning Bylaw and is on file in the Office of the Town Clerk.

3 Applicability

In lieu of and as a substitute for development pursuant to the underlying zoning, any use authorized by Section 6 below may proceed in accordance with requirements and following the procedures established for projects within the VMUD. Provided, however, that except as superseded hereunder, the provisions of the underlying zoning shall remain in full force and effect.

The provisions of Section 6 shall be applicable to all nonresidential and mixed-use development within the VMUD, and to residential development within the VMUD that consists of two or more dwelling units. The foregoing expressly includes with respect to the following:

- Constructing a new building or addition
- Adding parking
- Changing building use
- Altering the existing building façade(s)
- Adding a new accessory structure
- Adding a new curb cut.

4 Authority

In the VMUD, the Planning Board is the administering authority for site plan review. They are also responsible for granting special permits and major site plan review, where required.

5 Definitions

As-of-right (AKA by-right) - Allowable development without recourse to a special permit, variance, zoning amendment or other form of zoning relief. As-of-right development contemplates a streamlined approval process with zoning-compliant projects requiring only non-discretionary review(s) by the Building Inspector and, where non-discretionary site plan approval is required, by the Planning Board.

Mixed-use development - A development of two or more compatible land uses, each permitted hereunder as of right or by special permit, in the same building or on the same lot.

Indoor recreational facility – an establishment that provides amusement, entertainment, or physical fitness services that occur indoors for a fee or admission charge.

Live/Work unit - a single unit (e.g., studio, loft, or one bedroom) consisting of both a commercial/**office** and a residential component that is occupied by the same resident
Mixed-use development - A development of two or more compatible land uses, each permitted hereunder as of right or by special permit, in the same building or on the same lot.

Overlay District - An overlay district is a district superimposed upon another district which supersedes, modifies or supplements the underlying regulations.

Pub – Business location that is licensed to serve alcoholic beverages to the public

Brew pub – a bar serving beer brewed at a small microbrewery on the premises

6 Permitted and Prohibited Uses

6.1 Uses Allowed By Right

The following uses are allowed by right in the VMUD:

1. Mixed-use development
2. Multi-family dwellings at a density of up to twelve (12) units per acre - only in a mixed-use development
3. Retail not to exceed 8,000 sq. ft. of gross floor area
4. Personal and consumer services not to exceed 8,000 sq. ft. of gross floor area
5. Restaurants
6. Offices
7. Banks
8. Bed and breakfast establishments
9. Indoor recreation
10. Live/Work/Gallery
11. Pub or Brew pub

6.2 Uses Allowed by Special Permit

In addition to uses allowed by special permit by, and notwithstanding any conflicting provision(s) of, the underlying zoning, the following uses are also allowed in the VMUD upon the issuance of a special permit.

1) Retail over 8,000 sq. ft. of gross floor area
2) Personal and consumer services over 8,000 sq. ft. of gross floor area
3) Multi-family dwelling without a mixed-use component, where it can be demonstrated that a commercial component is not financially viable or where such a use would be inconsistent with adjacent uses
4) Multi-family dwellings with a density in excess of twelve (12) units per acre, but only on a parcel of less than two (2) acres within existing structure(s), and where, in the opinion of the Planning Board, redevelopment of the structure(s) can accommodate such greater density and would be consistent with the architecture of the building(s).

6.3 Prohibited Uses

1) Drive-up windows of any kind
2) Gas stations
3) Any use not expressly allowed hereunder or pursuant to the underlying zoning, or expressly prohibited thereunder.

7 Restrictions

7.1 Location and Distribution of Uses

The ground floor of a mixed-use building shall be occupied by commercial use(s) only. For projects comprised of multiple buildings, commercial use shall be required on the ground floor of the principal building but residential use may be permitted on the ground floor of secondary building(s) by special permit.

7.2 Residential Density

Maximum residential density shall be twelve (12) dwelling units per acre, unless a greater density is allowed through the issuance of a special permit pursuant to Section 6.2 above. In no event shall residential density exceed 16 units per acre.

7.3 Affordable Housing

Check new HPP and get SHOPC's input

8 Density and Dimensional Requirements [1]

The following dimensional requirements, a.k.a. dimensional standards, shall apply in the VMUD:

1) Minimum lot area – 0 ft.
2) Minimum frontage – TBD ft.
3) Minimum yards:
    - Front – TBD
    - Side – TBD
    - Rear – TBD.
4) Maximum building coverage – TBD
5) Maximum building height – TBD

9 Parking and Loading regulations

Parking lots for new construction is prohibited within the front yard, and shall be located to the side and rear of the lot unless such a location is not feasible.

9.1 Off-Street Parking Schedule Actual number of spaces as listed below should be reviewed.

No fewer than the following number of parking spaces shall be provided:

1) Multi-family dwellings:
    i. Studio and 1 bedroom – 1 space per unit
    ii. 2 bedroom – 1.5 spaces per unit
    iii. 3 or more bedrooms – 2 spaces per unit
2) Non-residential uses (business, retail and restaurants) – refers to applicable regulations from Section 174-12 - noted below

A. General requirements. There shall be provided off-street parking and loading facilities in accordance with the requirements of this section on the same lot as the use to which they

[1] To be discussed further with planner

are accessory, except that parking for nonresidential uses may be provided on a contiguous lot in the same ownership and zoning district as the lot on which the principal building or use is located. The Building Inspector shall interpret and apply the requirements for parking and loading spaces. Loading or parking layout for nonresidential uses shall be shown on and approved as part of a site plan.

B. Surfacing. Required vehicular use areas shall be paved with bituminous concrete unless serving a single-family dwelling. An alternative surface may be approved by the Planning Board upon its determination that drainage, erosion, siltation, dust and appearance will be satisfactorily controlled. Where an alternative to bituminous concrete is authorized by the Planning Board, the following shall be complied with:

1) Access drives shall be paved with bituminous concrete or other pavement authorized by the Planning Board for at least 15 feet inside of the street or property line unless the street itself is not paved.
2) Grading and materials selection shall assure that surface materials will not be carried into the street and that drainage is positively provided for.
3) If there are eight or more parking spaces there shall be provisions for identifying individual spaces through use of segmented bumper strips or other similar permanent means.

C. Dimensional requirements.

1) Loading. Each loading space shall be not less than 10 feet in width, 14 feet in height and of such length that a truck or trailer occupying the space shall be entirely in the loading space and shall not project into any street, vehicular accessway or pedestrian walk. The loading space may use common access driveways and aisles with parking spaces, where such access is adequate for both purposes. If located within 50 feet of a residence district or if used frequently at night, loading spaces shall be enclosed. Loading spaces shall not be located within the required front yard.

2) Parking. Each parking space shall be at least 9 1/2 feet wide and 18 feet long, exclusive of aisles and maneuvering space; for parking at right angles to a central aisle, the width of the aisle shall not be less than 22 feet, and an equal width shall be provided at each end of a row of parking spaces; for angle or herringbone parking at 45° or 60° and one-way circulation, the width of aisles shall be consistent with the dimensions recommended by the Institute of Transportation Engineers, provided that for parking facilities for more than five cars, the total area shall be not less than 300 square feet times the number of parking spaces. Unobstructed access to and from a street shall be provided and shall not require backing out into a street. Two or more nonresidential uses may share a combined facility, provided that its continued availability is assured and the total number of spaces equals or exceeds the number required by this section. The number of parking spaces required by the Architectural Barriers Board located nearest to and to both sides of the entrance of a building used by the public and/or by employees shall be reserved for the exclusive use of handicapped persons and shall be identified by appropriate signs at each parking space and by the wheelchair symbol painted within each such parking space. Up to

25% of parking spaces dedicated to use by employees or occupants and not by the general public and up to 15% of such spaces for use by customers, visitors or general public may be reduced to not less than 17 feet by eight feet and marked as being reserved for compact cars only.

D. Loading requirements. Not fewer than the number of loading spaces indicated in the following table shall be provided:

Floor Area of Building or Structure (square feet)	Retail Trade, Wholesale Trade, Storage, Manufacturing	Consumer Service Offices, Institutions, Dormitories, Other Nonresidential Uses
5,000 to 15,000 sq ft numbers for discussion	1	0

?Continue adding applicable parking from 174-12

10 Landscaping[2]

Landscaping shall be incorporated into new and redeveloped properties in such a way as to create visual relief and interest, to provide shade for pedestrian areas, meeting/gathering areas and to screen parking and loading areas.

Landscape plans shall show the location, type, and size of all proposed plantings.

1) Parking areas (with more than x number of parking spaces shall be relieved by landscaped islands of a minimum of 8 feet in width, equal in depth to the average depth of the proposed parking spaces and located such that there is one island per 10 continuous spaces.

2) Alternatively, at least 5% of the interior area of the lot shall be devoted to landscaping. Areas described in the above shall have at a minimum one shade tree with a minimum caliper of 2.5 inches diameter breast height (DBH). Trees planted in such locations shall be planted in protected pervious areas which have a minimum dimension of 5 feet.

3) Where lots abut public rights of way, shade trees with a minimum caliper of 2 ½ inches, shall be provided within a planting strip no less than 4 feet in width and at a rate of one tree per every 6 continuous spaces.

[2] Needs to be discusses which sections of 174-13 should be included.

Landscaping for Trash and Service Areas

All service, loading and trash storage areas visible from a public right of way or from an adjacent residential property shall be screened by one or a combination of masonry, a wood screen, or evergreen plantings to reduce their visual impact.

12 Lighting

Article 29 (for approval at Fall 2020 STM) provides lighting zones. The relevant section for the VMUD would be covered in the section below - Source Warrant - Annual Town Meeting - March 28, 2020.

> E. Lighting zones. The Lighting Zone shall determine the limitations for lighting as specified in this section.
>
> LZ-2: Moderate ambient lighting Areas of human activity where the vision of human residents and users is adapted to moderate light levels. Lighting may typically be used for safety and convenience, but it is not necessarily uniform or continuous. After curfew, lighting may be extinguished or reduced as activity levels decline.
> Zoning Districts: Business Village

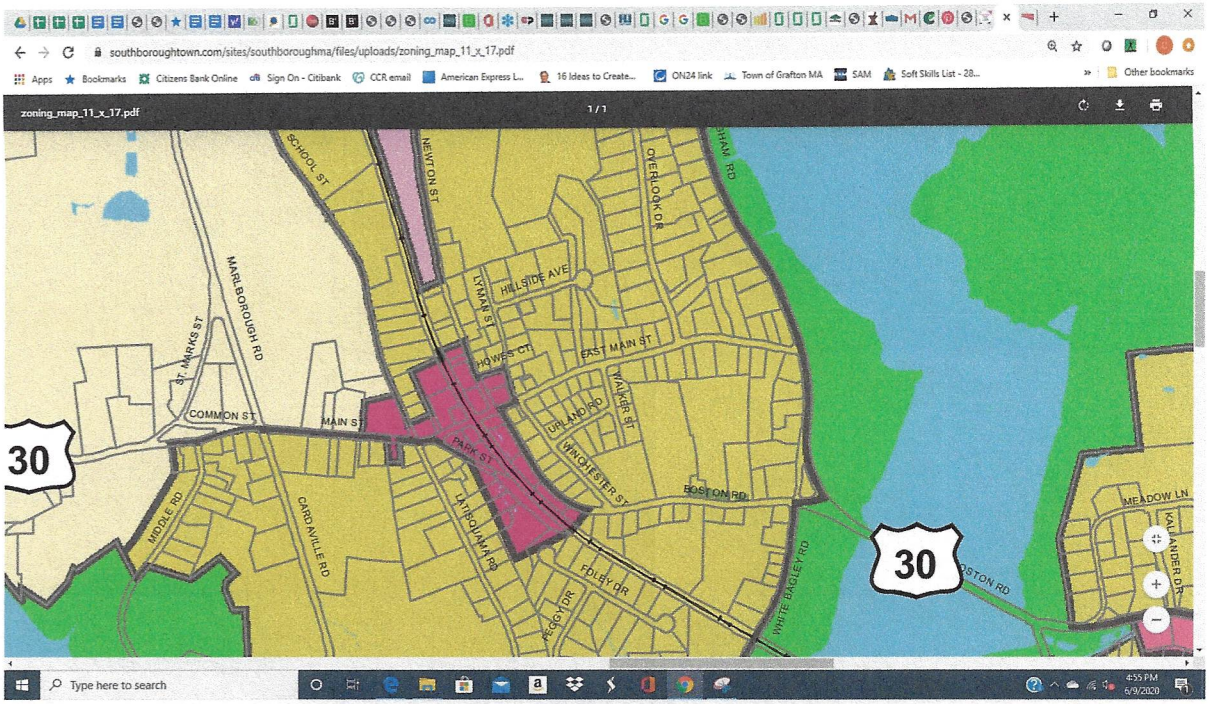
13 Signs

Use section 174-11 - relevant sections

On building - It is encouraged that signs that project from the building are to be designed in such a way that they are compatible with the nature of the Business Village (e.g. wooden "antique-style" signs).

Sign materials in the VMUD for hanging signs: should be traditional looking materials such as wood, brass, bronze, or others are encouraged, as they are most appropriate. Wooden signs should be constructed of dense wood that will accept paint readily.

Attachment 1 - VMUD Map



TOWN OF SOUTHBOROUGH

OFFICE OF THE TOWN ADMINISTRATOR
TOWN HOUSE · 17 COMMON STREET · SOUTHBOROUGH, MASSACHUSETTS 01772-1662
(508) 485-0710 · FAX (508) 480-0161 · selectmen@southboroughma.com

TO: Board of Selectmen
FROM: Mark J. Purple, Town Administrator
DATE: October 5, 2020
SUBJECT: Review of Executive Session minutes

As requested by the Board on a quarterly basis, I have reviewed the Executive Session minutes from Calendar Year 2020 to determine if they could be released, in whole or with some redactions. To date, these are the Executive Sessions held by the Board so far in 2020:

January 7, 2020 – *contract negotiations with Police Chief*
January 21, 2020 – *contract negotiations with Police Chief*
February 4, 2020 – *postpone contract negotiations with Police Chief*
February 25, 2020 – *contract negotiations with Police Chief*
May 5, 2020 – *Barron litigation*
May 19, 2020 – *contract negotiations with Finance Director; negotiations for DPW union*

The January and February sets of minutes can be released in their entirety. The May 5 minutes should not be released as the litigation is still pending. The May 19 minutes can be released with redactions (the Finance Director negotiations can be released; the DPW Union negotiations should be redacted). I have conferred with Labor Counsel, who concurs with these actions.

While not Calendar 2020 minutes, the Board approved the December 17, 2019 Executive Session minutes at their January 7, 2020 meeting. These minutes contain strategy discussions related to the acquisition of property from National Grid. As this discussion is not yet concluded, the recommendation is not to release these minutes.

If the Board agrees, I will have these minutes on the October 20, 2020 Consent Agenda for the Board to approve their release.

Thank you.

EXECUTIVE SUMMARY

Charter Cable Television Renewal License

Background: The Verizon license expired on September 16, 2020. Charter is one of three cable television providers licensed to operate in Southborough and serves approximately 16% of the market. Verizon, whose license expires on November 25, 2024, has a 83% market share and Comcast, whose license expires on September 19, 2021, has a 1% market share.

Significant License Terms

1. Term: 5 years

The Committee sought to negotiate ten-year renewal licenses with each of the cable providers but, given that Verizon only agreed to a five-year license, the parties were unable to agree to the financial elements of a ten-year license with Charter.

2. Capital Funding: $19,000

SAM's five-year capital budget projection was $77,366.50. The total capital payments from Verizon and Charter will produce $32,000 in excess of budget over that period.

3. Operational Funding – 5% of gross revenue

This is the maximum permitted by law. By obtaining Charter's agreement to increase this payment from 4% to 5%, it also triggered Verizon's obligation to do the same pursuant to the terms of the Verizon renewal license.

4. Live Broadcasting – Library and Public Safety Building

Charter will pay $5,000 for the purchase of the necessary equipment.

5. HD Channel

Charter does not support HD channels for PEG channels.

6. Public Buildings

Pursuant to recent changes in federal regulations, Charter will commence charging for basic cable service now provided free to public buildings. Since Verizon continues to provide such services free of charge, public buildings using Charter will be switched to Verizon.

TOWN OF SOUTHBOROUGH

COMMONWEALTH of MASSACHUSETTS

RENEWAL CABLE TELEVISION LICENSE

GRANTED TO

SPECTRUM NORTHEAST, LLC

d/b/a

Time Warner Cable Northeast LLC in Massachusetts

1 DEFINITION OF TERMS 6

1.1 Terms. 6

2 GRANT OF FRANCHISE. 9

2.1 Grant. 9

2.2 Term. 9

2.3 Police Powers and Conflicts with Franchise. 9

2.4 Cable System License Required. 9

2.5 Removal or Abandonment. 9

3 FRANCHISE RENEWAL. 10

3.1 Procedures for Renewal. 10

4 INDEMNIFICATION AND INSURANCE. 11

4.1 Indemnification. 11

4.2 Insurance. 11

4.3 Performance Bond. 12

5 SUBSCRIBER RIGHTS AND CONSUMER PROTECTION. 143

5.1 Customer Service Hours and Telephone Response Service. 143

5.2 Billing Practices Information And Procedures. 143

5.3 Notification Of Rates And Charges. 143

5.4 Disconnection and Termination Of Cable Services. 143

5.5 F.C.C. Customer Service. 143

5.6 Employee And Agent Identification Cards. 143

5.7 Protection Of Subscribers Privacy. 143

5.8 No Discrimination. 14

5.9 Right to Receive Written Bill 154

6 SERVICE AVAILABILITY. 15

6.1 Service Area. 15

6.2 Standard Drops. 15

6.3 New Development Underground. 15

7 CONSTRUCTION AND TECHNICAL STANDARDS. 17

7.1 Compliance with Codes. 17

7.2 Construction Standards and Requirements. 17

7.3 Safety 17

7.4 Network Technical Requirements. 17

7.5 Performance Monitoring. 17

8 CONDITIONS ON STREET OCCUPANCY. 18

8.1 General Conditions. 18

8.2 Underground Construction. 18

8.3 Construction Codes and Permits. 18

8.4 System Construction. 18

8.5 Restoration of Public Ways. 19

8.6 Removal in Emergency. 19

8.7 Tree Trimming. 19

8.8 Relocation for the Issuing Authority. 19

8.9 Relocation for a Third Party. 19

8.10 Reimbursement of Costs. 20

8.11 Emergency Use. 20

8.12 Private Property. 20

8.13 Reservation of Rights. 20

9 SERVICE AND RATES. 21

9.1 Phone Service 21

9.2 Notification of Service. 21

9.3 Continuity of Service Procedures. 21

9.4 Credits For Service Interruption. 21

9.5 Publication And Non-Discrimination. 21

10 LICENSE FEES. 22

10.1 License Fee. 22

10.2 Maximum Franchise Fee Oblication. 22

10.3 Payment of Fee. 22

10.4 Other Payment Obligations and Exclusions. 22

10.5 Accord and Satisfaction. 22

10.6 Limitation on Recovery. 22

11 TRANSFER OF LICENSE. 23

11.1 License Transfer. 23

12 RECORDS. 24

12.1 Reports Required. 24

12.2 Records Required. 24

12.3 Inspection of Records. 24

13 COMMUNITY PROGRAMMING. 25

13.1 PEG Access Channels. 25

13.2 PEG Transmission. 25

13.3 Public, Educational and Government Access Support. 25

13.4 Video Return Lines 26

13.5 Recovery of Costs. 26

13.6 Indemnity for PEG. 26

14 ENFORCEMENT, REVOCATION, PENALTIES. 27

14.1 Notice of Violation. 27

14.2 Licensee's Right to Cure or Respond. 27

14.3 Public Hearing. 27

14.4 Enforcement. 27

14.5 Revocation. 28

14.6 Notice of Legal Action. 28

14.7 No Waiver. 28

15 MISCELLANEOUS PROVISIONS. 29

15.1 Compliance with Laws. 29

15.2 Force Majeure. 29

15.3 Minor Violations. 29

15.4 Action of Parties. 29

15.5 Equal Protection. 29

15.6 Notice to Licensee. 30

15.7 Change in Law. 30

15.8 Notices. 30

15.9 Administration of License. 30

15.10 No Recourse Against The Issuing Authority. 31

15.11 Jurisdiction. 31

15.12 Public Notice. 31

15.13 Severability. 31

15.14 Entire Agreement. 31

15.15 Effective Date. 31

15.16 No Third Party Beneficiaries. 31

CHARTER – RENEWAL LICENSE AGREEMENT

This Renewal License Agreement is between the Board of Selectmen of the Town of Southborough, hereinafter referred to as the "Issuing Authority" and Spectrum Northeast, LLC doing business as Time Warner Cable Northeast LLC in Massachusetts, an indirect subsidiary of Charter Communications, Inc., hereinafter referred to as the "Licensee."

WHEREAS, the Issuing Authority of the Town of Southborough, Massachusetts ("Town"), pursuant to Chapter 166A of the General Laws of the Commonwealth of Massachusetts, as inserted by Chapter 1103 of the Acts of 1971, as amended, is authorized to grant one or more non-exclusive, renewal licenses to construct, upgrade, operate and maintain a Cable Television System within the Town of Southborough and

WHEREAS, the Issuing Authority finds that the Licensee has substantially complied with the material terms of the current License under applicable laws and that the financial, legal and technical ability of the Licensee is reasonable to provide services, facilities and equipment necessary to meet the future cable-related needs of the community, and

WHEREAS, having afforded the public adequate notice and opportunity for comment, the Issuing Authority desires to enter into this License renewal with the Licensee for the construction and operation of a cable system on the terms set forth herein; and

WHEREAS, the Issuing Authority and Licensee have complied with all federal and State-mandated procedural and substantive requirements pertinent to this License renewal;

NOW, THEREFORE, the Issuing Authority and Licensee agree as follows:

SECTION 1
Definition of Terms

1.1 Terms. For the purpose of this License the following terms, phrases, words and their derivations shall have the meaning ascribed to them in the Cable Communications Policy Act of 1984, as amended from time to time (the "Cable Act"), unless otherwise defined herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number, and words in the singular number include the plural number. The word "shall" is mandatory and "may" is permissive. Words not defined shall be given their common and ordinary meaning. Citations to specific statutes or regulations shall include and encompass any amendments to such statutes or regulations as may be from time to time made.

A. "Cable System", "Cable Service", "Cable Operator" and "Basic Cable Service" shall be defined as set forth in the Cable Act.

B. "Cable Act" shall mean the Cable Communication Policy Act of 1984, as amended, 47 U.S.C. §§ 521, et. seq.

C. "Channel" shall mean a portion of the electromagnetic frequency spectrum which is used in a cable system and which is capable of delivering a television channel.

D. "FCC" shall mean the Federal Communications Commission and any successor governmental entity thereto.

F. "Franchise Fee" shall have the same meaning as the term found in the Cable Act at 47 USC §542(b) and (g), as they may from time to time be amended.

G. "Gross Revenue" means any revenue, as determined in accordance with generally accepted accounting principles ("GAAP"), received by the Licensee from the operation of the Cable System to provide Cable Services in the Service Area, provided, however, that such phrase shall not include: (1) any taxes, fee or assessment of general applicability collected by the Licensee from Subscribers for pass-through to a government agency, including the FCC User Fee and the License Fee (or any other franchise fee as defined by federal law); (2) unrecovered bad debt; (3) any exclusions required under applicable State law and (4) any PEG fees recovered from Subscribers.

H. "Installation" shall mean the connection of the Cable System from feeder cable to Subscribers' premises.

I. "Issuing Authority" shall mean the Board of Selectmen of the Town of Southborough, Massachusetts, or its designee.

J. "License" shall mean the non-exclusive rights granted pursuant to this agreement to construct and operate a Cable System along the Streets within all or a specified area in the Service Area.

K. "Licensee" shall mean Spectrum Northeast, LLC doing business as Time Warner Cable Northeast LLC in Massachusetts, or its lawful successor, transferee, or assignee.

L. "License Fee" shall have the same meaning as the term found in Massachusetts General Law [M.G.L.] Chapter 166A, § 9, as it may from time to time be amended.

M. "Person" shall mean an individual, partnership, association, organization, corporation, trust, or government entity.

N. "Public, Educational and Governmental (PEG) Access Channel" shall mean a video channel which the Licensee shall make available to the Town and designees of the Town for the purpose of transmitting noncommercial, locally produced programming by members of the public, Town departments and agencies, public schools, educational, institutional and similar organizations.

O. "Service Area" shall mean the entire geographic boundaries of the Town, subject to the exceptions in section 6.1.

P. "Standard Installation" shall mean an Installation to residences and buildings that are located up to 150 aerial feet from the point of connection to Licensee's existing distribution system.

Q. "State" shall mean the Commonwealth of Massachusetts.

R. "Street" or "Streets" shall include each of the following located within the Town: public streets, roadways, highways, bridges, land paths, boulevards, avenues, lanes, alleys, sidewalks, circles, drives, easements, rights-of-way and similar public ways and extensions and additions thereto, including but not limited to public utility easements, dedicated utility strips, or rights-of-way dedicated for compatible uses now or hereafter held by the Issuing Authority, which shall entitle the Licensee, subject to applicable law, to the use thereof for the purpose of installing, operating, repairing and maintaining the Cable System.

S. “Subscriber” shall mean any Person who is billed for and authorized to receive Cable Service from the Licensee.

T. “Town” shall mean Southborough, Massachusetts.

SECTION 2
Grant of License

2.1 Grant. The Issuing Authority hereby grants to the Licensee a nonexclusive License which authorizes the Licensee, subject to applicable law, to erect, construct, operate and maintain in, upon, along, across, above, over and under the Streets, now in existence and as may be created or established during its terms; any poles, wires, antennas, cable, underground conduits, manholes, and other conductors and fixtures necessary for the maintenance and operation of a Cable System. Nothing in this License shall be construed to prohibit the Licensee from offering any service over its Cable System that is not prohibited by federal or State law.

2.2 Term. The License and the rights, privileges and authority hereby granted shall be for a term of five (5) years, commencing on the Effective Date of this License, unless otherwise lawfully terminated in accordance with the terms of this License.

2.3 Police Powers and Conflicts with License. By executing the License, the Licensee acknowledges that its rights are subject to the powers of the Town to adopt and enforce general by-laws necessary for the safety and welfare of the public. The Licensee shall comply with all applicable State and Town laws, by-laws, rules, and regulations of general applicability. In the event of a conflict between this License and any Issuing Authority ordinance or regulation, apart from the lawful police powers of the Town, that materially contradict the applicable provisions of this License that the parties are unable to resolve, the dispute will be reviewed by a court of competent jurisdiction. This License is a contract and except as to those changes, which are the result of the Issuing Authority's exercise of its general police power, neither party may take any unilateral action, which materially changes the explicit mutual promises in this contract. Any changes to this License must be made in writing signed by the Licensee and the Issuing Authority.

2.4 Cable System License Required. No Cable System shall be allowed to occupy or use the streets or public rights-of-way of the Town or be allowed to operate without a Cable System License**.**

2.5 Removal or Abandonment. Upon termination of this Renewal License or of any renewal thereof by passage of time or otherwise the Licensee shall remove all of its supporting structures, poles, transmission and distribution systems, and other appurtenances from the Public Ways and shall restore the areas to their original condition. If such removal is not complete within six (6) months of such termination, the Issuing Authority may deem any property not removed as having been abandoned.

SECTION 3
License Renewal

3.1 Procedures for Renewal. The Issuing Authority and the Licensee agree that any proceedings undertaken by the Issuing Authority that relate to the renewal of the Licensee's License shall be governed by and comply with the provisions of Section 626 of the Cable Act, or any such successor statute, as well as any governing state statutes and regulations.

SECTION 4
Indemnification and Insurance

4.1 Indemnification. The Licensee shall, by acceptance of the License granted herein, defend the Issuing Authority, in any action or proceeding in which it is claimed that personal injury or property damage was caused by the activities of the Licensee in installation, operation, or maintenance of the Cable System, and in the event of a determination of liability shall indemnify and hold the Issuing Authority harmless from any and all claims for injury or damage to persons or property, both real and personal, caused by the installation, operation or maintenance of its Cable System. The Issuing Authority shall give the Licensee sufficient notice of its obligation to indemnify and defend the Issuing Authority after receipt of a claim for which indemnification is sought to avoid the entry of a default judgment. For the purposes of this Section 4.1, "sufficient notice" shall mean notice provided within thirty (30) days of receipt of the claim, or at least ten (10) days prior to the legal deadline for submitting a response to the claim if such a deadline exists. In the event any such claim arises, the Issuing Authority shall tender the defense thereof to the Licensee and the Licensee shall have the right to defend, settle, or compromise any claims arising hereunder and the Town shall cooperate fully herein. Notwithstanding the foregoing, the Licensee shall not be obligated to indemnify the Town for any damages, liability or claims resulting from the willful misconduct or negligence of the Issuing Authority or for the Issuing Authority's use of the Cable System, including the use of any PEG channels by the Town or its designee.

4.2 Insurance.

A. The Licensee shall maintain throughout the term of the License insurance in amounts at least as follows:

(i) Workers' Compensation	Statutory Limits
(ii) Commercial General Liability	$1,000,000 per occurrence, $2,000,000 General Aggregate
(iii) Auto Liability including coverage on all owned, non-owned hired autos	$1,000,000 per occurrence Combined Single Limit
(iv) Umbrella Liability	$1,000,000 per occurrence

B. All liability insurance shall be written on an "occurrence basis".

C. The Issuing Authority shall be added as an additional insured to the above Commercial General Liability, Auto Liability and Umbrella Liability insurance coverage.

D. The Licensee shall furnish the Issuing Authority with current certificates of insurance evidencing such coverage within sixty (60) days of the Effective Date and upon written request thereafter.

E. Licensee shall not cancel any required insurance policy without submitting documentation to the Issuing Authority verifying that the Licensee has obtained alternative insurance in conformance with this Agreement.

F. All insurance shall be primary to any insurance coverage the Town may have.

G. Neither this Section 4.2, nor the provision of insurance or insurance proceeds pursuant to this Section 4.2 shall limit the liability of the licensee pursuant to this Renewal License.

4.3 Performance Bond.

The Licensee shall submit and maintain throughout the License a bond with corporate surety satisfactory to the Issuing Authority in the amount of ten thousand dollars ($10,000.00) conditioned on the following terms:

(1) The satisfactory operation of the Cable System in accordance with the provisions of M.G.L. c. 166A §§ 5(a), (m) & (n) and this License.

(2) The satisfactory restoration of pavements, sidewalks and other improvements in accordance with M.G.L. c. 166A § 5(g) ;

(4) The indemnification of the Town in accordance with M.G.L. c. 166A § 5(b);

(5) The satisfactory removal of the cable system in accordance with M.G.L. c.166A § 5(f) and within six (6) months from the date of lawful notice from the Issuing Authority to so remove the cable system.

(6) Substantial compliance with material terms of license.

This bond may be terminated or cancelled by Surety by thirty (30) days prior notice in writing to Principal and to Obligee at the end of the term of the current License or earlier if the bond can be terminated due to a change in state or federal law. Such termination or cancellation shall not affect any liability incurred or accrued under this bond prior to the effective date of such termination or cancellation. No claim, suit or action under this bond by reason of any such default shall be brought against Surety unless asserted or commenced within (12) months after the effective date of any termination or cancellation of this bond. The liability of the Surety shall be limited to the amount set forth above and is not cumulative.

SECTION 5
Service Obligations
Subscriber Rights And Consumer Protection

5.1 Customer Service Hours and Telephone Response Service.

The Licensee shall maintain a publicly listed toll-free telephone number for subscriber access to customer service representatives and its hours of service shall meet or exceed the F.C.C. definition of normal business hours, see 47 Code of Federal Regulations, §. 76.309(c) (4).

5.2 Billing Practices Information And Procedures.

(a) The Licensee shall inform all prospective Subscribers of complete information respecting billing and collection procedures, procedures for ordering changes in or termination of service, and refund policies, upon solicitation of service and prior to the consummation of any agreement for installation of service.

(b) All billing practices and procedures will be governed by the procedures set forth in 207 CMR § 10.00, et seq., as may be amended from time to time.

5.3 Notification Of Rates And Charges.

Subject to and in accordance with applicable F.C.C. rules, the Licensee shall inform the Issuing Authority of all rates and charges for Cable Service, and all terms and conditions relating thereto, and changes in service, rates and charges of any kind, and all terms and conditions relating thereto in such time and manner as necessary to comply with law and regulations, and to the extent such service charges are under Licensee's control. The Licensee shall notify all Subscribers of any impending rate increases in such time and manner as necessary to comply with applicable regulations of the F.C.C..

5.4 Disconnection and Termination Of Cable Services.

The account of a Subscriber shall be considered delinquent and therefore subject to disconnection only in accordance with Licensee's payment policy and subject to all applicable laws and regulations.

5.5 F.C.C. Customer Service.

The Licensee shall comply with the F.C.C. Customer Service Standards (47 C.F.R. § 76.309.c).

5.6 Employee And Agent Identification Cards.

All of the Licensee's employees and agents entering upon private property in the Town, in connection with the construction, installation, maintenance and/or operation of the Cable System, including repair and sales personnel, shall be required to carry an employee photo identification card issued by the Licensee.

5.7 Protection Of Subscribers Privacy.

The Licensee shall fully comply with the privacy rights of Subscribers as contained in Cable Act Section 631 (47 U.S.C. § 551).

5.8 No Discrimination.

Licensee shall not deny service, deny access, or otherwise discriminate against Subscribers, channel users, or general citizens on the basis of race, color, religion, national origin, age or sex. Licensee shall comply with all Federal and State Regulations concerning non-discrimination with respect to customers or prospective customers in the Town.

5.9 Right to Receive Written Bill. Pursuant to Massachusetts State Billing Practices at 207 CMR 10.04(3), Charter shall provide any subscriber, upon request, a written statement of account for each billing period, and/or a final bill at the time of disconnection.

SECTION 6
Service Availability

6.1 Service Area. The Licensee shall make Cable Service distributed over the Cable System available to all residents of the Town within seven (7) days of a request provided any such resident is capable of being served by a Standard Installation and provided, further that (i) all such homes are on the Public Way or Private Ways (ii) such Public Ways or Private Ways can be accessed by Licensee from a Public Way without crossing a Town boundary. To the extent that Licensee shall require easements, attachment to utility poles or other rights not granted herein, then such easements, attachments or other rights are available to Licensee on reasonable terms and conditions. Nothing herein shall be construed to preclude Licensee from charging a fee to any Subscriber or potential Subscriber for a Standard or non-standard installation, as may be applicable. The Licensee may elect to provide Cable Service to areas not meeting the above standard. Licensee retains full ownership rights and interest in all portions of its Cable Television System, including, but not limited to, converters that it leases to subscribers, the Distribution Plant, the Cable Drops, the Outlets, the Subscriber Network, and the Trunk and Distribution System, as authorized in accordance with applicable law.

6.2 Standard Drops.

(a) Any dwelling unit within 150 aerial feet of the Cable System distribution plant shall be entitled to a Standard Installation rate, and the additional costs associated with completing installations located more than 150 aerial feet from the Cable System distribution plant or any installation requiring underground construction shall be charged to the Subscriber, after provision of a written itemization, in accordance with Licensee's policies concerning non-standard installation.

(b) The Licensee shall make Cable Service distributed over the Cable System available to every residence within the Franchise Area where there is a minimum density of at least twenty (20) residences per linear strand mile of aerial cable (excluding any residence already passed by the Cable System) as measured from Licensee's closest technologically feasible tie-in point that is actively delivering Cable Service as of the date of such request for service (the "Service Area"). Licensee shall not be obligated to provide service to any area where it is uneconomic or technically infeasible to do so.

(c) No Subscriber shall be refused service arbitrarily. However, if an area does not meet the density requirements of Section 6.2(b) above, the Licensee shall only be required to extend the Cable System to Subscribers in that area if the Subscribers are willing to share the

capital costs of extending the Cable System. The Grantee may require that payment of the capital contribution in aid of construction borne by such potential Subscribers be paid in advance. Subscribers shall also be responsible for any Standard/non-standard Installation charges to extend the Cable System from the tap to the residence.

6.3 **New Development Underground.** In cases of new construction or property development where utilities are to be placed underground, the Issuing Authority agrees to make reasonable efforts to have the permitting authority require as a condition of issuing a permit for open trenching to any developer or property owner that such developer or property owner give Licensee at least 30 days prior notice of such construction or development, and of the particular dates on which open trenching will be available for Licensee's installation of conduit, pedestals and/or vaults, and laterals to be provided at Licensee's expense. Licensee shall also provide specifications as needed for trenching. Costs of trenching and easements required to bring service to the new development shall be determined by the Licensee and the developer or property owner in accordance with applicable law; except that if Licensee fails to install its conduit, pedestals and/or vaults, and laterals within fifteen (15) working days of the date the trenches are available, as designated in the written notice given by the developer or property owner, then, should the trenches be closed after the fifteen day period, the cost of new trenching is to be borne by Licensee.

SECTION 7
Construction and Technical Standards

7.1 Compliance with Codes. All construction practices and installation of equipment shall be done in accordance with all applicable sections of the National Electric Safety Code.

7.2 Construction Standards and Requirements. All of the Licensee's plant and equipment, including but not limited to the antenna site, head-end and distribution system, towers, house connections, structures, poles, wire, cable, coaxial cable, fixtures and appurtenances shall be installed, located, erected, constructed, reconstructed, replaced, removed, repaired, maintained and operated in accordance with good engineering practices and performed by experienced maintenance and construction personnel.

7.3 Safety. The Licensee shall at all times employ ordinary care and shall use commonly accepted methods and devices preventing failures and accidents which are likely to cause damage.

7.4 Network Technical Requirements. The Cable System shall be operated so that it is capable of continuous twenty-four (24) hour daily operation, capable of meeting or exceeding all applicable federal technical standards, as they may be amended from time to time, and operated in such a manner as to comply with all applicable FCC regulations.

7.5 Performance Monitoring.

Licensee shall test the Cable System consistent with the FCC regulations.

SECTION 8
Conditions on Street Occupancy

8.1 General Conditions. Licensee shall have the right to utilize existing poles, conduits and other facilities whenever possible, subject to applicable law and attachment requirements if any, and shall not construct or install any new, different, or additional poles, conduits, or other facilities on public property until the written approval of the Issuing Authority is obtained, which approval shall not be unreasonably withheld.

8.2 Underground Construction. The facilities of the Licensee shall be installed underground in those Service Areas where existing telephone and electric services are both underground at the time of system construction. In areas where either telephone or electric utility facilities are installed aerially at the time of system construction, the Licensee may install its facilities aerially with the understanding that at such time as the existing aerial facilities are required to be placed underground by the Issuing Authority, the Licensee shall likewise place its facilities underground. In the event that the Issuing Authority uses municipal funding over which it may exercise discretionary use to reimburse any telephone or electric utilities for the placement of cable

underground or the movement of cable, the Issuing Authority shall, upon written request of Licensee, to the extent permitted by law, exercise reasonable efforts to reimburse Licensee upon the same terms and conditions as any similarly situated telephone, electric or other utility.

8.3 Construction Codes and Permits. The Licensee shall obtain all legally required permits before commencing any construction work, including the opening or disturbance of any Street within the Service Area, provided that such permit requirements are of general applicability and such permitting requirements are uniformly and consistently applied by the Issuing Authority. The Issuing Authority shall cooperate with the Licensee in granting any permits required, to the extent permitted by law, providing such grant and subsequent construction by the Licensee shall not unduly interfere with the use of such Streets.

8.4 System Construction. All transmission lines, equipment and structures shall be so installed and located as to cause minimum interference with the rights and reasonable convenience of property owners and at all times shall be kept and maintained in a safe, adequate and substantial condition, and in good order and repair and shall comply with applicable law and electrical and generally applicable code requirements. The Licensee shall, at all times, employ ordinary care and use commonly accepted methods and devices for preventing failures and accidents which are likely to cause damage, injuries, or nuisances to the public. Suitable barricades, flags, lights, flares or other devices shall be used at such times and places as are reasonably required for the safety of all members of the public. Any poles or other fixtures placed in any public way by the Licensee shall be placed in such a manner as not to interfere with the usual travel on such public way and shall comply with applicable law.

8.5 Restoration of Public Ways. In compliance with M.G.L. c.166A, §5(g), Licensee shall, at its own expense, restore any damage or disturbance caused to the public way as a result of its operation, construction, or maintenance of the Cable System to a condition reasonably comparable to the condition of the Streets immediately prior to such damage or disturbance.

Whenever the Licensee excavates, opens or disturbs any pavement, sidewalk or other improvement of any Public Way or place, the same shall be replaced and the surface restored in as good condition as before entry as soon as practicable. If the Licensee fails to make such restoration within a reasonable time, the Issuing Authority may fix a reasonable time for such restoration and repairs and shall notify the Licensee in writing of the restoration and repairs required and the time fixed for performance thereof. Upon the failure of the Licensee to comply within the specified time period, the Issuing Authority may cause proper restoration and repairs to be made and the reasonable expense of such work shall be paid by the Licensee upon demand by the Issuing Authority. For the purpose of this section, "reasonable expense" shall provide for restoration to a condition similar to the original condition.

8.6 Removal in Emergency. Whenever, in case of fire or other disaster, it becomes necessary in the judgment of the Issuing Authority to remove any of the Licensee's facilities, no charge shall

be made by the Licensee against the Issuing Authority for restoration and repair, unless such acts amount to gross negligence by the Issuing Authority.

8.7 Tree Trimming. In compliance with M.G.L. c.166A, § 5(a), Licensee or its designee shall have the authority to trim trees on public property at its own expense as may be necessary to protect its wires and facilities. In installing, operating, and maintaining equipment, cable and wires, it shall avoid all unnecessary damage and injury to trees, structures, and improvements in and along the routes authorized by the Issuing Authority.

8.8 Relocation for the Issuing Authority. The Licensee shall, upon receipt of reasonable advance written notice, to be not less than ten (10) business days, protect, support, temporarily disconnect, relocate, or remove any property of the Licensee when lawfully required by the Issuing Authority pursuant to its police powers. Licensee shall be responsible for any costs associated with these obligations to the same extent all other users of the Issuing Authority rights-of-way are responsible for the costs related to their facilities.

8.9 Relocation for a Third Party. The Licensee shall, on the request of any Person holding a lawful permit issued by the Issuing Authority, protect, support, raise, lower, temporarily disconnect, relocate in or remove from the Street as necessary any property of the Licensee, provided that the expense of such is, if in accordance with applicable law, paid by any such Person requesting the relocation and the Licensee is give reasonable advance written notice to prepare for such changes. The Licensee may require such payment in advance. For purposes of this subsection, "reasonable advance written notice" shall be no less than ten (10) business days in the event of a temporary relocation and no less than one hundred twenty days (120) for a permanent relocation.

8.10 Reimbursement of Costs. If funds are available to any person using the Streets for the purpose of defraying the cost of any of the foregoing, the Issuing Authority shall reimburse the Licensee in the same manner in which other similarly situated Persons affected by the requirement are reimbursed. If the funds are controlled by another governmental entity, the Issuing Authority shall make application for such funds on behalf of the Licensee.

8.11 Emergency Use. Licensee shall comply with 47 U.S.C. § 544(g) and all regulations pursuant thereto with respect to an Emergency Alert System ("EAS").

8.12 Private Property.

The Licensee shall be subject to all laws, by-laws and/or regulations regarding private property in the course of constructing, installing, operating and maintaining the Cable Television System in the Town. The Licensee shall promptly repair or replace all private property, real and personal, damaged or destroyed as a result of the construction, installation, operation or maintenance of the Cable System at its sole cost and expense.

8.13 Reservation of Rights.

Acceptance of the terms and conditions of this franchise will not constitute, or be deemed to constitute, a waiver, either expressly or implied, by the Licensee or by the Town of any legal rights which either party may have or may be subsequently determined to have, either by subsequent legislation or court decisions.

SECTION 9
Service and Rates

9.1 Phone Service. The Licensee shall maintain a toll-free telephone number and a phone service operated to receive complaints and requests for repairs or adjustments at any time.

9.2 Notification of Service Procedures. The Licensee shall furnish each Subscriber at the time service is installed, written instructions that clearly set forth information concerning the procedures for making inquiries or complaints, including the Licensee's name, address and local telephone number. Licensee shall give the Issuing Authority notice of any changes in rates, programming services or channel positions in accordance with applicable law.

9.3 Continuity of Service. It shall be the right of all Subscribers to continue receiving Cable Service insofar as their financial and other obligations to the Licensee are honored, and subject to Licensee's rights under Section 15.2.

9.4 Credits For Service Interruption.

Pursuant to 207 CMR, Licensee shall grant a pro rata credit or rebate to any Subscriber whose entire Cable Service is interrupted for twenty-four (24) or more consecutive hours, if the interruption was not caused by the Subscriber and the Licensee knew or should have known of the service interruption. Pursuant to 207 CMR, if an entire tier or Premium Service of a Subscriber's Cable Service is interrupted for twenty-four (24) or more consecutive hours, the Licensee shall provide a pro rata credit or rebate for each tier or Premium Service interruption as provided in 207 CMR. Any subscriber so affected shall report the outage to Licensee within 30 days of such outage.

9.5 Publication And Non-Discrimination.

All rates for residential Cable Service shall be published and non-discriminatory, although discounts may be made available to senior citizens and/or handicapped Subscribers, or through bulk accounts. A written schedule of all rates shall be available upon request during Normal Business Hours at the Licensee's business office. Nothing in this Renewal License shall be construed to prohibit the reduction or waiver of charges in conjunction with promotional campaigns for the purpose of attracting Subscribers.

SECTION 10
License Fees

10.1 License Fee. Pursuant to M.G.L. Chapter 166A § 9, the Licensee shall pay to the Town, throughout the term of the License, a license Fee equal to $0.50 per Subscriber per year. The number of Subscribers, for purposes of this section, shall be calculated as of December thirty-first of the preceding calendar year.

10.2 Maximum Franchise Fee Obligation. In accordance with applicable law, the Licensee shall not be liable for a Franchise Fee pursuant to this License and applicable law in excess of five percent (5%) of its annual Gross Revenue. Further, if in the future, License Fee payments to the Town are based on a percentage of gross annual revenue and said payments are in excess of five percent (5%) of Licensee's gross annual revenues, said payments will be decreased by the aggregate amount of the annual access funding and operating support provided to Town by Licensee in order to stay within the five percent (5%) of annual Gross Revenue cap specified herein.

10.3 Payment of Fee. Pursuant to M.G.L. c. 166A, § 9, the License Fees shall be paid annually to the Town throughout the term of this License, not later than March 15th of each year, unless otherwise required by applicable law.

10.4 Other Payment Obligations and Exclusions

(a) Subject to applicable law, the License Fee payments shall be in addition to and shall not constitute an offset or credit against any and all taxes or other fees or charges which the Licensee shall be required to pay to the Town, or to any State or federal agency or authority, as required herein or by law.

10.5 Accord and Satisfaction. No acceptance of any payment by the Issuing Authority shall be construed as a release or as an accord and satisfaction of any claim the Issuing Authority may have for additional sums payable as a License Fee under this License.

10.6 Limitation on Recovery. The period of limitation for recovery of any License fee payable hereunder shall be three (3) years from the date on which payment by the Licensee was due. If any undisputed License payment or recomputed payment is not made on or before the dates specified herein, Licensee shall pay an interest charge, computed from such due date, at the annual rate of one percent (1%) over the prime interest rate.

SECTION 11
Transfer of License

11.1 License Transfer. The License granted hereunder shall not be transferred or assigned, other than by operation of law or to an entity controlling, controlled by, or under common control

with the Licensee, without the prior consent of the Issuing Authority, such consent not to be unreasonably withheld or delayed. The requirements for consent of transfer of this Renewal License shall comply with current Massachusetts and Federal statutes and regulations, as they may from time to time be amended. No such consent shall be required, however, for a transfer in trust, by mortgage, by other hypothecation, or by assignment of any rights, title, or interest of the Licensee in the License or Cable System to secure indebtedness. Within thirty (30) days of receiving a request for transfer, the Issuing Authority shall notify the Licensee in writing of any additional information it reasonably requires to determine the legal, financial and technical qualifications of the transferee. If the Issuing Authority has not taken action on the Licensee's request for transfer within one hundred twenty (120) days after receiving such request, consent by the Issuing Authority shall be deemed given.

SECTION 12
Records

12.1 **Reports Required.** The Licensee's schedule of charges, contract or application forms for regular Subscriber service, policy regarding the processing of Subscriber complaints, delinquent Subscriber disconnect and reconnect procedures and any other terms and conditions adopted as the Licensee's policy in connection with its Subscribers shall be filed with the Issuing Authority upon request.

12.2 **Records Required.** The Licensee shall at all times maintain all records according to State and FCC regulations:

(1). A record of all complaints received regarding interruptions or degradation of Cable Service shall be maintained for one (1) year.

(2). A full and complete set of strand maps showing the location of the Cable System.

12.3 **Inspection of Records**. Licensee shall permit any duly authorized representative of the Issuing Authority, upon receipt of advance written notice, to examine during normal business hours and on a non-disruptive basis any and all of Licensee's records maintained by Licensee as is reasonably necessary to ensure Licensee's compliance with the material terms of this License. Such notice shall specifically reference the subsection of the License that is under review so that the Licensee may organize the necessary books and records for easy access by the Issuing Authority. The Licensee shall not be required to maintain any books and records for License compliance purposes longer than one (1) year, except that any records relevant to the payment of any License Fee, Franchise Fee, or PEG fee shall be retained for three (3) years. The Licensee shall not be required to provide Subscriber information in violation of Section 631 of the Cable Act. The Issuing Authority agrees to treat as confidential any books, records, or maps that constitute proprietary or confidential information to the extent Licensee makes the Issuing Authority aware of such confidentiality. If the Issuing Authority believes it must release any such confidential books or records in the course of enforcing this License, or for any other reason, it shall advise Licensee in advance so that Licensee may take appropriate steps to protect its interests. Until otherwise ordered by a court or agency of competent jurisdiction, the Issuing Authority agrees that, to the extent permitted by state and federal law, it shall deny access to any of Licensee's books and records marked confidential, as set forth above, to any Person.

SECTION 13
Community Programming

13.1 PEG Access Channels. The Licensee shall provide three (3) Channels on the Cable System for use by the Town for the purpose of transmitting noncommercial, locally produced programming by members of the public, Town departments and agencies, public schools, educational, institutional and similar organizations.

13.2 PEG Transmission. The Issuing Authority hereby authorizes the Licensee to transmit PEG programming within and without the Town's jursidictional boundaries. The Licensee specifically reserves the right to make or change channel assignments in its sole discretion. If a PEG channel provided under this License is not being utilized by the Town, the Licensee may utilize such PEG Channel, in its sole discretion, upon 180 day's written notice, and only until such time as the Town elects to utilize the PEG channel for its intended purpose. In the event that the Town determines to use such PEG capacity, the Town shall provide the Licensee with one hundred twenty (120) days' written notice of such request.

13.3 Public, Educational and Governmental Access Support.

(a) For the term of the Renewal License, the Licensee shall provide an annual payment to the Issuing Authority for PEG operations in the amount of five percent (5%) of GAR directly to a special PEG Account, not the general fund. The first such annual payment shall be made no later than ninety days (90) after the Execution date of this License. Thereafter the Licensee shall make all subsequent annual cash grants no later than March 31st of each year. In no case shall this payment be counted against any franchise or license fee. This grant shall be considered as an external cost for the purposes of rate regulation and may be passed on to the subscribers and identified as a separate line item on the subscriber's monthly statement to the extent allowed by applicable law and regulation.

(b) Licensee shall pay the sum of Ninteen Thousand Dollars ($19,000.), in five (5) equal payments of Three Thousand Eight Hundred Dollars ($3,800), annually, to the the Issuing Authority, or its Designee. The first payment will be due ninety (90) days after execution of this Renewal License, and each successive payment will be due annually on the anniversary of that date. This funding is to be used forPEG Capital purposes in accordance with applicable law.

(c) Upon request of Licensee the Issuing Authority shall prepare an annual report for the preceding calendar year which records how the annual payment for PEG operations was spent, and what amount remained unspent at the end of the calendar year. This report shall be submitted to the Licensee annually within thirty (30) days of payment of the annual PEG grant.

13.4 Additional PEG Support. The Licensee shall provide, within sixty (60) days of the Effective Date, a one-time payment of five thousand dollars ($5,000.00) to enable the Town and/or its PEG Access Designee to purchase two (2) IP encoders(or other similar equipment) for use on an IP network furnished and operated by the Town and/or the PEG Access Designee. The Town and/or the PEG Access Designee shall own said IP encoders (or other similar equipment).

13.5 Recovery of Costs. To the extent permitted by federal and State law, the Licensee shall be allowed to recover the costs of the annual PEG acccess support franchise fee payments, and any other costs, incluing interconnection costs, arising from the provision of PEG services from Subscribers and to include such costs as a separately billed line item on each Subscriber's bill.

13.6 Indemnity for PEG. The Issuing Authority or its designee shall require all local producers and users of any of the PEG facilities or channels to agree in writing to authorize the Licensee to transmit programming consistent with this License and hold harmless and defend the Licensee and the Town from and against any and all liabilty or other injury, including the reasonable cost of defending claims or litigation, arising from or in connection with claims for failure to comply with applicable federal laws, rules, regulations or other requirements of local, state or federal authorities; for claims of libel, slander, invasion of privacy, or the infringement of common law or statutory copyright; for unauthorized use of any trademark, trade name or service mark; for breach of contractual or other obligations owing to third parties by the producer or user; and for any other injury or damage in law or equity, which results from the use of a PEG facility or channel. The Issuing Authority shall establish rules and regulations for use of PEG facilities consistent with, and as required by, Section 611 of the Communications Act (47 U.S.C. § 531) and this License.

SECTION 14
Enforcement, Revocation, Penalties

14.1 Notice of Violation. If the Issuing Authority believes that the Licensee has not complied with the terms of the License, the Issuing Authority shall first informally discuss the matter with Licensee. If these discussions do not lead to resolution of the problem, the Issuing Authority shall notify the Licensee in writing of the exact nature of the alleged noncompliance (the "Violation Notice").

14.2 Licensee's Right to Cure or Respond. The Licensee shall have thirty (30) days from receipt of the Violation Notice to: (i) respond to the Issuing Authority, contesting the assertion of noncompliance; (ii) cure such default; or (iii) if, by the nature of default, such default cannot be cured within the thirty (30) day period, initiate reasonable steps to remedy such default and notify the Issuing Authority of the steps being taken and the projected date that they will be completed, including sending the Issuing Authority a time line for cure, and a written status report every thirty (30) days until cure. Failure to strictly follow the requirements of this section shall constitute a separate breach, which the enforcement of which shall entitle the Issuing Authority to by-pass the steps in ¶¶14.1 and 14.2 and proceed directly to a public hearing for that offence under ¶14.3.

14.3 Public Hearing. If the Licensee fails to respond to the Violation Notice received from the Issuing Authority, or if the default is not remedied within the cure period set forth above, the Issuing Authority shall schedule a public hearing if it intends to continue its investigation into the default. The Issuing Authority shall provide the Licensee at least twenty (20) days prior written notice of such hearing, which specifies the time, place and purpose of such hearing, notice of which shall be published by the Clerk of the Issuing Authority in a newspaper of general circulation within the Issuing Authority in accordance with subsection 15.8 hereof. At the hearing, the Issuing Authority shall provide the Licensee with an opportunity to state its position on the matter, present evidence and question witnesses, after which it shall determine whether or not the License shall be revoked. The public hearing shall be on the record and a written transcript shall be made available to the Licensee within twenty (20) business days. The decision of the Issuing Authority shall be made in writing and shall be delivered to the Licensee. The Licensee may appeal such determination to an appropriate court, which shall have the power to review the decision by the Issuing Authority de novo. The Licensee may continue to operate the Cable System until all appeallate procedures have been exhausted.

14.4 Enforcement. Subject to applicable federal and state law, in the event the Issuing Authority, after the hearing set forth in subsection 14.3 above, determines that the Licensee is in default of any provision of the License, the Issuing Authority may:

A. Seek specific performance of any provision, which reasonably lends itself to such remedy, as an alternative to damages;

B. Commence an action at law for monetary damages or seek other equitable relief; or

C. In the case of a substantial default of a material provision of the License, seek to revoke the License itself in accordance with subsection 14.5 below.

14.5 Revocation.

A. Prior to revocation or termination of the License, the Issuing Authority shall give written notice to the Licensee of its intent to revoke the License on the basis of material noncompliance by the Licensee, including one or more instances of substantial noncompliance with a material provision of the License as set forth in Section 14. The notice shall set forth the exact nature of the noncompliance. The Licensee shall have thirty (30) days from such notice to either object in writing and to state its reasons for such objection and provide any explanation or to cure the alleged noncompliance. If the Issuing Authority has not received a satisfactory response from the Licensee, it may then revoke the License at a public hearing. The Licensee shall be given at least thirty (30) days prior written notice of such public hearing, specifying the time and place of such hearing and stating its intent to revoke the License. The public hearing shall be conducted in accordance with the requirements of Section 14.3.

B. Notwithstanding the above provisions, the Licensee reserves all of its rights under federal law or regulation.

C. Upon revocation of the License, the Licensee may remove the Cable System from the Streets of the Town, or abandon the Cable System in place.

14.6 Notice of Legal Action. Except in an emergency situation, in the event that the Licensee or the Issuing Authority intends to take legal action against the other party for any reason, it shall first (i) give the other party reasonable notice that an action will be filed, (ii) meet with the other party promptly before it files any such action, and (iii) negotiate the issue, which is the subject of any proposed legal action, in good faith with the other party and/or its representative(s).

14.7 No Waiver.

(a) Neither failure on the part of the Issuing Authority, the Town or the Licensee to exercise nor delay in exercising, any right in this Renewal License shall operate as a waiver thereof, nor shall either single or partial exercise of any such right preclude any other right, all subject to the conditions and limitations contained in this Renewal License.

(b) The failure of the Issuing Authority or the Town to take any action in the event of any breach by the Licensee shall not be deemed or construed to constitute a waiver of or otherwise affect the right of the Issuing Authority or the Town to take any action permitted by this Renewal License at any other time in the event that such breach has not been cured, or with respect to any other breach by the Licensee.

SECTION 15
Miscellaneous Provisions

15.1 Compliance with Laws. Issuing Authority and Licensee shall conform to all applicable state and federal laws and rules regarding cable television as they become effective. Licensee shall also conform with all generally applicable Licensee ordinances, resolutions, rules and regulations heretofore or hereafter adopted or established during the entire term of the License. In the event of a conflict between the Issuing Authority's ordinances, resolutions, rules or regulations and the provisions of the License, the provisions of this License shall govern.

15.2 Force Majeure. The Licensee shall not be held in default under, or in noncompliance with the provisions of the License, nor suffer any enforcement or penalty relating to noncompliance or default, where such noncompliance or alleged defaults occurred or were caused by circumstances reasonably beyond the ability of the Licensee to anticipate and control. This provision includes, but is not limited to, severe or unusual weather conditions, fire, flood, or other acts of God, strikes, work delays caused by failure of utility providers to service, maintain, or monitor their utility poles to which Licensee's Cable System is attached, as well as unavailability of materials and/or qualified labor to perform the work necessary.

15.3 Minor Violations. Furthermore, the parties hereby agree that it is not the Issuing Authority's intention to subject the Licensee to forfeitures or revocation of the License for violations of the License where the violation was a good faith error that resulted in no or minimal negative impact on the Subscribers within the Service Area, or where strict performance would result in practical difficulties and hardship to the Licensee which outweighs the benefit to be derived by the Issuing Authority and/or Subscribers.

15.4 Action of Parties. In any action by the Issuing Authority or the Licensee that is mandated or permitted under the terms hereof, such party shall act in a reasonable, expeditious and timely manner. Furthermore, in any instance where approval or consent is required under the terms hereof, such approval or consent shall not be unreasonably withheld.

15.5 Equal Protection. If any other licensed provider of cable services or video services (without regard to the technology used to deliver such services) is lawfully authorized by the Issuing Authority to provide such services using facilities located wholly or partly within the public rights-of-way of the Town, and if the conditions imposed on such other competing licensed provider are less burdensome than those imposed upon Licensee, the Issuing Authority shall within thirty (30) days of a written request from Licensee begin the license amendment process as provided by Massachusetts laws and regulations, and will in a timely manner complete the amendment of this license to insure that the obligations applicable to Licensee are no more burdensome than those imposed on the new competing licensed provider. Nothing in this section

shall be deemed a waiver of any remedies available to Licensee under federal, state or municipal law, including but not limited to Section 625 of the Cable Act, 47 USC sec. 545.

15.6 Notice to Licensee. Licensee shall provide written notice to Grantee within ten (10) days of Grantor's receipt from any other Person(s) of an application or request for a franchise(s), license(s), consent(s), certificate(s), authorization(s), or exemption(s) to provide Cable Services, video services, or other television services utilizing any system or technology requiring use of the public rights of way. Any public hearings to consider such application or request shall have the same notice requirement as outlined in Paragraph 15.5 above.

15.7 Change in Law. Notwithstanding any other provision in this License, in the event any change to state or federal law occurring during the term of this License eliminates the requirement for any person desiring to provide video service or Cable Service in the Service Area to obtain a license from the Issuing Authority, then the Licensee shall have the right to terminate this License and operate the system under the terms and conditions established in applicable law. If the Licensee chooses to terminate this License pursuant to this provision, this License shall be deemed to have expired by its terms on the effective date of any such change in law, whether or not such law allows existing license agreements to continue until the date of expiration provided in any existing license.

15.8 Notices. Unless otherwise provided by federal, State, or local law, all notices pursuant to this License shall be in writing and shall be deemed to be sufficiently given upon delivery to a Person at the address set forth below, or by U.S. certified mail, return receipt requested, nationally or internationally recognized courier service such as Federal Express or electronic mail communication to the designated electronic mail address provided below. As set forth above, notice serviced upon the Issuing Authority shall be delivered or sent to:

Every notice served upon Licensee shall be delivered to the following address or such other address as Licensee may specify in writing to the Issuing Authority:

Director, Government Affairs
Charter Communications
301 Barber Avenue
Worcester MA 01606

Copy to: Charter Communications
Attn: Vice President, Local Government Affairs & Franchising
601 Masschusetts Avenue NW, Suite 400W
Washington, DC 20001

15.9 Administration of License. This License is a contract and neither party may take any unilateral action that materially changes the explicit mutual promises and covenants contained

herein. Any changes, modifications or amendments to this Franchise must be made in writing, signed by the Issuing Authority and the Licensee.

15.10 No Recourse Against The Issuing Authority. Pursuant to Section 635A (a) of the Cable Act, the Licensee shall have no recourse against the Issuing Authority, the Town and/or its officials, member, employee or agent, other than injunctive relief or declaratory relief, arising from the regulation of cable service or from a decision of approval or disapproval with respect to a grant, renewal, transfer, or amendment of this Renewal License.

15.11 Jurisdiction. All provisions in this License shall apply to the Town, the Licensee and their successors and assigns. Jurisdiction and venue over any dispute, action or suit arising from this Renewal License shall be in any court of appropriate venue and subject matter jurisdiction located and, subject to the parties right to remove, the parties by this instrument subject themselves to the personal jurisdiction of said court for the entry of any such judgment and for the resolution of any dispute, action, or suit.

15.12 Public Notice. Minimum public notice of any public meeting relating to this License shall be as provided by 207 CMR 2.02.

15.13 Severability. If any section, subsection, sentence, clause, phrase, or portion of this License is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions of this License.

15.14 Entire Agreement. This License and any exhibits hereto constitute the entire agreement between the Licensee and the Issuing Authority and they supersede all prior or contemporaneous agreements, representations, or understandings (whether written or oral) of the parties regarding the subject matter hereof.

15.15 Effective Date. The License granted herein shall take effect and be in full force as of September 30, 2020,

15.16 No Third Party Beneficiaries. Nothing in this License is intended to confer third-party beneficiary status on any Person other than the parties to this License to enforce the terms of this License.

Considered and approved this ___ day of _____, _____.

TOWN OF SOUTHBOROUGH

_____
Martin F. Healey
Chairman, Board of Selectmen

_____
Lisa M. Bracco
Vice Chair, Board of Selectmen

_____
Sam Stivers
Member, Board of Selectmen

_____
Brian E. Shea
Member, Board of Selectmen

_____
Chelsea Marie Malinowski
Member, Board of Selectmen

Accepted this ___ day of _____, _____, subject to applicable federal and State law.

Spectrum Northeast, LLC

By: Charter Communications, Inc., its Manager

Signature: _____

#731797v3/SBOR/0026

FY 2021 Goals - Boards and Committees.	In Progress	Recent Steps	Completed
OML training and support/training for running Open Meetings.	XX	XX	
Promote and enforce Town Email Use Policy.	XX		
Update, consolidate and promote compliance with general policies.			
Encourage and provide support for televising meetings.			
Encourage and provide support for composite agendas and packets.			
Enhance informational outreach and recruiting for volunteers (forum).			
Conduct public comment at beginning & end of meetings			XX
Review and update descriptions and charges.			
FY 2021 Goals - Community Initiatives			
Coordinate and oversee Downtown Initiative.	XX	XX	
Coordiate communication/roundtables with local businesses.			
Pursue PILOT initiatives, including community center and projects.	XX		
Pursue "bike friendly" policies and explore Biking Committee.			
300th Anniversary planning, including Committee creation.	XX	XX	
FY 2021 Goals - Employees			
Create Employee Handbook.			
Update job descriptions for BoS staff.			
BoS review of annual staff performance reviews.	XX		
Review staffing and BoS office organization.	XX		
Analyze Personnel Board/Town Administrator authority.			
FY 2021 Goals - Infrastructure			
Explore municipal electric plant.			
Natl Grid parcel 54-40			
Assimilate Pine Hill Rd into Town Water re: Fire (via MWRA)			
FY 2021 Goals - Long Range/Strategic Planning			
Explore establishing grant writing position(s).			
BoS training, reporting and hiring initiatives re: diversity and inclusion.	XX	XX	
FY 2021 Goals - Municipal Finance			
Additional approval/oversight on appropriation line items.			
Schedule quarterly budget updates (Finance Director).			XX
Establish budget narratives, including long-term impacts.			
Establish BoS budget liaisons.	XX	XX	
Communicate BoS position to departments re: new FTEs.			XX
Establish long-term capital plans (with Capital Committee).	XX	XX	
Explore generating additional commercial tax revenue.			
Identify and establish a roster of Town service contracts.	XX		
Review contracted services and explore re-bidding.			
Maximize potential Covid-19 reimbursements and grants.	XX		
Coordinated budget discussions with Advisory, Capital and Schools.	XX	XX	
FY 2021 Goals - Organizational			
Quarterly newsletter.	XX		
Explore public safety regional dispatch.			
Evaluate organizational processes: postage; mailings; data exchanges.			
Budget software implementation.	XX		
Pursue policies and projects for 40B threshold.	XX	XX	

TOWN OF SOUTHBOROUGH

OFFICE OF THE BOARD OF SELECTMEN
TOWN HOUSE · 17 COMMON STREET · SOUTHBOROUGH, MASSACHUSETTS 01772-1662
(508) 485-0710 · FAX (508) 480-0161 · selectmenoffice@southboroughma.com

SOUTHBOROUGH AWARDED $24,500
THROUGH SHARED STREETS & SPACES GRANT PROGRAM

Southborough, 28 September 2020

The Town of Southborough has been awarded a $24,500 grant, through the efforts of the Economic Development Committee (EDC), to help create outdoor seating areas.

The Massachusetts Department of Transportation's (MassDOT) Shared Streets & Spaces grant program allows cities and towns to make rapid changes to streets, sidewalks, and public spaces to improve social distancing, outdoor recreation, and small business operations to keep communities safe and thriving.

The money awarded to Southborough will be used to convert existing parking lots into safe outdoor seating areas, place picnic tables in green spaces, and purchase large tents and outdoor heaters for use by local restaurants. In addition, the grant allows the purchase of planters and bicycle racks.

The large tents and outdoor heaters will be available for use by Southborough restaurants free of charge on a first-come first-serve basis.

"Businesses struggling to survive this pandemic often don't have funds to make additional equipment investments. By offering outdoor tents and heaters for use by our restaurants, we hope to assist them in expanding their dining areas outdoors and ultimately improve their bottom-line", remarked John Wood, Chair of the EDC.

Interested parties can contact Marijke Munsiff, EDC Coordinator at 508 446 7839 or mmunsiff@southboroughma.com.

VGR
Law Firm, LLC

September 25, 2020

To:
Brian Ballantine
Treasurer/Collector for the Town of Southborough, Massachusetts
Southborough Town House
17 Common Street
Southborough, MA 01772
bballantine@southboroughma.com

Via Email

RE: Host Community Agreement ("HCA") between CommCan, Inc. ("CommCan") and Town of Southborough dated April 29, 2020

Dear Mr. Ballantine,

I am writing on behalf of CommCan in response to your email sent on September 21, 2020. Since entering into the HCA on April 29, 2016, there have been a number of developments at the federal, state, and local levels related to HCAs in Massachusetts. In January 2019, the Cannabis Control Commission ("Commission") voted to formally request that lawmakers give them the power to oversee HCAs and the Massachusetts House passed a bill in February 2020, which allows the Commission to review and enforce HCAs. Additionally, as reported by the Boston Globe, at least six municipalities have received subpoenas from Massachusetts U.S. Attorney Andrew Lelling's office seeking details on HCAs. The Commission has since published guidance related to HCAs ("Commission Guidance"), (https://mass-cannabis-control.com/wp-content/uploads/200825_Guidance_on_Host_Community_Agreements.pdf).

Under M.G.L. c. 94G, §3(d) ("§3(d)"), an HCA, in addition to other requirements, may "include a community impact fee for the host community." The Commission Guidance provides that "the [HCA] must be structured appropriately and consistently with §3(d), and the decisional law on fees." While §3(d) does not include a definition of what constitutes a "community impact fee"

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and does not specifically provide for elements of the fee, it does impose other express limitations on any community impact fee included as part of an HCA:

1. **The fee must not amount to more than 3% of the gross annual sales of the marijuana establishment or medical marijuana treatment center**; [emphasis added] and

2. It must be "reasonably related to the costs imposed upon the municipality by the operation of the [marijuana establishment or medical marijuana treatment center]. In the Commission Guidance, they emphasize that there is a strict limitation on the amount of the community impact fee that a municipality may collect as part of a HCA, and thus, any fee that is more than 3% of gross annual sales is not a valid community impact fee. The Commission reiterates that, consistent with the statutory requirement of "reasonable relation" and the decisional law on fees, there must be a specificity and proportionality between the cost or impact claimed by the community and the fee required of the marijuana establishment or medical marijuana treatment center. The Commission Guidance states: "any fee – whether characterized as a fee, donation, or other exaction, including any assessment above 3% of gross annual sales – must also comply with applicable legal requirements."

The Commission views fees that are "reasonably related" as those that compensate the municipality for its anticipated and actual costs resulting from the operation of the marijuana establishment or medical marijuana treatment center. It is important that the fee bears some reasonable relation to the costs of providing municipal services or other benefits to the marijuana establishment or medical marijuana treatment center and not merely be a fee without a sufficient basis and justification. Any cost to a city or town imposed by the operation of a marijuana establishment or medical marijuana treatment center must be documented and is considered a public record.

While municipalities have some latitude to plan for expenses; municipalities are encouraged by the Commission to develop a plan that provides a sufficient basis and justification for requiring an applicant to pay the community impact fee to cover the municipality's anticipated costs and provides the mechanism to monitor the relationship between the fee and actual costs. The Commission cautions municipalities against relying on fees that are simply revenue generators and planning their municipal budgets around these fees.

The additional $50,000 payment clearly violates the first limitation from §3(d) described above. As far as the second limitation, we are not inclined to open up the HCA to the scrutiny of the Commission or other state agency as to whether the 3% fees that CommCan has been paying are reasonably related to the costs actually incurred by the Town due to CommCan's operations. CommCan has enjoyed a great working relationship both in the community of Southborough and with all of the local departments and Town personnel. This relationship has benefitted both CommCan and the community-at-large and it would not be in anyone's

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interests to make any changes now. However, it is our opinion that payment of an impermissible $50,000 fee could jeopardize CommCan's license to continue operations in Southborough. Furthermore, such a payment could trigger an analysis of the legality of the entire HCA: is Southborough spending the money paid by CommCan on expenses that are reasonably related to the costs imposed on Southborough by CommCan's operations?

In order to bring the HCA in line with the statute and current legal landscape, we should re-visit the HCA to make sure that it complies with statutory requirements. Of course, you should consult your legal counsel for an opinion, and potentially contact the Office of the Inspector General of Massachusetts who may further advise you on whether the terms and conditions of the HCA executed on April 29, 2016 implicate or violate state procurement laws.

I look forward to hearing from you to resolve this outstanding issue.

Sincerely,

_____

Valerio Romano
Attorney for CommCan, Inc.

Valerio Romano
ADMITTED TO THE CA AND MA BAR

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ALDO A. CIPRIANO
ATTORNEY AND COUNSELLOR AT LAW

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SECOND LEVEL • ATRIUM SUITE
MARLBOROUGH, MASSACHUSETTS 01752
TEL. (508) 485-7245
FAX (508) 485-2304
E-MAIL: AldoC.ESQ@comcast.net

October 5, 2020

Melissa Danza, Conservation Commission Administrator
Town of Southborough
Town House
17 Common Street
Southborough, MA 01749

Re: Trailhead Parking Lot Expansion, Legal Opinion Request TCO No. 20-3100
Chestnut Hill Conservation Restriction

Greetings Madam Conservation Commission Administrator,

We acknowledge your opinion request. You advise that the Trustees of Reservation, who own the underlying land by prior transfer from the Beals Family have a proposal to place a historic barn onto the subject property.

Upon Major Site Plan review, a certain number of parking spaces are needed.

The Trustees are requesting authorization to utilize some of the parking spaces on the Trailhead parking area towards their requirement under the Major Site Plan regulations.

You also inform this office that, with dimensional requirements under Southborough's Bylaws for parking, 17 cars can reasonably fit within the parking area.

You have asked that we address two legal issues. (1) *Do the Trustees of Re have the authority to utilize the parking lot for greater than 10 cars?*; and (2) *If the Trustees want to use the parking area within the so-called parking envelope for a larger number of cars, is that allowed, or, is the parking area as a whole limited to ten cars regardless of who is requesting an increase*?

In this regard, we have had occasion to review the details of the recorded Conservation Restriction.

In Section VIII entitled *Access*, Subsection (c) entitled *Affirmative Obligations of the Parties*, Paragraph 2 thereunder, referencing exclusively within the parking area, the Restriction grants to Grantee Town, via the Conservation Commission, and subject to the approval of the current Grantor (the Trustees of Reservation), the right and affirmative obligation to construct, maintain, or repair one unpaved parking lot, suitable for no more than 10 cars, solely to provide access to the public trails. That language goes on to specify "once constructed, the general public shall have the right to park in said parking lot for the *explicit purpose of accessing the premises for passive recreation and educational purposes"* with further restrictions as to time.

Upon a review of this document, as approved by the Secretary of Environmental Affairs Executive Commonwealth of Massachusetts, the parking area size and purpose is sharply defined. Any amendment to the duly recorded and approved Conservation Restriction would be subject to the procedure contained in Section XVII entitled *Miscellaneous*, Subsection (h) entitled *Amendments* which must be approved and recorded by the appropriate government officials.

The strict construction of these provisions is that the parking area, duly established, cannot be for more than 10 vehicles and is to explicitly provide access for the public trails. Therefore, any additional parking would have to be secured elsewhere.

If you have any questions in this regard, please advise.

Very truly yours,

Aldo A. Cipriano, Esq.
Town Counsel

AAC/fc

Cc: Mark Purple, Town Administrator

APPLICATION FOR ONE-DAY ALCOHOL LICENSE

TOWN OF SOUTHBOROUGH

Board of Selectmen

17 Common Street, Southborough MA 01772

TOWN USE ONLY
Date: _____
Paid: $_____
Check#_____
Cash_____
Lic.#_____

Special or "one-day" licenses for the sale of alcoholic beverages are available to the responsible event manager of any activity conducted by an organization which, in the opinion of the Town of Southborough Select Board, complies with all State and local requirements and demonstrates satisfactorily that granting of the license is in the best interests of the Town of Southborough. This application must be submitted at least 30 days prior to the event.

(X) **WINE/MALT ONLY** ( ) **ALL ALCOHOL** [for non-profits only]

License Fee: $50.00, non-refundable, check or cash only, payable to Town of Southborough

APPLICATION DATE: 9/8/20

Susan Eastland — 508-599-0646

Event Manager/Applicant Name — 24-Hour Contact Telephone Number

5 Chestnut Hill Rd Southborough, MA 01772

Event Manager/Applicant Address

seastland@thetrustees.org

Event Manager/Applicant Email Address

The Trustees, Chestnut Hill Farm — 5 Chestnut Hill Rd Southborough, MA 01772

Organization Representing — Address of Organization

Brew Moon Hike — 10/10/20 — 10/17/20

NAME OF EVENT / PURPOSE — **DATE OF EVENT** — **RAIN DATE**

LOCATION OF EVENT Chestnut Hill Farm

( ) Inside (X) Outside

Is the organization you are representing non-profit* X YES _____ NO

*If 'Yes' and applying for "All Alcohol" license, acceptable proof of non-profit status must be attached

"Alcohol Awareness Server Training Affidavit" and Server Certificates attached X YES ____ NO

Hours of Sale/Consumption of Alcoholic Beverages 6pm AM/PM to 8pm AM/PM

APPLICATION FOR ONE-DAY ALCOHOL LICENSE

What is the maximum number of expected attendees? 30-50, split into small groups

What is the predominate age group of the expected attendees? Families

Is an admission fee to be charged? X Yes _____No

Are tickets being sold in advance for this event? X Yes _____No

How will alcoholic beverages be dispensed or served? (*Please check all that apply)*

_____Waiter/Waitress

_____Bar with bartender

_____By the glass

X By the bottle

_____Self-serve

Name and address of company providing bartending service, if applicable:

_____

_____

If any attending are under age 21, what method will be used to check identification and what procedures will be followed to make certain that those under age 21 are not served and are not allowed to consume alcoholic beverages?

Certified person will ID those being served.

_____

Have you consulted with the Police Department about the need for a security plan or detail officer required for the Event? X Yes _____No

If Yes, with whom and what date? Name Chief Paulhus via email Date 9/8/20

Will a police detail or other security be required? _____Yes ✓ No

If Yes, # of details and name and address of provider (if applicable)?

_____

_____

APPLICATION FOR ONE-DAY ALCOHOL LICENSE

ALCOHOL AWARENESS SERVER TRAINING AFFIDAVIT

I hereby certify that I have read the Training Requirements for Liquor License Holders and Employees. I understand that failure to comply with this policy may result in the revocation or non-renewal of the license. Below is a current roster of my employees and the related alcohol awareness server training information.

*****NOTE: Copies of all original certificates MUST accompany this form.*****

The Trustees, Chestnut Hill Farm
Company/Organization

Susan Eastland — 9/8/20
Manager [Note: Manager training MUST be current] — **Date**

Manager/Employee Name	Date of Hire	Type of Training [certification]	Date Valid	Date of Expiration
Susan Eastland	8/1/19	AIM	n/a	9/16/22

Any applicant for a one-day liquor license shall, as a condition of their being granted the license, ensure that at least one person to be engaged in the sale/service of alcoholic beverages at their event has been certified in a program from the list of Board of Selectmen sanctioned programs. On-line ["e-training"] training is not an acceptable means of obtaining certification. A copy of their certification must accompany the application.

Listed below are the only programs currently available that meet the requirements of this policy approved by Board of Selectmen on September 17, 2013 [telephone numbers and contacts are provided as of date of policy]:

1. **ServSafe Alcohol** offered by the National Restaurant Association [www.servsafe.com/alcohol, then click on "Find a Class"]
2. **SAFE ID Check** offered by J.B.S. Professional Services, LLC [617-539-0118]
3. **Alcohol Intervention Methods [A.I.M.]** offered by Campbell/Trent [508-756-8542]
4. **Training for Intervention Procedures by Servers of Alcohol [TIPS]** offered by Health Communication, Inc. [www.gettips.com, then click on "Get Tips Certified, 'training session'" to find a class. NOTE: "Online training with eTIPS" is NOT ACCEPTABLE]
5. Approved for OFF-PREMISE sales license only: Beverage Alcohol Training [B.A.T.] offered by the Massachusetts Package Store Association [Mass Pack Contact: Frank Anzalotti 800-322-1383, or, to find a class, go to www.masspack.org/servertraining]

I understand that anyone holding a Special License must purchase alcoholic beverages from a licensed wholesaler/importer, manufacturer, farmer-winery, farmer-brewery or special permit holder. Purchasing alcoholic beverages from a package store is prohibited by the ABCC. A list of authorized sources to purchase alcohol can be found on the ABCC website www.mass.gov/abcc or you can contact the ABCC directly at (617) 727-3040.

Initial SE

I understand that the license holder must provide a Certificate of Liability Insurance with a liquor liability policy with $1M coverage, naming the Town of Southborough as the certificate holder.

Initial SE

I certify under penalty of perjury that I shall be responsible for the proper observance of all applicable Alcohol Control Laws of the State of Massachusetts, policies and regulations of the Town of Southborough, and conditions governing this license; all information contained in this application is true and correct; and this License is being sought for the exclusive benefit and use of the Non-Profit Sponsor and its members.

Initial SE

LIABILITY DISCLAIMER FOR ONE-DAY ALCOHOL LICENSES

By exercising the privileges of this license in serving persons with alcoholic beverages, the licensee is potentially exposed to significant liability for injuries and damages to persons served or to others who are injured or damaged by the persons served. Your acceptance and exercise of this license will be deemed to be acknowledgement that you are aware of this potential liability. You are encouraged to discuss the risks associated with exercising your privileges of the license and the precautions appropriate to avoid injuries, damage, and liability to others with your legal and/or insurance advisors. The Town of Southborough, and the Select Board as Local Licensing Authority, shall not be liable to the licensee or others if injury or damage shall result from the exercise of the license.

I, Susan Eastland, in consideration of having been granted a special
(Event Manager/Applicant)
license for the service of alcoholic beverages, hereby agree to defend, indemnify and hold harmless the Town of Southborough ("Town"), its officers, boards, employees and agents, from any liability for any and all loss, damage, cost, claim, expense, compensation and cause of action arising out of, or in connection with, the issuance or exercise of the special license granted to me by the Select Board acting as the Town's Local Licensing Authority.

Susan Eastland / 9/8/20

Event Manager/Applicant Signature Date

APPLICATION FOR ONE-DAY ALCOHOL LICENSE

REQUIRED FORMS TO SUBMIT WITH APPLICATION:

☒ Completed license application with cash/check

☒ A Certificate of General Liability Insurance with a Liquor Liability for $1M, naming the Town of Southborough (17 Common Street, Southborough MA 01772) as Certificate Holder*

☒ Completed 'Alcohol Awareness Server Training Affidavit' form, including copies of training cards

☒ List of designated drivers to be available for transporting attendees considered unable to drive

IF APPLICABLE:

☒ Invitation/flyer/letter of explanation regarding event

☐ Proof of non-profit status (for 'All Alcohol License' only)

*Voted May 18, 1993: To maintain the policy that was put in effect October 25, 1988 with the stipulation that the Board of Selectmen does have the authority to waive the requirement for a one million dollar insurance policy if it is so voted by a majority of the Board.

GUIDELINES:

- Application for Special One-day License must be submitted at least 30 days prior to event
- A police detail may be required, depending upon the number of people and the event. *It is the applicant's responsibility to contact the Southborough Police Department prior to application submission: 508-485-2147*
- Events can only be held on day and date approved on license. No refund is possible after a Special One-Day License has been issued. Rain dates for events must be noted on the application prior to approval. If no rain date is listed, the event cannot be held on date other than date specified.
- Special One-day Licenses can only be issued for events occurring between 11:00 a.m. – midnight on Monday – Saturday, and noon - midnight on Sundays.
- License must be posted in the most conspicuous place at the location of event
- DO NOT allow anyone to bring their own alcoholic beverages to your event
- A one-day license CAN NOT be granted to:
  - any person for more than a total of 30 days per calendar year
  - any person that has an on-premises annual license application pending
  - any premises that has an alcoholic beverages license.

FOR TOWN USE ONLY

LOCAL LICENSING AUTHORITY DECISION DATE: _____

☐ **APPROVED**

☐ **DENIED**

License #_____ Notice Sent to ABCC (within 10 days of issuance) _____

Payment received: _____ Date_____ Cash_____ Check# _____

Remarks:_____

_____

CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY): 4/1/2020

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Arthur J. Gallagher Risk Management Services, Inc. 470 Atlantic Avenue Boston MA 02210	CONTACT NAME: PHONE (A/C, No, Ext): 617-261-6700 FAX (A/C, No): 617-646-0400 E-MAIL ADDRESS:
	INSURER(S) AFFORDING COVERAGE — NAIC # INSURER A : Philadelphia Indemnity Insurance Company — 18058 INSURER B : INSURER C : INSURER D : INSURER E : INSURER F :
INSURED TRUSOFR-01 Trustees of Reservations 200 High Street, 4th Floor Boston MA 02210	

COVERAGES **CERTIFICATE NUMBER:** 321842118 **REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS	
A	X COMMERCIAL GENERAL LIABILITY			PHPK2116028	4/1/2020	4/1/2021	EACH OCCURRENCE	$ 1,000,000
	[ ] CLAIMS-MADE [X] OCCUR						DAMAGE TO RENTED PREMISES (Ea occurrence)	$ 100,000
							MED EXP (Any one person)	$ 5,000
							PERSONAL & ADV INJURY	$ 1,000,000
	GEN'L AGGREGATE LIMIT APPLIES PER:						GENERAL AGGREGATE	$ 2,000,000
	[X] POLICY [ ] PRO-JECT [X] LOC						PRODUCTS - COMP/OP AGG	$ 2,000,000
	[ ] OTHER:							$
	AUTOMOBILE LIABILITY						COMBINED SINGLE LIMIT (Ea accident)	$
	[ ] ANY AUTO						BODILY INJURY (Per person)	$
	[ ] OWNED AUTOS ONLY [ ] SCHEDULED AUTOS						BODILY INJURY (Per accident)	$
	[ ] HIRED AUTOS ONLY [ ] NON-OWNED AUTOS ONLY						PROPERTY DAMAGE (Per accident)	$
								$
	[ ] UMBRELLA LIAB [ ] OCCUR						EACH OCCURRENCE	$
	[ ] EXCESS LIAB [ ] CLAIMS-MADE						AGGREGATE	$
	[ ] DED [ ] RETENTION $							$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY Y/N						[ ] PER STATUTE [ ] OTH-ER	
	ANYPROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? [ ] N/A						E.L. EACH ACCIDENT	$
	(Mandatory in NH)						E.L. DISEASE - EA EMPLOYEE	$
	If yes, describe under DESCRIPTION OF OPERATIONS below						E.L. DISEASE - POLICY LIMIT	$
A	Liquor Liability			PHPK2116028	4/1/2020	4/1/2021	Each Cause Limit Aggregate	$1,000,000 $1,000,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

The Town of Southborough is included as additional insured with respects to the General Liability Policy. Coverage subject to policy terms and conditions.

CERTIFICATE HOLDER

Town of Southborough
17 Common Street
Southborough MA 01701

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

Patrick J. Veale

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CERTIFICATION NUMBER:

91413

ALCOHOL INTERVENTION METHODS

CERTIFIES:

Susan Eastland

CAMPBELL TRENT

508.756.8542

EXPIRES: SEP 16 2022

APPLICATION FOR ONE-DAY ALCOHOL LICENSE

TOWN OF SOUTHBOROUGH

Board of Selectmen

17 Common Street, Southborough MA 01772

TOWN USE ONLY
Date: _____
Paid: $_____
Check#_____
Cash_____
Lic.#_____

Special or "one-day" licenses for the sale of alcoholic beverages are available to the responsible event manager of any activity conducted by an organization which, in the opinion of the Town of Southborough Select Board, complies with all State and local requirements and demonstrates satisfactorily that granting of the license is in the best interests of the Town of Southborough. This application must be submitted at least 30 days prior to the event.

(X) **WINE/MALT ONLY** ( ) **ALL ALCOHOL** [for non-profits only]

License Fee: $50.00, non-refundable, check or cash only, payable to Town of Southborough

APPLICATION DATE: 9/8/2020

Susan Eastland — 508-599-0646
Event Manager/Applicant Name — 24-Hour Contact Telephone Number

5 Chestnut Hill Rd Southborough, MA 01772
Event Manager/Applicant Address

seastland@thetrustees.org
Event Manager/Applicant Email Address

The Trustees, Chestnut Hill Farm — 5 Chestnut Hill Rd Southborough, MA 01772
Organization Representing — Address of Organization

Fall Fun on the Farm — 10/11/20 — 10/17/20
NAME OF EVENT / PURPOSE — **DATE OF EVENT** — **RAIN DATE**

LOCATION OF EVENT Chestnut Hill Farm
( ) Inside (X) Outside

Is the organization you are representing non-profit* X YES _____ NO

*If 'Yes' and applying for "All Alcohol" license, acceptable proof of non-profit status must be attached

"Alcohol Awareness Server Training Affidavit" and Server Certificates attached X YES ____ NO

Hours of Sale/Consumption of Alcoholic Beverages 12pm AM/PM to 6pm AM/PM

APPLICATION FOR ONE-DAY ALCOHOL LICENSE

What is the maximum number of expected attendees? 200 people total, four-90 minute time slots with 50 people maximum at one tim

What is the predominate age group of the expected attendees? Families

Is an admission fee to be charged? __x__Yes _____No

Are tickets being sold in advance for this event? __x__Yes _____No

How will alcoholic beverages be dispensed or served? (*Please check all that apply)*

_____Waiter/Waitress

_____Bar with bartender

_____By the glass

x_____By the bottle

_____Self-serve

Name and address of company providing bartending service, if applicable:

_____

_____

If any attending are under age 21, what method will be used to check identification and what procedures will be followed to make certain that those under age 21 are not served and are not allowed to consume alcoholic beverages?

Certified person will ID those being served.

_____

Have you consulted with the Police Department about the need for a security plan or detail officer required for the Event? x_____Yes _____No

If Yes, with whom and what date? Name Chief Paulhus via email Date 9/8/20

Will a police detail or other security be required? _____Yes ___X___No

If Yes, # of details and name and address of provider (if applicable)?

_____

_____

APPLICATION FOR ONE-DAY ALCOHOL LICENSE

ALCOHOL AWARENESS SERVER TRAINING AFFIDAVIT

I hereby certify that I have read the Training Requirements for Liquor License Holders and Employees. I understand that failure to comply with this policy may result in the revocation or non-renewal of the license. Below is a current roster of my employees and the related alcohol awareness server training information.

*****NOTE: Copies of all original certificates MUST accompany this form.*****

The Trustees, Chestnut Hill Farm

Company/Organization

Susan Eastland

Manager [Note: Manager training MUST be current]

9/8/20

Date

Manager/Employee Name	Date of Hire	Type of Training [certification]	Date Valid	Date of Expiration
Susan Eastland	8/1/19	AIM	n/a	9/16/22

Any applicant for a one-day liquor license shall, as a condition of their being granted the license, ensure that at least one person to be engaged in the sale/service of alcoholic beverages at their event has been certified in a program from the list of Board of Selectmen sanctioned programs. On-line ["e-training") training is not an acceptable means of obtaining certification. A copy of their certification must accompany the application.

Listed below are the only programs currently available that meet the requirements of this policy approved by Board of Selectmen on September 17, 2013 [telephone numbers and contacts are provided as of date of policy]:

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I understand that anyone holding a Special License must purchase alcoholic beverages from a licensed wholesaler/importer, manufacturer, farmer-winery, farmer-brewery or special permit holder. Purchasing alcoholic beverages from a package store is prohibited by the ABCC. A list of authorized sources to purchase alcohol can be found on the ABCC website www.mass.gov/abcc or you can contact the ABCC directly at (617) 727-3040.

Initial SE

I understand that the license holder must provide a Certificate of Liability Insurance with a liquor liability policy with $1M coverage, naming the Town of Southborough as the certificate holder.

Initial SE

I certify under penalty of perjury that I shall be responsible for the proper observance of all applicable Alcohol Control Laws of the State of Massachusetts, policies and regulations of the Town of Southborough, and conditions governing this license; all information contained in this application is true and correct; and this License is being sought for the exclusive benefit and use of the Non-Profit Sponsor and its members.

Initial SE

LIABILITY DISCLAIMER FOR ONE-DAY ALCOHOL LICENSES

By exercising the privileges of this license in serving persons with alcoholic beverages, the licensee is potentially exposed to significant liability for injuries and damages to persons served or to others who are injured or damaged by the persons served. Your acceptance and exercise of this license will be deemed to be acknowledgement that you are aware of this potential liability. You are encouraged to discuss the risks associated with exercising your privileges of the license and the precautions appropriate to avoid injuries, damage, and liability to others with your legal and/or insurance advisors. The Town of Southborough, and the Select Board as Local Licensing Authority, shall not be liable to the licensee or others if injury or damage shall result from the exercise of the license.

I, Susan Eastland, in consideration of having been granted a special
(Event Manager/Applicant)
license for the service of alcoholic beverages, hereby agree to defend, indemnify and hold harmless the Town of Southborough ("Town"), its officers, boards, employees and agents, from any liability for any and all loss, damage, cost, claim, expense, compensation and cause of action arising out of, or in connection with, the issuance or exercise of the special license granted to me by the Select Board acting as the Town's Local Licensing Authority.

Susan Eastland / 9/8/20

Event Manager/Applicant Signature Date

APPLICATION FOR ONE-DAY ALCOHOL LICENSE

REQUIRED FORMS TO SUBMIT WITH APPLICATION:

☒ Completed license application with cash/check

☒ A Certificate of General Liability Insurance with a Liquor Liability for $1M, naming the Town of Southborough (17 Common Street, Southborough MA 01772) as Certificate Holder*

☒ Completed 'Alcohol Awareness Server Training Affidavit' form, including copies of training cards

☒ List of designated drivers to be available for transporting attendees considered unable to drive Uber/lyft

IF APPLICABLE:

☒ Invitation/flyer/letter of explanation regarding event

☐ Proof of non-profit status (for 'All Alcohol License' only)

*Voted May 18, 1993: To maintain the policy that was put in effect October 25, 1988 with the stipulation that the Board of Selectmen does have the authority to waive the requirement for a one million dollar insurance policy if it is so voted by a majority of the Board.

GUIDELINES:

- Application for Special One-day License must be submitted at least 30 days prior to event
- A police detail may be required, depending upon the number of people and the event. *It is the applicant's responsibility to contact the Southborough Police Department prior to application submission: 508-485-2147*
- Events can only be held on day and date approved on license. No refund is possible after a Special One-Day License has been issued. Rain dates for events must be noted on the application prior to approval. If no rain date is listed, the event cannot be held on date other than date specified.
- Special One-day Licenses can only be issued for events occurring between 11:00 a.m. – midnight on Monday – Saturday, and noon - midnight on Sundays.
- License must be posted in the most conspicuous place at the location of event
- DO NOT allow anyone to bring their own alcoholic beverages to your event
- A one-day license CAN NOT be granted to:
  - any person for more than a total of 30 days per calendar year
  - any person that has an on-premises annual license application pending
  - any premises that has an alcoholic beverages license.

FOR TOWN USE ONLY

LOCAL LICENSING AUTHORITY DECISION DATE: _____

☐ **APPROVED**

☐ **DENIED**

License #_____ Notice Sent to ABCC (within 10 days of issuance) _____

Payment received: _____ Date_____ Cash_____ Check# _____

Remarks:_____

_____

APPLICATION FOR ONE-DAY ALCOHOL LICENSE

TOWN OF SOUTHBOROUGH

Board of Selectmen

17 Common Street, Southborough MA 01772

TOWN USE ONLY
Date: _____
Paid: $_____
Check#_____
Cash_____
Lic.#_____

Special or "one-day" licenses for the sale of alcoholic beverages are available to the responsible event manager of any activity conducted by an organization which, in the opinion of the Town of Southborough Select Board, complies with all State and local requirements and demonstrates satisfactorily that granting of the license is in the best interests of the Town of Southborough. This application must be submitted at least 30 days prior to the event.

(x) **WINE/MALT ONLY** ( ) **ALL ALCOHOL** [for non-profits only]

License Fee: $50.00, non-refundable, check or cash only, payable to Town of Southborough

APPLICATION DATE: 9/29/2020

Susan Eastland — 5085990646
Event Manager/Applicant Name — 24-Hour Contact Telephone Number

5 Chestnut Hill Rd Southborough, MA 01772
Event Manager/Applicant Address

seastland@thetrustees.org
Event Manager/Applicant Email Address

The Trustees, Chestnut Hill Farm — 5 Chestnut Hill Rd Southborough, MA 01772
Organization Representing — Address of Organization

Fall Fun on the Farm — 10/18/2020 — ~~10/24/2020~~ 10/24/2020 SHE
NAME OF EVENT / PURPOSE — **DATE OF EVENT** — **RAIN DATE**

LOCATION OF EVENT Chestnut Hill Farm
( ) Inside (x) Outside

Is the organization you are representing non-profit* X YES _____ NO

*If 'Yes' and applying for "All Alcohol" license, acceptable proof of non-profit status must be attached

"Alcohol Awareness Server Training Affidavit" and Server Certificates attached X YES ____ NO

Hours of Sale/Consumption of Alcoholic Beverages 12pm AM/PM to 4:30pm AM/PM

What is the maximum number of expected attendees? 225 people total, three-90 minute time slots with 75 people maximum

What is the predominate age group of the expected attendees? Families

Is an admission fee to be charged? __X__Yes _____No

Are tickets being sold in advance for this event? __X__Yes _____No

How will alcoholic beverages be dispensed or served? (*Please check all that apply)*

_____Waiter/Waitress

_____Bar with bartender

_____By the glass

X_____By the bottle

_____Self-serve

Name and address of company providing bartending service, if applicable:

_____

_____

If any attending are under age 21, what method will be used to check identification and what procedures will be followed to make certain that those under age 21 are not served and are not allowed to consume alcoholic beverages?

Certified person will ID those being served.

_____

Have you consulted with the Police Department about the need for a security plan or detail officer required for the Event? x_____Yes _____No

If Yes, with whom and what date? Name_____ Date_____

Will a police detail or other security be required? _____Yes _____No

If Yes, # of details and name and address of provider (if applicable)?

_____

_____

APPLICATION FOR ONE-DAY ALCOHOL LICENSE

ALCOHOL AWARENESS SERVER TRAINING AFFIDAVIT

I hereby certify that I have read the Training Requirements for Liquor License Holders and Employees. I understand that failure to comply with this policy may result in the revocation or non-renewal of the license. Below is a current roster of my employees and the related alcohol awareness server training information.

NOTE: Copies of all original certificates MUST accompany this form.

The Trustees, Chestnut Hill Farm
Company/Organization

Susan Eastland
Manager [Note: Manager training MUST be current]

9/29/2020
Date

Manager/Employee Name	Date of Hire	Type of Training [certification]	Date Valid	Date of Expiration
Susan Eastland	8/1/19	AIM	n/a	9/16/22

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Initial SE

I understand that the license holder must provide a Certificate of Liability Insurance with a liquor liability policy with $1M coverage, naming the Town of Southborough as the certificate holder.

Initial SE

I certify under penalty of perjury that I shall be responsible for the proper observance of all applicable Alcohol Control Laws of the State of Massachusetts, policies and regulations of the Town of Southborough, and conditions governing this license; all information contained in this application is true and correct; and this License is being sought for the exclusive benefit and use of the Non-Profit Sponsor and its members.

Initial SE

LIABILITY DISCLAIMER FOR ONE-DAY ALCOHOL LICENSES

By exercising the privileges of this license in serving persons with alcoholic beverages, the licensee is potentially exposed to significant liability for injuries and damages to persons served or to others who are injured or damaged by the persons served. Your acceptance and exercise of this license will be deemed to be acknowledgement that you are aware of this potential liability. You are encouraged to discuss the risks associated with exercising your privileges of the license and the precautions appropriate to avoid injuries, damage, and liability to others with your legal and/or insurance advisors. The Town of Southborough, and the Select Board as Local Licensing Authority, shall not be liable to the licensee or others if injury or damage shall result from the exercise of the license.

I, Susan Eastland, in consideration of having been granted a special
(Event Manager/Applicant)
license for the service of alcoholic beverages, hereby agree to defend, indemnify and hold harmless the Town of Southborough ("Town"), its officers, boards, employees and agents, from any liability for any and all loss, damage, cost, claim, expense, compensation and cause of action arising out of, or in connection with, the issuance or exercise of the special license granted to me by the Select Board acting as the Town's Local Licensing Authority.

Susan Eastland , 9/29/2020

Event Manager/Applicant Signature Date

APPLICATION FOR ONE-DAY ALCOHOL LICENSE

REQUIRED FORMS TO SUBMIT WITH APPLICATION:

☒ Completed license application with cash/check

☒ A Certificate of General Liability Insurance with a Liquor Liability for $1M, naming the Town of Southborough (17 Common Street, Southborough MA 01772) as Certificate Holder*

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☒ List of designated drivers to be available for transporting attendees considered unable to drive Uber/lyft

IF APPLICABLE:

☒ Invitation/flyer/letter of explanation regarding event

☐ Proof of non-profit status (for 'All Alcohol License' only)

*Voted May 18, 1993: To maintain the policy that was put in effect October 25, 1988 with the stipulation that the Board of Selectmen does have the authority to waive the requirement for a one million dollar insurance policy if it is so voted by a majority of the Board.

GUIDELINES:

- Application for Special One-day License must be submitted at least 30 days prior to event
- A police detail may be required, depending upon the number of people and the event. *It is the applicant's responsibility to contact the Southborough Police Department prior to application submission: 508-485-2147*
- Events can only be held on day and date approved on license. No refund is possible after a Special One-Day License has been issued. Rain dates for events must be noted on the application prior to approval. If no rain date is listed, the event cannot be held on date other than date specified.
- Special One-day Licenses can only be issued for events occurring between 11:00 a.m. – midnight on Monday – Saturday, and noon - midnight on Sundays.
- License must be posted in the most conspicuous place at the location of event
- DO NOT allow anyone to bring their own alcoholic beverages to your event
- A one-day license CAN NOT be granted to:
  - any person for more than a total of 30 days per calendar year
  - any person that has an on-premises annual license application pending
  - any premises that has an alcoholic beverages license.

FOR TOWN USE ONLY

LOCAL LICENSING AUTHORITY DECISION DATE: _____

☐ **APPROVED**

☐ **DENIED**

License #_____ Notice Sent to ABCC (within 10 days of issuance) _____

Payment received: _____ Date_____ Cash_____ Check# _____

Remarks:_____

_____

Legal Notice of
PUBLIC HEARING
Town of Southborough

The Southborough Board of Selectmen shall hold a public hearing on Tuesday, October 6, 2020 at 6:30 p.m. to consider an application from T&L Auto Care Inc. for a Class II Used Car Dealer's license, to be located at 6 Turnpike Road in Southborough. The public hearing will be held in a virtual meeting and may be viewed by the public through a link located at https://www.southboroughtown.com/remotemeetings. All interested parties are encouraged to view and/or participate.

Southborough Board of Selectmen September 22, 2020

Sample renderings

Night lighting

Section 12 restaurant/club alcohol licenses 9/30/2020

Liquor License Type	Business		Annual Fee	10% credit	25% credit	50% credit
Club/All Alcohol	Fayville Athletic Assoc., Inc.		$ 800.00	$ 80.00	$ 200.00	$ 400.00
Restaurant/All Alcohol	150 Southborough LLC	d/b/a Hola!	$ 1,600.00	$ 160.00	$ 400.00	$ 800.00
Restaurant/All Alcohol	New Rose Garden Inc.	d/b/a New Rose Garden	$ 1,600.00	$ 160.00	$ 400.00	$ 800.00
Restaurant/All Alcohol	L. Carpentier, Inc.	d/b/a Tomasso Trattoria & E	$ 1,600.00	$ 160.00	$ 400.00	$ 800.00
Restaurant/All Alcohol	Yama Restaurant Corp.	d/b/a Yama Fuji	$ 1,600.00	$ 160.00	$ 400.00	$ 800.00
Restaurant/All Alcohol	Cork's Inc.	d/b/a Owen O'Leary's Restau	$ 1,600.00	$ 160.00	$ 400.00	$ 800.00
Restaurant/Wine & Malt	Southboro House of Pizza Inc.		$ 800.00	$ 80.00	$ 200.00	$ 400.00
Restaurant/Wine & Malt	St. Mark's Golf Club Inc.		$ 800.00	$ 80.00	$ 200.00	$ 400.00
Restaurant/Wine & Malt	Culinary Underground LLC		$ 800.00	$ 80.00	$ 200.00	$ 400.00
		Total Revenue	$ 11,200.00	$ 10,080.00	$ 8,400.00	$ 5,600.00
		Discount total		*$ 1,120.00*	*$ 2,800.00*	*$ 5,600.00*

TOWN OF SOUTHBOROUGH

CONSERVATION COMMISSION
TOWN HOUSE · 17 COMMON STREET · SOUTHBOROUGH, MASSACHUSETTS 01772-1662
(508) 485-0710, ext. 3024 · FAX (508) 480-0161 · brosenblum@southboroughma.com

May 18, 2015

Mike Francis
Superintendent
Trustees of Reservations, Charles River Valley Management Unit
37 Powisset Street
Dover, MA 02030

Re: Legal opinion on proposed improvements to Chestnut Hill Farm

Dear Mike,

The Conservation Commission asked Town Counsel Aldo Cipriano for an opinion on the question as to whether a second parking area is allowed under the Conservation Restriction the town holds on Chestnut Hill Farm, as well as confirming the restrictions in regards to the proposed additional structures on the property in the Farmstead area. Town Counsel has offered the following:

> Based upon this information, we offer the following legal opinion.
>
> Under Sections B(1), (e) and (g) of the CR, certain reserved rights are delineated within the farmstead area and for agricultural and animal husbandry purposes. At the time of negotiations of the CR, this was a principal reserved right to the Beals Family Trust and any successor in title (i.e. TOR).
>
> This would relate to structures with a square footage restriction and for incidental uses, such as an additional parking area, to promote reserved rights specified above.
>
> In this regard, we conclude, subject to Conservation Commission's independent custodial determination, that a second parking area is permissible within the farmstead area depicted on Exhibit B of the recorded CR dated May, 2006, so long as such use does not materially impair the purposes of the CR, which includes public access for passive recreation and access to vista views within the subject premises, all as determined by the Conservation Commission.
>
> Furthermore, so as to conform to its custodial role and for due diligence reasons, the Conservation Commission may require that TOR provide it with a table of existing square footage and also display proposed new square footage for structures.
>
> For the purposes of structures, we conclude that a greenhouse is a structure. Hoop houses are most probably structures and the concrete slab, for which no additional construction will occur, is not a structure.

Town Counsel has confirmed that creating a second parking area is allowable within the Reserved Rights under the CR. He also affirms that TTOR shall provide the Conservation Commission with an updated table which shows existing square footage and clearly shows the proposed new square footage for the greenhouse and hoop houses (which he considers to be structures) to ensure the Town that this number is below the 10,000 square feet allowed.

We wish you the best in developing Southborough's first ever CSA! Please send us copies of your promotional materials so that we can assist you in spreading the word around town.

Sincerely,

Beth Rosenblum
Conservation Administrator

cc: Jennifer Burney, Town Planner
Mark Purple, Town Administrator
Mark Robidoux, Building Commissioner
Dan Stimson, Sudbury Valley Trustees

COMMONWEALTH OF MASSACHUSETTS

WILLIAM FRANCIS GALVIN
SECRETARY OF THE COMMONWEALTH

WARRANT FOR 2020 STATE ELECTION

Worcester, SS.
To the Constables of the City/Town of **SOUTHBOROUGH.**

GREETINGS:
In the name of the Commonwealth, you are hereby required to notify and warn the inhabitants of Southborough, who are qualified to vote in Elections to vote at:

Trottier Middle School Gymnasium, 49 Parkerville Road, Southborough, MA.

On **TUESDAY, THE THIRD DAY OF NOVEMBER 2020**, from 6:30 AM TO 8:00 P.M. for the following purpose:

To cast their votes in the State Election for the candidates for the following offices:

ELECTORS OF PRESIDENT AND VICE PRESIDENT .....FOR THESE UNITED STATES
SENATOR IN CONGRESS ..... FOR THIS COMMONWEALTH
REPRESENTATIVE IN CONGRESS ..... FIFTH DISTRICT
COUNCILLOR..... THIRD DISTRICT
SENATOR IN GENERAL COURT.....MIDDLESEX & WORCESTER DISTRICT
REPRESENTATIVE IN GENERAL COURT..... EIGHT MIDDLESEX DISTRICT
REGISTER OF PROBATE ..... WORCESTER COUNTY

QUESTION 1: LAW PROPOSED BY INITIATIVE PETITION

Do you approve of a law summarized below, on which no vote was taken by the Senate or the House of Representatives on or before May 5, 2020?

SUMMARY

This proposed law would require that motor vehicle owners and independent repair facilities be provided with expanded access to mechanical data related to vehicle maintenance and repair.

Starting with model year 2022, the proposed law would require manufacturers of motor vehicles sold in Massachusetts to equip any such vehicles that use telematics systems –- systems that collect and wirelessly transmit mechanical data to a remote server –- with a standardized open access data platform. Owners of motor vehicles with telematics systems would get access to mechanical data through a mobile device application. With vehicle owner authorization, independent repair facilities (those not affiliated with a manufacturer) and independent dealerships would be able to retrieve mechanical data from, and send commands to, the vehicle for repair, maintenance, and diagnostic testing.
Under the proposed law, manufacturers would not be allowed to require authorization before owners or repair facilities could access mechanical data stored in a motor vehicle's on-board diagnostic system, except through an authorization process standardized across all makes and models and administered by an entity unaffiliated with the manufacturer.

The proposed law would require the Attorney General to prepare a notice for prospective motor vehicle owners and lessees explaining telematics systems and the proposed law's requirements concerning access to the vehicle's mechanical data. Under the proposed law, dealers would have to provide prospective owners with, and prospective owners would have to acknowledge receipt of, the notice before buying or leasing a vehicle. Failure

to comply with these notice requirements would subject motor vehicle dealers to sanctions by the applicable licensing authority.

Motor vehicle owners and independent repair facilities could enforce this law through state consumer protection laws and recover civil penalties of the greater of treble damages or $10,000 per violation.

A YES VOTE would provide motor vehicle owners and independent repair facilities with expanded access to wirelessly transmitted mechanical data related to their vehicles' maintenance and repair.

A NO VOTE would make no change in the law governing access to vehicles' wirelessly transmitted mechanical data.

QUESTION 2: LAW PROPOSED BY INITIATIVE PETITION

Do you approve of a law summarized below, on which no vote was taken by the Senate or the House of Representatives on or before May 5, 2020?

SUMMARY

This proposed law would implement a voting system known as "ranked-choice voting," in which voters rank one or more candidates by order of preference. Ranked-choice voting would be used in primary and general elections for all Massachusetts statewide offices, state legislative offices, federal congressional offices, and certain other offices beginning in 2022. Ranked-choice voting would not be used in elections for president, county commissioner, or regional district school committee member.

Under the proposed law, votes would be counted in a series of rounds. In the first round, if one candidate received more than 50 percent of the first-place votes, that candidate would be declared the winner and no other rounds would be necessary. If no candidate received more than 50 percent of the first-place votes, then the candidate or candidates who received the fewest first-place votes would be eliminated and, in the next round, each vote for an eliminated candidate would instead be counted toward the next highest-ranked candidate on that voter's ballot. Depending on the number of candidates, additional rounds of counting could occur, with the last-place candidate or candidates in each round being eliminated and the votes for an eliminated candidate going to the voter's next choice out of the remaining candidates. A tie for last place in any round would be broken by comparing the tied candidates' support in earlier rounds. Ultimately, the candidate who was, out of the remaining candidates, the preference of a majority of voters would be declared the winner.

Ranked-choice voting would be used only in races where a single candidate is to be declared the winner and not in races where more than one person is to be elected.

Under the proposed law, if no candidate received more than 50 percent of first-place votes in the first round, the rounds of ballot-counting necessary for ranked-choice voting would be conducted at a central tabulation facility. At the facility, voters' rankings would be entered into a computer, which would then be used to calculate the results of each round of the counting process. The proposed law provides that candidates in a statewide or district election would have at least three days to request a recount.

The Secretary of State would be required to issue regulations to implement the proposed law and conduct a voter education campaign about the ranked-choice voting process. The proposed law would take effect on January 1, 2022.

A YES VOTE would create a system of ranked-choice voting in which voters would have the option to rank candidates in order of preference and votes would be counted in rounds, eliminating candidates with the lowest votes until one candidate has received a majority.

A NO VOTE would make no change in the laws governing voting and how votes are counted.

Hereof fail not and make return of this warrant with your doings thereon at the time and place of said voting.

Given under our hands this _____ day of _____, 2020.

_____ _____

Martin F. Healey, Chairman Lisa A. Braccio, Vice-Chairman

_____ _____

Chelsea Marie Malinowski Brian E. Shea

_____

Sam Stivers

BOARD OF SELECETMEN OF THE TOWN OF SOUTHBOROUGH

POSTED:
Town website, Southborough Town House, Southborough Senior Center, Southborough Library, Southborough Transfer Station

_____ _____

Kenneth M. Paulhus, Constable Date

Warrant must be posted by October 27, 2020, (at least *seven days prior* to the November 3, 2020 State Election).

RECEIVED
By Town Clerk/rhc at 1:16 pm, Nov 06, 2020

TOWN OF SOUTHBOROUGH

BOARD OF SELECTMEN Meeting Minutes

Meeting Date: Tuesday, October 20, 2020, 6:30 P.M.
Location: Virtual Meeting through Zoom
Present: Marty Healey, Lisa Braccio, Chelsea Malinowski, Brian Shea, Sam Stivers and Town Administrator Mark Purple

Executive Session
At 5:30 P.M. the Board entered into Executive Session per M.G.L. Chapter 30A, Section 21, and returning to Open Session —to discuss strategy with respect to litigation (Exemption 3), as the Chair declares that an open meeting may have a detrimental effect on the negotiating position of the public body. The matters to be discussed are; (1) Cell tower/flagpole on Town Common; (2) John & Marjorie Warfield v. Town of Southborough; and (3) Louise Barron, Jack Barron, and Arthur St. Andre v. Board of Selectmen and the Town of Southborough. Chairman Healey made a motion to exit Executive Session at 6:35 P.M. Mr. Shea seconded. The motion passed all in favor by roll call vote (5-0-0), Braccio, aye; Malinowski, aye; Shea, aye; Stivers, aye; Healey, aye.

I. Chairman Healey summarized that the Board is proceeding to public session at 6:37 P.M. from Executive Session. Chairman Healey read the following statement:

Pursuant to Governor Baker's March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, §18, and the Governor's March 15, 2020 Order imposing strict limitation on the number of people that may gather in one place, this meeting of the Southborough Board of Selectmen will be conducted via remote participation to the greatest extent possible. Specific information and the general guidelines for remote participation by members of the public and/or parties with a right and/or requirement to attend this meeting can be found on the Town of Southborough's website, at https://www.southboroughtown.com/. For this meeting, members of the public who wish to watch or participate in the meeting may do so in the following manner by finding the meeting at: https://www.southboroughtown.com/remotemeetings. No in-person attendance of members of the public will be permitted, but every effort will be made to ensure that the public can adequately access the proceedings in real time, via technological means. In the event that we are unable to do so, despite best efforts, we will post on Southborough's website an audio or video recording, transcript, or other comprehensive record of proceedings as soon as possible after the meeting.

II. Public Comment
Cynthia Cram (44 Bigelow Road) updated the Board about a proposed trails project for property owned by SOLF currently before the Conservation Commission. She described the project which included three proposed parking spots and a viewing platform. She expressed her concerns regarding traffic and parking. Chairman Healey asked if she has been in contact with the Trails Committee and Ms. Cram replied that she did not believe this was their project but felt the Planning Board should be included in the decision-making process.

Donna and Rob Sergi (42 Bigelow Road) further explained the project and their concerns. Mr. Sergi stated that this will be in front of the Conservation Commission and stated he will be

sending more information to the Board. Chairman Healey replied that he appreciated the information and will work to understand where jurisdiction lies.

III. Scheduled Appointments

6:30PM: Tax Classification Hearing; joint meeting with Board of Assessors

Mr. Cibelli stated he was presenting the annual tax classification hearing on behalf of the Board of Assessors. He told the Board there had been a $50,000 reduction in revenue and as a result the tax rate has increased by two cents with the average tax bill increasing by approximately $13. He added that the Commonwealth's budget is usually voted and approved of by this time of the year but because of the pandemic they have not done either. He stated that additional changes to local aide that result in a loss of funds could change the projected budget. Mr. Purple read the public hearing notice into the record. Chairman Healey made a motion to open the public hearing at 6:52 PM. Mr. Shea seconded. The motion passed all in favor (5-0-0) by roll call vote, Braccio, aye; Malinowski, aye; Shea, aye; Stivers, aye; Healey, aye.

Chairman Healey asked if there was a timeframe for receiving the final budget information and Mr. Cibelli replied that after speaking with the Department of Revenue and the Bureau of Local Assessment, there is no timetable. Mr. Cibelli walked the Board through the presentation provided in the packet. Mr. Stivers stated that at this point in time, the single tax rate makes sense and he is in support of the recommendations from the Board of Assessors. Chairman Healey opened the discussion to public comment and there was none. Mr. Shea made a motion to close the public hearing at 7:13 P.M. Chairman Healey seconded. The motion passed all in favor (5-0-0) by roll call vote, Braccio, aye; Malinowski, aye; Shea, aye; Stivers, aye; Healey, aye.

Chairman Healey made a motion to continue with the single tax rate for fiscal year 2021. Ms. Braccio seconded. The motion passed all in favor (5-0-0) by roll call vote, Braccio, aye; Malinowski, aye; Shea, aye; Stivers, aye; Healey, aye. Chairman Healey made a motion to not adopt the small commercial exemption for fiscal year 2021. Mr. Stivers seconded. The motion passed all in favor (5-0-0) by roll call vote, Braccio, aye; Malinowski, aye; Shea, aye; Stivers, aye; Healey, aye. Chairman Healey made a motion to not adopt the small commercial exemption for fiscal year 2021. Mr. Stivers seconded. The motion passed all in favor (5-0-0) by roll call vote, Braccio, aye; Malinowski, aye; Shea, aye; Stivers, aye; Healey, aye. Mr. Cibelli told the Board that he will have Mr. Purple update them with any changes to local aid that affects the tax rate and will move forward with the finance team to make the approved adjustments going forward. He added that if there is no update from the State, the tax rate will be set using estimates.

Volunteer interviews

i. Sue Luh — ADA Committee, expiration 6/30/2021

Chairman Healey thanked Ms. Luh for her volunteerism and stated he felt would be a terrific fit for the ADA Committee. Mr. Stivers agreed and asked if she had attended any ADA Committee meetings. Ms. Luh stated she had not but has had a conversation with the Chair of the Committee and is up to speed. She gave background on her work in architectural and informational accessibility. Ms. Malinowski asked if there were anything specific she was looking to accomplish with the ADA Committee. Ms. Luh responded that after speaking with the Chair, she would like to continue the context of connecting volunteers with the Southborough community. She mentioned Meals on Wheels and social and emotional support during the pandemic. Mr. Stivers made a motion to appoint Sue Luh to the ADA Committee, expiration

6/30/2021. Ms. Malinowski seconded. The motion passed all in favor (5-0-0) by roll call vote, Braccio, aye; Malinowski, aye; Shea, aye; Stivers, aye; Healey, aye.

ii. David Joyner — CPC At-Large position, expiration 6/30/23

Chairman Healey asked Mr. Joyner what garnered his interest in CPC and what he hopes to bring the Committee. Mr. Joyner explained his interest in the Breakneck Hill and Chestnut Hill Farms and explained his background in affordable housing. Ms. Braccio asked Mr. Joyner to elaborate on his experience in affordable housing and how he can apply that to the CPC. Mr. Joyner described his experience which included working in the field for over thirty years, property and asset management, market rate housing experience and advocating at the State level promote preservation and continued funding of affordable housing. The Board agreed that affordable housing is a focus and supported his appointment. Ms. Braccio made a motion to appoint David Joyner as the CPC At-Large position, expiration 6/30/2023. Mr. Shea seconded. The motion passed all in favor (5-0-0) by roll call vote, Braccio, aye; Malinowski, aye; Shea, aye; Stivers, aye; Healey, aye.

<u>7:00PM: Steve Achilles, Fire Chief— Update on hiring, training and reporting for F ire Dept. operations</u>

Chairman Healey explained that a Board initiative was to focus on public safety and the public service area to ensure they are doing everything from a hiring perspective to have as broad a reach and be inclusive as possible. He stated the second goal was in the mechanics of reporting incidents and issues raised from the public through the ranks of the Fire Department and the Board. He explained the last goal to review is training.

Chief Achilles gave a brief overview of the Department's activity to date which included that calls are down 5% compared to last year with 1025 calls compared to last year at this time with 1075 calls. He added that they are seeing a decline in ambulance use over the last three-to-four months and he believes this is due to the pandemic. He added there are twenty-two full-time department members including him and seven call members. Chief Achilles stated that they have updated their policies and procedures and are dedicated to increase the number of call members. He stated there have been challenges with outreach programs and training due to the pandemic and are looking to start an internal training program and developing within the department. He described recent physician feedback programs to enhance their ability to provide medical care. Chief Achilles described the department's commitment to diversity and stated there are female firefighters, paramedics and on the on-call force. He stated they are collaborating with the Police Department and Youth and Family Services to become more sensitive to behavior health. Chief Achilles described his current procedure for responding to feedback from the community and his goals for a customer feedback survey in the future.

Chairman Healey thanked him for his report and urged him to find ways to bring mental health experts to their service. He asked for a report twice a year of complaints from the public and any recording keeping associated to be sent to the Board. Ms. Malinowski asked if the physician feedback is a contracted service that is paid for or are they evaluating care for the transport to the hospital. Chief Achilles explained that there are agreements with UMass Medical. Chairman Healey suggested Chief Achilles to reach out to Ms. Hale for creative ways to enhance outreach and diversity for potential applicants. Chief Achilles agreed to do so.

7:40PM: Discussion with Personnel Board: duties of the Board and Personnel Director; proposed SAP increases in FY22; employee training.

Ms. Rosenbloom called the meting of the Personnel Board to order at 8:14 P.M. She thanked Mr. Ballantine and Ms. Hale for their assistance in creating the annual adjustment and told the Board the Personnel Board provided them with the same information as requested last year. Chairman Healey stated that the information provided in the packet made sense to him and asked the Board for questions and there were none. Ms. Rosenbloom noted a new item on page ten with regards to COVID-19. She asked Mr. Purple to inform the Personnel Board of any proposed changes to salaries having to do with the pandemic. Mr. Purple agreed and said there were none at this time. Ms. Malinowski asked if section 3B which describes an example 2.5% increase to SAP salaries resulting in a 1% overall budget increase would negate a level funded budget. Ms. Rosenbloom stated it did not and explained that she asked Mr. Ballantine to show what each 1% increase in SAP salaries would cost the Town in dollars.

Chairman Healey asked for their ideas for training regarding equity and inclusivity. Ms. Rosenbloom stated she was just made aware of this focus and would refer to DEI training. She stated the Personnel Board does not have the capacity to be DEI professionals but they do have funds for personnel training. Mr. Rubenstein said they would need to identify what the Town is seeking to accomplish with training in terms of procedure. Ms. Rosenbloom suggested partnering with other towns to regionalize DEI training. Ms. Braccio asked about the four-year review of equity in the payroll and Ms. Rosenbloom explained what it entails under section 16E. She added she did not think the Town had any equity issues with payroll but they will gather and send the information to Attorney Norris who would confidentially respond with any perceived issues. There was discussion regarding funding employee training and Mr. Purple explained Ms. Hale reached out to the insurance company to inquire about their training. He said diversity is dominating the conversations but they do not have any trainings available at this time. Ms. Hale stated that the insurance company offers many free training classes and the Town receives credits in the form of discounts on premiums for sending employees to their seminars. She said they are not ready for a virtual training format but will be monitoring their offerings.

Ms. Rosenbloom stated that the topic of roles and responsibilities of the Personnel Director and Personnel Board have been discussed at length for two years with no resolution. She explained part of the Town Administrator Bylaw and the SAP bylaw. She offered to submit a list of grievances to Board members. Chairman Healey stated there is real tension between the documents and suggested a conversation. Mr. Rubenstein stated Ms. Rosenbloom gave an accurate description of the issues and felt the areas of overlap should be rectified. He suggested an open conversation to resolve these issues. Ms. Malinowski agreed that if there are issues, it is the Board's responsibility to listen and address them. Mr. Shea stated that as one of several that served on the committee to form the current Town Administrator Bylaw, there was never an intention to create conflict between the two entities. He encouraged the two parties to have a conversation to clarify any discrepancies. Mr. Stivers stated that it is within their abilities to collectively decide what the correct relationship should be and if it is not in line with the current bylaw, they should rewrite it. He stated he was in support of a conversation in a smaller group to work through structure issues. Ms. Rosenbloom explained the need for an organizational chart and asked the Board to review her draft version. Ms. Braccio said she hoped there would be a conversation between the two parties between now and November 4th. Ms. Rosenbloom adjourned the Personnel Board meeting at 9:12 P.M.

8:00PM: Atty. Tim Norris — Responding to Public Records requests
At the Chairman Healey's request Attorney Norris will be rescheduled to a later date.

IV. Reports

Chairman's Report
Chairman Healey stated the position of the Board regarding Halloween is if people feel comfortable celebrating, that they follow the guidance from the State outlined on the Town website.

Chairman Healey stated Mr. Sines, Chair of the ADA Committee sent a response to his initial letter raising three questions regarding requirements with the Public Safety Complex. He said he would send the letter to the Board members and suggested the topic be put on a future agenda for discussion.

Chairman Healey stated that Ms. Galligan brought to his attention the communication from Chief Achilles regarding trees he thought were threatening from a public safety perspective on Overlook Drive. He said Ms. Galligan noted that all the trees outlined could potentially damage some powerlines and cable lines on private property. She stated to him that she is going to reach out to the land owners of the private properties to try and come to a safe solution.

Chairman Healey asked Mr. Stivers for an update on the tree removal policy. Mr. Stivers stated they are close to a resolution that works with the Planning Board and DPW. He added that the Board could provide guidance regarding the inclusion of the Planning Board on joint hearings with the Tree Warden and DPW. Chairman Healey stated he would like to see the policy in writing before providing any guidance.

Members' Reports
Ms. Malinowski stated she had a preliminary conversation with the Chief of Police and the Fire Chief regarding regional dispatch. She said the next steps are to collect data from other towns who have regional dispatch and possibly create a subcommittee as Chief Paulhus suggested. The Board agreed to have Ms. Malinowski collect data to bring to the Board.

Ms. Malinowski told the Board the schools are doing a good job notifying families in schools impacted by COVID-19 as new cases arise. Ms. Malinowski suggested the Board be added to the email list and Mr. Purple agreed to include them for informational purposes.

Mr. Shea thanked the community for their support at the ALS One Golf Tournament at the Southborough Golf Course last weekend. He said between contributions made at the clubhouse and online, almost $4,500 was raised.

Mr. Shea stated he received a report for Pare Engineering regarding Deerfoot Road. He updated the Board and stated Pare will be working with Ms. Galligan on a grading plan to divert water from the south end of the road into an infrastructure to ensure less water flows towards 122 Deerfoot. Mr. Shea added that the recommendation was to move forward with paving and no additional structures were needed. Chairman Healey agreed and said after a conversation with Ms. Galligan he advised the Board to support a plan to move forward with paving before the end of the season. Mr. Stivers

asked if the grading could be adjusted during the paving process to ensure the correct level along the road. Mr. Shea stated Pare Engineering is preparing a plan with guidance on where the material should go. Ms. Malinowski asked if the residents were aware of the next steps. Chairman Healey stated Ms. Galligan is making sure the residents are told of the next steps and he is in support of this plan. Mr. Shea stated the residents with drainage issues associated with the development on Deerfoot Road hired their own engineer who provided a number of recommendations for private property. He said that was outside of the scope of the Board but that report recommended an engineering study on the road which has been done and the Board has followed through on. He added that Ms. Galligan will be reaching out to that engineer to discuss one of his recommended solutions that included a drain structure in the roadway that is no longer there. Mr. Shea stated the Town has done their due diligence and Pare Engineering reported that the developer has followed through with their sedimentation control.

Chairman Healey stated that the Board put off a ceremony for the naming of Shifrin Field with the idea that it could be done in November to coincide with the one-year anniversary of Mr. Shifrin's passing. He stated that for a variety of reasons it has been agreed that the best time to hold this ceremony would be in the spring to tie in to the begging of little league season.

Mr. Stivers stated Ms. Galligan will be doing an informal investigation into tying in with MWRA at Pine Hill Road for firefighter water instead of buying an additional pumper truck. He stated he will continue to look into this and update the Board.

Mr. Stivers stated he attended the Board of Health meeting and raised the issue regarding licensing trash haulers. He said they were unaware of Mr. Butler's presentation and he had forwarded it to them. He said the Board of Health was interested in this but are very busy due to the pandemic. He felt there was opportunity for the Board to support them administratively and to inquire with Town Counsel if a vote would be needed from the Board of Health to move forward with the licensing.

Mr. Stivers stated that revenue at the Golf Course is almost up 70% and are aiming to hit the greatest number of rounds in recorded history.

Town Administrator Report

Mr. Purple stated that the Golf Course has not seen revenue and round numbers as they are now in about a decade. He stated the pandemic has probably attributed to its success and he hopes the numbers will continue beyond the end of the pandemic.

Mr. Purple stated he would assist the Board moving forward with the conversation with MWRA and Pine Hill Road.

Mr. Purple explained the CMRPC funding of the ADA Self Evaluation Transition Plan. He stated there are funds to support the plan but hopes the grant from CRMPC will fully fund the work . He added that the work needs to be done by June and they will be working with CRMPC consultants. He thanked Ms. Hale, Mr. Parent and Mr. Davis for their assistance in the grant application process.

V. Consent Agenda

a. Mr. Shea held consent agenda item "a." Mr. Shea stated that under Members' Reports on page six it is written that he and Ms. Galligan visited Deerfoot Road and it should say "Pare

Engineering" as he and Ms. Galligan did not visit the site. Mr. Stivers stated Ms. Barrett's name was misspelled and asked for a correction. Chairman Healey made a motion to approve Open Session Minutes: October 6, 2020 with the mentioned revisions. Mr. Shea seconded. The motion passed all in favor (5-0-0) by roll call, Braccio, aye; Malinowski, aye; Shea, aye; Stivers, aye; Healey, aye.

b. Mr. Stivers held agenda item "e." Mr. Stivers stated that this date coincides with Passover and Palm Sunday. Mr. Purple stated he thought he avoided the holidays when scheduling this date and the Finance Department would like the date as late in March as possible. Mr. Purple stated he will bring "Establish date for Annual Town Meeting (Saturday, March 27, 2021 @ 1PM)" back for discussion at the next meeting.

c. Ms. Malinowski asked to hold consent agenda item "c." She asked why the Board needed to approve to release the minutes from April 9, 2020 as they are already posted on the website. Mr. Purple stated there is no record that the Board voted to release them. Ms. Malinowski asked for clarity on the process for approving and releasing Executive Session minutes. Chairman Healey made a motion to approve consent agenda item "c" to release Executive Session minutes: April 9, 2018; January 7, 2020; January 21, 2020; February 4, 2020; February 25, 2020; May 19, 2020 (redacted). Mr. Shea seconded. The motion passed all in favor (5-0-0) by roll call, Braccio, aye; Malinowski, aye; Shea, aye; Stivers, aye; Healey, aye. Ms. Malinowski volunteered to review the Executive Session minutes and how they are being recorded.

d. Chairman Healey made a motion to approve the extension of outdoor dining for any period up to sixty (60) days after the end of the state of emergency. Mr. Shea seconded. The motion passed all in favor (5-0-0) by roll call, Braccio, aye; Malinowski, aye; Shea, aye; Stivers, aye; Healey, aye.

e. Chairman Healey made a motion to appoint Jen Hansen to Community Preservation Committee/Recreation Comm. Rep., term 6/30/21. Mr. Shea seconded. The motion passed all in favor (5-0-0) by roll call, Braccio, aye; Malinowski, aye; Shea, aye; Stivers, aye; Healey, aye.

f. Ms. Braccio asked to hold agenda item "f." Ms. Braccio stated the amount in the contract needs to be adjusted for an additional twelve hours to an amount of $7,087.50. Ms. Braccio and Ms. Connelly explained the reason for the adjustment. Chairman Healey made a motion to approve the revised contract for Judy Barrett as described by Ms. Braccio, Barrett Planning Group LLC, RE: Downtown Initiative. Mr. Stivers seconded. The motion passed all in favor (5-0-0) by roll call, Braccio, aye; Malinowski, aye; Shea, aye; Stivers, aye; Healey, aye.

VI. Other Matters Properly Before the Board

Review of cemetery police and procedures re: damaged headstones

Ms. Braccio stated that after hearing concerns regarding headstones in the cemetery, she met with Ms. Galligan and Mr. Purple. She stated that an Eagle Scout project to catalogue the headstones and find a path to fix or restore some was proposed. Mr. Stivers asked if the cemetery was in the National Register. Ms. Braccio stated she did not know. Mr. Stivers stated if someone were to catalogue the headstones, that information could be sent to the National Register.

Proposal to establish Rent/Mortgage Relief under CARES Act

Ms. Braccio stated she met with Ms. McAuliffe and is working with Ms. Esposito to move forward to create a draft proposal for the October 27th meeting. She said she hopes that the application process for residents will be November 1st – December 1st. Ms. Braccio added that if the funding sources falls through from the CARES Act, she hopes they could be provided through the Affordable Housing Trust Fund. She stated she will be speaking with Ms. Cassell of Youth and

Family Services and may need to push her update to November 4th if they need more time to review.

Consideration of Trails Committee Letter of Support for DCR Public Access Plan
Chairman Healey stated he reviewed the access plan and felt it was a great idea to have the ability to walk a loop around Southborough without leaving one of their trails. Mr. Shea asked if there will be parking proposed near the new loop. Ms. McKee described various options for parking and stated they wanted to be respectful of abutters. Mr. Shea asked the Committee to keep in mind that additional areas for public parking will need to supplied for the public to access the trails effectively. Ms. Malinowski asked if the Board was going to vote on just the letter or also on the MOA. Chairman Healey asked Ms. McKee if the MOA was informational only and if she is asking to move forward with the Public Access Plan. Ms. McKee stated that the Trails Committee suggests removing the language about White Bagley Road. Ms. Malinowski stated that she will need to recuse herself as she is an abutter to White Bagley Road. Chairman Healey made a motion to approve the letter proposed by the Trails Committee. Mr. Stivers seconded. The motion passed (4-0-1) by roll call vote, Braccio, aye; Shea, aye; Stivers, aye; Healey, aye. Ms. Malinowski recused.

VII. Public Comment
None

VIII. On a motion made by Sam Stivers, seconded by Brian Shea and voted all in favor, the meeting was adjourned at 10:21 P.M.

Upcoming Meetings
October 27, 2020
November 4, 2020

Respectfully submitted,

Kathleen Barry, Recording Secretary

List of Documents referred to at the October 20, 2020 BOS Meeting:

- Selectmen's 10-20-20 Agenda Packet UPDATED BOA presentation
- FY 21 Goals - Boards and Committees
- Legal Advertising Proof - GateHouse Media
- Town Volunteer Form, Sue Luh
- Citizen Activity Form, David Joyner
- Community Risk Assessment and Standards of Cover
- Annual Adjustment - Factors Considered
- Town Administrator - Statement of Duties
- Chapter 27, Article 4 of Southborough Town Code
- Draft Employee Organizational Chart
- Draft Open Session Minutes, October 6, 2020
- Extension of Outdoor Dining and Expanded Alcohol License

Town of Southborough
Personnel Board

Annual Salary Adjustment – Factors Considered

External Data

1. Survey of what others towns are giving for raises, differentiated between COLA v. merit (Vanessa Hale)

2. CPI (Brian Ballantine)

Internal Data

1. Other Town Employee Raises (for parity)

   A. Employees with Contracts:

DPW	Public Health Director
Town Administrator	Police Chief
Treasurer/Collector	Fire Chief
Principal Assessor	Town Accountant

   B. Union Employees under CBAs

2. Historical Data

   A. SAP Employee Increase History FY03-FY21 (Brian Ballantine)

3. Financial Data

   A. Southborough Employees by the Numbers (overview)(Brian Ballantine/Kristen Pasacane)

   B. Cost of SAP increase (1% increments) to the overall Town budget (Brian Ballantine)

4. Special Circumstances due to COVID-19/closures

Document: ToS Personnel Board Annual Salary Adjustment Factors Considered
Author: B. Rosenbloom
Date: 10/08/20
Copies: Personnel Board Public Packet

Town of Southborough
Contract Increases
-Prepared KP BB-

CURRENT CONTRACTS IN PLACE

Per Contract: Annual Rate Adjustment

Position	FY21	FY22	
Town Administrator	3.00%	n/a	*October is month of Increase
Finance Director-T/C	2.25%	2.50%	
Town Assessor	4.20%	3.50%	
Town Accountant	NEW EE	SAP	
DPW Director	2.50%	2.50%	
Health Director	2.50%	n/a	
Police Chief	3.00%	3.00%	*February is month of Increase
Fire Chief	3.00%	3.00%	*April is month of Increase
AVG Increase	2.92%	2.90%	*NOTE: July increase date unless specified.

TOWN OF SOUTHBOROUGH
CPI 3 YEAR

CPI - U

Aug-17	Aug-18	Aug-19	Aug-20
245.52	252.15	256.56	259.92
	2.7%	1.7%	1.3%
		AVG	**1.9%**

Source: US inflation Calculator (data from BLS)

Town of Southborough
SAP Increase History
FY01-FY21

	FY01	FY02	FY03	FY04	FY05	FY06	FY07	FY08	FY09	FY10	FY11	FY12	FY13	FY14	FY15	FY16	FY17	FY18	FY19	FY20	FY21	5 YR AVG FY17-21
SAP	4.0-4.3%	4.0-4.3%	2.9-3.7%	3.00%	3.00% CHANGE IN STEPS	4.00%	4.00%	4.00%	4.00%	3.00%	0.00% NO RAISE	4.00%	2.50%	2.50%	3.00%	3.00%	2.00%	2.50%	2.25%	2.50%	2.80%	2.41%

---Range from Higher to Lower---
---Throughout steps---

---CHANGE STEPS TO MIN/MID/MAX---

LOCATION: S/Payroll I - SAP Raise History FY03-FY21 (Ballantine 10 07 20).xls
Date Created: 11-14-2019
Copied to: B. Rosenbloom, Personnel Board

2.0 % COLA

COMM OFFICERS FY21

									WITH COLA AVG REMOVING MIN & MAX	WITH COLA AVG REMOVII MIN & MAX
21.97	22.64	23.32	23.90	24.38	24.87	27.35				
	3.05%	3.00%	2.49%	2.01%	2.01%	9.97%			2.38%	4.3

2.0 % COLA

POLICE FY21

989.09	1,034.40	1,079.58	1,125.04	1,170.27	1,193.67	1,217.56	1,254.10	1,279.31		
	4.58%	4.37%	4.21%	4.02%	2.00%	2.00%	3.00%	2.01%	3.27%	5.2
1,129.08	1,201.23	1,256.41	1,307.21	1,362.51	1,389.75	1,417.53	1,460.07	1,489.42		
	6.39%	4.59%	4.04%	4.23%	2.00%	2.00%	3.00%	2.01%	3.31%	5.3

2.0 % COLA

FIRE FY21

1,054.22	1,094.48	1,134.51	1,174.63	1,216.11	1,231.68	1,247.44				
	3.82%	3.66%	3.54%	3.53%	1.28%	1.28%			3.00%	5.0
1,103.89	1,144.16	1,184.21	1,224.31	1,265.79	1,281.99	1,298.40				
	3.65%	3.50%	3.39%	3.39%	1.28%	1.28%			2.89%	4.8
1,194.41	1,240.03	1,285.39	1,330.86	1,377.85	1,395.49	1,413.35				
	3.82%	3.66%	3.54%	3.53%	1.28%	1.28%			3.00%	5.0
1,244.08	1,289.69	1,335.07	1,380.52	1,427.52	1,445.79	1,464.30				
	3.67%	3.52%	3.40%	3.40%	1.28%	1.28%			2.90%	4.9
1,313.85	1,364.04	1,413.93	1,463.94	1,515.64	1,535.04	1,554.69				
	3.82%	3.66%	3.54%	3.53%	1.28%	1.28%			3.00%	5.0
1,363.54	1,413.70	1,463.62	1,513.59	1,565.51	1,585.55	1,605.84				
	3.68%	3.53%	3.41%	3.43%	1.28%	1.28%			2.91%	4.9

2.0 % COLA

DPW FY21

20.07	21.08	21.92	22.47	23.04	23.49	23.97	24.44			
	5.03%	3.98%	2.51%	2.54%	1.95%	2.04%	1.96%		2.61%	4.6
21.96	23.05	23.98	24.58	25.19	25.70	26.20	26.73			
	4.96%	4.03%	2.50%	2.48%	2.02%	1.95%	2.02%		2.60%	4.6
24.38	25.60	26.63	27.29	27.97	28.53	29.10	29.68			
	5.00%	4.02%	2.48%	2.49%	2.00%	2.00%	1.99%		2.60%	4.6
25.56	26.85	27.91	28.62	29.32	29.91	30.50	31.12			
	5.05%	3.95%	2.54%	2.45%	2.01%	1.97%	2.03%		2.58%	4.5
27.19	28.55	29.69	30.44	31.20	31.83	32.46	33.11			
	5.00%	3.99%	2.53%	2.50%	2.02%	1.98%	2.00%		2.60%	4.6
28.88	30.33	31.55	32.33	33.14	33.80	34.49	35.17			
	5.02%	4.02%	2.47%	2.51%	1.99%	2.04%	1.97%		2.61%	4.6

AVERAGE ALL UNION STEPS EXCLUDES MIN/MAX	2.82%	4.82%

2.0 % COLA

COMM OFFICERS FY22

Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7	AVG REMOVING MIN & MAX	WITH COLA AVG REMOVII MIN & MAX
22.41	23.09	23.78	24.38	24.86	25.36	27.90		
	3.03%	2.99%	2.52%	1.97%	2.01%	10.02%	2.37%	4.3

2.0 % COLA

POLICE FY22

Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7	Step 8	Step 9		
1,008.87	1,055.08	1,101.17	1,147.54	1,193.68	1,217.55	1,241.91	1,279.18	1,304.89		
	4.58%	4.37%	4.21%	4.02%	2.00%	2.00%	3.00%	2.01%	3.27%	5.2
1,151.67	1,225.25	1,281.54	1,333.35	1,389.76	1,417.54	1,445.89	1,489.27	1,519.20		
	6.39%	4.59%	4.04%	4.23%	2.00%	2.00%	3.00%	2.01%	3.31%	5.3

2.0 % COLA

FIRE FY22

Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7		
1,075.30	1,116.37	1,157.20	1,198.13	1,240.44	1,256.31	1,272.39		
	3.82%	3.66%	3.54%	3.53%	1.28%	1.28%	3.00%	5.0
1,125.96	1,167.04	1,207.90	1,248.80	1,291.11	1,307.63	1,324.37		
	3.65%	3.50%	3.39%	3.39%	1.28%	1.28%	2.89%	4.8
1,218.30	1,264.83	1,311.10	1,357.48	1,405.41	1,423.40	1,441.62		
	3.82%	3.66%	3.54%	3.53%	1.28%	1.28%	3.00%	5.0
1,268.96	1,315.48	1,361.77	1,408.13	1,456.07	1,474.71	1,493.59		
	3.67%	3.52%	3.40%	3.40%	1.28%	1.28%	2.90%	4.9
1,340.13	1,391.32	1,442.21	1,493.22	1,545.96	1,565.75	1,585.79		
	3.82%	3.66%	3.54%	3.53%	1.28%	1.28%	3.00%	5.0
1,390.81	1,441.97	1,492.90	1,543.87	1,596.82	1,617.26	1,637.96		
	3.68%	3.53%	3.41%	3.43%	1.28%	1.28%	2.91%	4.9

2.0 % COLA

DPW FY22

Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7	Step 8		
20.48	21.50	22.36	22.92	23.50	23.96	24.45	24.93		
	4.98%	4.00%	2.50%	2.53%	1.96%	2.05%	1.96%	2.61%	4.6
22.40	23.51	24.46	25.07	25.69	26.21	26.73	27.27		
	4.96%	4.04%	2.49%	2.47%	2.02%	1.98%	2.02%	2.60%	4.6
24.87	26.12	27.16	27.84	28.53	29.10	29.68	30.28		
	5.03%	3.98%	2.50%	2.48%	2.00%	1.99%	2.02%	2.59%	4.5
26.07	27.38	28.47	29.19	29.91	30.51	31.11	31.74		
	5.02%	3.98%	2.53%	2.47%	2.01%	1.97%	2.03%	2.59%	4.5
27.73	29.12	30.29	31.05	31.83	32.46	33.11	33.77		
	5.01%	4.02%	2.51%	2.51%	1.98%	2.00%	1.99%	2.60%	4.6
29.46	30.94	32.18	32.98	33.80	34.48	35.18	35.87		
	5.02%	4.01%	2.49%	2.49%	2.01%	2.03%	1.96%	2.60%	4.6

AVERAGE ALL UNION STEPS EXCLUDES MIN/MAX	2.82%	4.82%

Southborough Employees by the Numbers				
	SAP		Union	Individual Contract
	FT*	PT*		
No. of Employees	38	26	55	8
Total Salary (Annual)	$2,675,914		$3,428,677	$875,769
Total Benefits (Annual)	$481,901		$678,323	$55,130
Total Cost to Town (Annual)	$3,157,815		$4,107,000	$930,899
Percentage of workforce (Number)	50%		43%	7%
Percentage of salary	38%		49%	13%
Percentage of Total Cost to Town	39%		50%	11%

Source: KP Payroll 030519

Chapter 27. Officers and Employees

Article IX. Town Administrator

[Adopted 4-8-2013 ATM by Art. 7]

§ 27-25. General overview.

A. The Town Administrator shall act as the chief administrative officer of the Town of Southborough and shall be responsible to the Board of Selectmen, as its agent, for the effective management of all Town affairs placed in the Town Administrator's charge by the Town of Southborough Code, Town Meeting vote, or by vote and direction of the Board of Selectmen.

B. The Town Administrator shall be responsible for the implementation of Town policies established by the Board of Selectmen, as well as ensuring that the decisions of the Board of Selectmen are fully executed. The specific functions and duties of the Town Administrator shall include, but not be limited to, the functions and duties described in this bylaw.

C. Notwithstanding the provisions of this bylaw, the essential chief executive functions of the Town remain vested at all times in the Board of Selectmen who may assert, either preemptively or reactively by applicable statutory authority, that full executive power as elected officials of the Town in substitution for the powers delegated under bylaw to the Town Administrator. The Board of Selectmen may exercise its executive authority by majority vote.

§ 27-26. Powers and duties.

A. Personnel:

(1) The Town Administrator, acting as an agent of the Board of Selectmen and as consistent with the Code of the Town of Southborough, shall supervise, direct and be responsible for the efficient administration of all departments and personnel under the jurisdiction of the Board of Selectmen and all functions for which the Town Administrator is given responsibility or control by the Town of Southborough Code, Town Meeting vote, or by vote of the Board of Selectmen.

(2) The Town Administrator shall act as Personnel Director and shall be the administrative representative of the Personnel Board. With the guidance and oversight of the Personnel Board, the Town Administrator shall:

(a) Develop, maintain, and administer the Personnel Bylaw which shall be approved annually at Town Meeting, and which includes but is not limited to: classification system, compensation system, personnel rules and regulations which indicate the rights and obligations of employees, disciplinary procedures, personnel appraisal system, development and implementation of an ongoing training program, and any other personnel and hiring policies, practices, and regulations for Town employees not covered by collective bargaining agreements.

(b) Administer and enforce the rules and regulations of the Personnel Bylaw with authority to interpret same but not to rescind or otherwise amend. The Director shall report to the Personnel Board, in writing, any interpretation made in any area where this bylaw is not reasonably clear.

(c) Furnish the Personnel Board with all information essential for the actions of that Board.

(3) The Town Administrator shall direct contract negotiations, subject to the approval of the Board of Selectmen, and ensure ongoing compliance with their provisions.

(4) Regarding departments within the jurisdiction of the Board of Selectmen:

(a) The Town Administrator shall, based upon merit and suitability, recommend the appointment or removal of department heads to the Board of Selectmen. The Town Administrator shall also provide annual evaluations of department heads to the Board of Selectmen.

(b) Department heads shall consult with the Town Administrator throughout the process of making any appointments or removals within their departments. The Town Administrator shall report to the Board of Selectmen on those appointments or removals.

(c) The Town Administrator may transfer personnel between departments, subject to the approval of the Board of Selectmen and consistent with the Code of the Town of Southborough and state law.

(5) Regarding departments outside the jurisdiction of the Board of Selectmen, with the exception of the schools:

(a) All elected boards, officials and committees shall consult with the Town Administrator throughout the process of appointing or removing a department head, and shall provide written notice of intent to appoint or remove to the Town Administrator for the purpose of maintaining compliance with personnel policies, practices, or procedures of the Town.

(b) All elected boards, officials and committees shall consult with the Town Administrator throughout the process of contracting personnel services to ensure compliance with personnel policies, practices, or procedures of the Town.

(c) Department heads shall consult with the Town Administrator throughout the process of making any appointments or removals within their departments for the purpose of maintaining compliance with personnel policies, practices, or procedures of the Town.

(d) Elected boards and committees and also department heads shall consult with the Town Administrator to ensure that their management of employees and contracted personnel is consistent with personnel policies, employment contracts, and practices in use in all Town departments.

B. Administrative:

(1) The Town Administrator shall act as the Chief Procurement Officer under the provisions of Chapter 30B of the General Laws, and, subject to the authority of the Board of Selectmen, shall be responsible for the purchasing of all supplies, materials, equipment, and services for the Town, including the bidding and awarding of all contracts, except as follows:

(a) For supplies, materials, equipment, and services for the School Department, unless specifically requested by the School Committee.

(b) For library materials, supplies, equipment, and services specific to the function of the library, unless specifically requested by the Library Trustees.

(c) For personnel services as described within § **27-26A(5)(b)**.

(2) The Town Administrator shall coordinate the activities of all Town departments serving under the Board of Selectmen with those under the control of other officers and multiple-member bodies elected directly by the voters.

(3) The Town Administrator, subject to the authority of the Board of Selectmen, shall have full jurisdiction over the rental and use of all Town facilities, except schools and the library, and shall oversee all Town capital maintenance, construction, repairs and rental/use of Town facilities, consistent with the Code of the Town of Southborough and state statutes.

(4) Subject to policies established by the Board of Selectmen, the Town Administrator shall present for approval to the Board of Selectmen all warrants or vouchers, including payroll warrants, for payment of Town funds submitted by the Town Accountant.

(5) The Town Administrator shall be responsible for working with Town officers and departments on Town loan and grant applications and, in consultation with the office or department receiving the loan or grant, overseeing adherence to the conditions of such loans or grants.

(6) The Town Administrator shall negotiate collective bargaining contracts on behalf of the Board of Selectmen, and subject to approval of the Board of Selectmen. The Town Administrator shall administer and enforce collective bargaining agreements and personnel rules and regulations within the purview of the Board of Selectmen.

(7) The Town Administrator shall recommend to the Board of Selectmen on the prosecution, defense, and compromise of all litigation to which the Town is a party.

C. Financial management:

(1) The Town Administrator shall, after consultations with the Board of Selectmen and the Advisory Committee, issue guidelines for requested appropriations to all departments and elected officials and boards whose budgets are appropriated by Town Meeting. Said guidelines shall be issued on or before October 30. Nothing herein shall conflict with the Advisory Committee's duties and obligations under state statute, nor shall it limit the Advisory Committee's right to issue independent guidelines for requested appropriations.

(2) The Town Administrator shall be responsible for preparing the annual requested appropriations from departments under the jurisdiction of the Board of Selectmen.

(3) The Town Administrator shall provide support, tools, and coordination for departments, elected officials and boards not under the Board of Selectmen in the development of their appropriation requests.

(4) The Town Administrator shall provide to the Board of Selectmen and the Advisory Committee by January 30 budget proposal(s) consistent with guidelines described in § **27-26C(1)**.

(5) The Town Administrator shall maintain a current estimate of expected revenues and expenditure trends for the next fiscal year.

(6) The Town Administrator shall develop and maintain a capital facilities plan and budget for all municipal structures.

(7) The Town Administrator shall maintain a capital equipment plan and budget for all other municipal capital equipment.

(8) The Town Administrator shall be responsible for the application of modern accounting and financial reporting practices and further shall maintain accurate and centralized records, including but not limited to:

(a) Financial documentation, including therein such information as the Board of Selectmen deems desirable.

(b) Personnel documentation for all employees, including therein evaluations and such information as the Personnel Board deems desirable.

(c) All documentation required to be maintained as per the Code of the Town of Southborough.

(9) The Town Administrator shall prepare, annually, a five-year financial forecast of revenue, expenditures, including capital expenditures, and the general financial condition of the Town. Said plan shall be submitted to the Board of Selectmen, the Advisory Committee, the Board of Assessors and the School Committee, and shall be made available to the public.

(10) The Town Administrator shall oversee the coordination, compilation, and distribution of the annual Town Report.

(11) The Town Administrator shall develop and oversee performance measurement systems for municipal services.

D. General:

(1) The Town Administrator shall serve as the Town's Chief Information Officer for any time period that this role remains unfilled. The Chief Information Officer shall be responsible for activities such as maintaining and enhancing the capabilities and integration of the information systems used in the various Town departments, improving citizen access to user-friendly Town information, and developing, maintaining, and enhancing necessary tools, including but not limited to: budgetary tools (operating and capital), a centralized recordkeeping system, and performance measurement systems.

(2) The Town Administrator shall prepare the agenda for and attend all meetings of the Board of Selectmen, and shall cause full and complete records of such meetings to be taken and maintained.

(3) The Town Administrator shall assist in the preparation of the warrants and motions for and attend all sessions of Town Meeting.

(4) The Town Administrator shall present reports to the Board of Selectmen identifying priorities, concerns, issues and outcomes of the Town Administrator's office.

(5) The Town Administrator shall act as the Board of Selectmen's liaison with federal, regional, and state authorities, as well as with all Town boards, committees, and officials outside the purview of the Board of Selectmen.

(6) The Town Administrator shall provide leadership and direction in the development of short- and long-range plans, including but not limited to the gathering, analysis and preparation of data for studies, reports and recommendations to the Board of Selectmen.

(7) The Town Administrator shall perform any other duties consistent with the office of the Town Administrator as may be required by bylaw, vote of Town Meeting, or vote of the Board of Selectmen.

§ 27-27. Severability provisions; amendments.

A. If any section, subsection, paragraph, sentence, clause, word, or any other part of this bylaw shall be adjudicated by a court of competent jurisdiction to be unconstitutional, unenforceable, or otherwise invalid, such adjudication shall not affect, impair or invalidate the remainder of the bylaw, and it shall be construed to have been the legislative intent to enact this bylaw without such unconstitutional, unenforceable or invalid parts therein.

B. The Board of Selectmen are hereby authorized to approve amendments which shall be within the scope of the general public objectives of this petition.

Southborough, MA
17 Common Street

Phone: 508-485-0710

RECEIVED
OCT - 1 2020
Southborough Selectmen's Office

Citizen Activity Form

Good Government Starts with You

Date Submitted: October 1, 2020

Name: David M Joyner

Home Address: 15 Skylar Drive
SOUTHBOROUGH, MA 01772

Mailing Address: 15 Skylar Drive
SOUTHBOROUGH, MA 01772

Phone Number(s):

Email Address:

Current Occupation/Employer: Trinity Financial

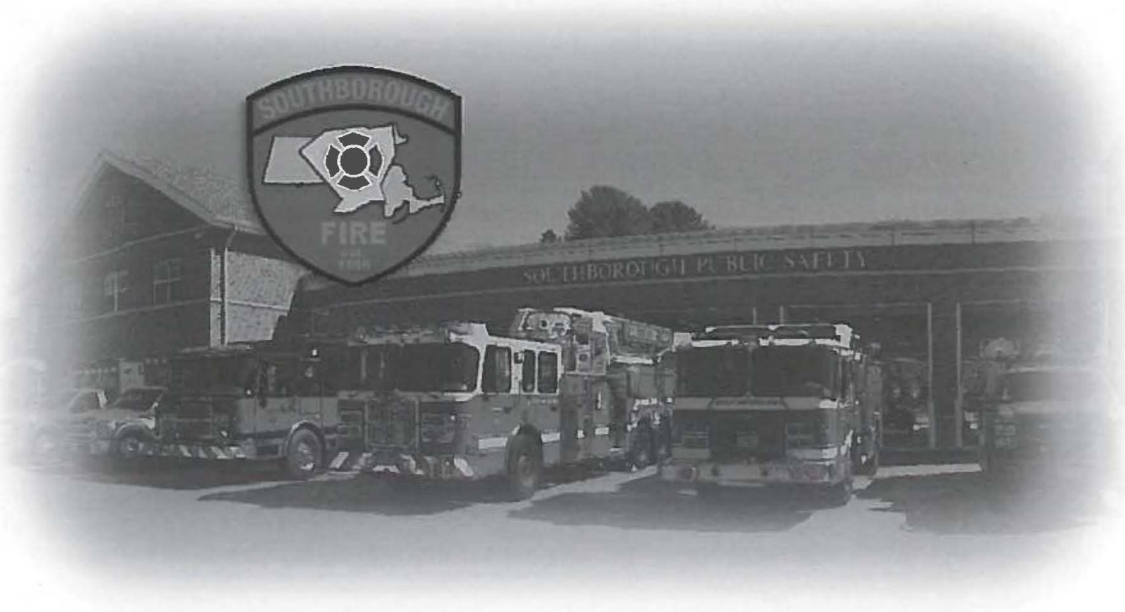
Narrative: I am generally available up to two evenings a month. My experience is in affordable housing; asset management, property management and advocacy on a state and federal level.

Board(s) / Committee(s): ___COMMUNITY PRESERVATION COMMITTEE

Community Risk Assessment

and

Standards of Cover



Southborough, MA Fire Department

October 2020

Table of Contents

Introduction 5

Department Mission and Vision 6

Current Deployment 7

- Community Overview 7
- Demographics 7
- Town Governance 8
- Department Overview 9
- Current Service Levels 9
- Organizational Chart 10
- Facilities 10
- Apparatus and Vehicles 11
- NFPA Apparatus Descriptions 12
- Current Apparatus and Rolling Stock 13
- Apparatus and Vehicle Activity 2019-2020 13
- Response District 14
- Dispatch Criteria 14
- Initial Response and Deployment 14
- Resiliency 15

Risk Analysis 16

- Risk Probability and Consequence Matrix 16
- Hazard Analysis and Assessment 16
- Occupancies Types 17
- Risk by Response Occupancy Type, Geographic Area, and Zoning District 18
- SFD Risk Analysis and Scoring Summary 19

Historical Response Data 2016 to 2019 20

- Total Response Data 20
- Response Activity by Day of Week, Hour of Day, and Time of Year 20

Overlapping Incidents: 22
Incident Responses by Incident Type 22
Incident Responses by Property Type 23
Estimated Fire Losses and Values 24
Emergency Medical Responses by Provider Impression 24
Ambulance Response Disposition 25
Ambulance Transport Destinations 26
EMS Incident - Patient Ages 26
Mutual Aid Given and Received 27

Response Time Analysis 28

Mean (Average) Response Times 28
90th Percentile Response Times 30

Effective Response Force 31

Apparatus Staffing and Deployment Standards 31
NFPA 1710 Staffing and Deployment Standards for EMS 33
Massachusetts Department of Public Health Staffing Requirements for EMS 33

Critical Tasks Analysis 33

Critical Tasks Analysis - Fire 33
Offensive Strategy 34
Transitional Strategy 35
Defensive Strategy 35
Fire Flow Tasks 35

Critical Task Capabilities: Fire Services 36

Fire Services – Low Risk (vehicle or fire with no exposures) 36
Fire Services – Moderate Risk (fire with exposures) 36
Fire Services – Significant Risk (large fire with exposures) 37

Critical Task Capabilities: Wildland Fires 38

Wildland Fire- Low Risk (Hydrant) 38
Wildland Fire- Moderate to Significant Risk (Hydrant) 38
Wildland Fire- Moderate to Significant Risk (Off-Hydrant) 38

Critical Tasks Capabilities: Emergency Medical Services 39

Emergency Medical Services – Low Risk (minor medical illness or traumatic event) 39
Emergency Medical Services – Moderate Risk (serious medical or traumatic event) 39
Emergency Medical Service -Significant Risk (multiple casualties) 39

Water and Ice Rescue Incidents Critical Tasks 40

Land-Side Incidents – Low to Moderate Risk 40
Water-Side Incidents – Moderate Risk (Sudbury Reservoir, Ponds, and Rivers) 40

Hazardous Material Incidents Critical Tasks 41

Hazardous Materials Incident- Low to Moderate Risk (limited release, risk assessment) 41
Hazardous Materials Incident – Significant Risk (large release) 41

Special Rescue Incidents Critical Tasks 42

Confined Space, Below Grade, Rope Rescue Incidents- Moderate to Significant Risk 42

Service Level Objectives – Standards of Cover 43

Performance Goal 43
Benchmark Definition 43

Integrated Time and Performance Objective Statements – Structure Fire 44

Structure Fire - Low Risk (Hydrant) 44
Structure Fire -Moderate to Significant Risk (Hydrant) 45
Structure Fire - Low Risk (Off-Hydrant) 46
Structure Fire - Moderate to Significant Risk (Off-Hydrant) 47

Integrated Time and Performance Objective Statements – Wildland Fire 48

Wildland Fire - Low Risk (Hydrant) 48
Wildland Fire - Moderate to Significant Risk (Hydrant) 49

Wildland Fire - Moderate to Significant Risk (Off-Hydrant) 50

Integrated Time and Performance Objective Statements – Emergency Medical Service 51

Emergency Medical Service - Moderate Risk (Serious Medical or Traumatic Event) 51

Emergency Medical Service - Significant Risk (Multiple Casualty) 52

Integrated Time and Performance Objective Statements – Water and Ice Rescue 53

Water and Ice Rescue Incidents -Low Risk 53

Water and Ice Rescue Incidents - Moderate to Significant Risk 54

Integrated Time and Performance Objective Statements – Hazardous Materials Incidents 55

Hazardous Material Incidents – Low Risk 55

Hazardous Material Incidents – Moderate to Significant Risk 56

Integrated Time and Performance Objective Statements – Special Rescue Incidents 57

Special Rescue Incidents – Moderate to Significant Risk 57

Plan for Maintaining and Improving Performance 58

Recommendations 59

Appendices 60

Appendix 1: Work Schedule 61

Appendix 2: Department Alarm Card 62

Appendix 3: Risk Assessment Tool 63

Appendix 4: Town Geographical Area Map 64

Appendix 5: Town Zoning District Map 65

Last Page 66

Introduction

This report serves as the Southborough Fire Department Integrated Risk Management Plan: "Standards of Cover" document. The Commission of Fire Accreditation International (CFAI) defines the process, known as "deployment analysis," as a written procedure which determines the distribution and concentration of fixed and mobile resources of an organization. The purpose for completing such a document is to assist the department in ensuring a safe and effective response force for fire suppression, emergency medical services (EMS), and specialty response situations. In this document are the facts, figures, measures and accountability for the delivery of emergency services by the Southborough Fire Department.

The creation of the department's Standards of Cover was a collaboration internally and with external stakeholders and required that a number of key areas be researched, studied, and evaluated. This report begins with an overview of both the community and the Southborough Fire Department (SFD). Following this overview, the report discusses areas such as risk assessment, critical task analysis, agency service level objectives, and distribution and concentration measures. The report provides documentation of reliability studies and historical performance through charts and graphs. The report concludes with recommendations to improve operations, performance, and reliability.

The department is committed to monitor and assess changes in the community, along with the changes in risks and future service demands in order for the department's Standards of Cover document to remain relevant and applicable.

Department Mission and Vision

Mission

The mission of the Southborough Fire Department is to provide prompt and highly effective public safety and community risk-reduction services to our citizens, businesses and visitors.

Vision

The vision of the Southborough Fire Department is to be a recognized leader within our fire service district, responsive to the ever-changing needs of our members and our community. The Department will embrace new technologies and techniques, while at the same time celebrating our rich history and traditions. We will continue to focus on providing the highest level of customer services in a professional and caring manner.

Current Deployment

Community Overview

The Town of Southborough, Massachusetts is located in eastern Worcester County in the region known as Metro West. Southborough was first settled in 1660 and was officially incorporated in July 1727. The town was primarily a farming community until mills began to tap the small rivers that ran through the town. Today Southborough is predominately suburban residential with areas of commercial development consisting of mostly Business Offices and Light Manufacturing. The town is bordered by six communities: Framingham, Marlborough, Westborough, Northborough, Hopkinton, and Ashland. There are three major highways that pass through the community; Route 9 and the Massachusetts Turnpike run east/west and Interstate 495 that runs north/south. The town also has portions of two major CSX railroad freight lines; one that serves as the primary commuter rail between Worcester, MA and Boston, MA. In addition to public schools, the town is home to two private schools; the Fay School and St. Marks Academy, as well as the New England Center for Children; a private, nonprofit center for autism treatment, education and research with a global presence. The town is also home to the Sudbury Reservoir which serves as an emergency backup to the Boston metropolitan water supply.

Demographics

According to the most recent U.S. Census, the population of Southborough is 9,767. Regarding social and housing characteristics, most of the population is white at 86.1% and the estimated median house or condominium value in the Town in 2017 was $639,473. The median age of the residents is 41.7 years. The estimated median household income is $151,488 and the estimated per capita income is $69,751. The land area is 14.1 square miles and the population density is 690 people per square mile. Unemployment is at 2.1% compared to Massachusetts which is at 3.1% (pre-COVID-19). Southborough's top employers include Sheehan Health Group, Harvard Book Depository, St. Mark's School, Fay School, along with Southborough Medical Group with Reliant Medical Group and the New England Center for Children. Southborough is also home to hundreds of small to mid-size emerging businesses that provide jobs and represent the foundation of our economic diversity. Four NAICS (North American Industry Classification System) supersectors generate nearly 75% of Southborough's total employment; Education and Health employs 23% of our workers, Professional and Business Services employ 21%, Manufacturing employs 18%, and Trade, Transportation and Utilities employ 11%.

Town Governance

Southborough has an Open Town Meeting, Board of Selectmen, Town Administrator form of government. Under state statute, the Board of Selectmen are responsible and have the power to prepare the town meeting warrant or agenda, make appointments to town boards and offices, employ professional administrative staff and town counsel, and the authority to grant licenses and permits. Apart from the strict legal responsibilities, the Board of Selectmen sets policy and strategic direction, coordinates the activities of other boards, and hears appeals and resolves problems that have not been settled at lower levels. The Town Administrator, who serves as the chief administrative officer, oversees the administration of all town affairs and supervises town departments that are placed in his charge. Appointed by the Board of Selectmen for a three-year term, the Town Administrator implements and manages all goals, policies, programs and procedures that have been established by the Board. Additionally, the Town Administrator is responsible for budget preparation, annual license renewals, and negotiating labor contracts. The Town Administrator is the Chief Procurement Officer, and is also in charge of all Town property rental and use, except School property. The Town Administrator also recommends a number of department heads, employees, boards and committees to the Board for appointment. Such appointments by the Selectmen include the Fire Chief, Police Chief, and Superintendent of Streets (Public Works); each of whom serve a three-year term.

Southborough's Town Meeting is an open town meeting in which all registered voters may participate. Town Meeting is a deliberative assembly, conducted via a defined process, charged with considering a maximum number of questions of varying complexity. The three elements of authority at Town Meeting are a quorum of 100 registered voters or more, the Clerk and the Moderator. The Town Clerk is responsible for voter registration, certification of a quorum, setting up the hall and keeping the record of the proceedings. The Moderator presides at and regulates the proceedings, decides all questions of order, and makes declarations of all votes. It is the Moderator's responsibility to approve the distribution of materials, and persons wishing to do so must seek his permission. The Moderator appoints Tellers and alternates for the purpose of counting votes of the meeting.

Town Finance and Budget Process

The Town of Southborough's fiscal year begins on July 1 of each year and ends the following June 30.The annual budget is a continuous process with most activity beginning in September with the opening of the Warrant through Town Meeting, or late March. The process involves the Board of Selectmen, Advisory Committee, along with the Town Administrator, Finance Team, department heads, and board chairs. The Finance team coordinates and guides the budget process from departmental submittals, to revenue estimates, and then to final recommendations by the Board of Selectmen. The proposed budget, along with Town Reports and Warrant are then posted and available to the public. All are voted on at the Annual Town Meeting by Southborough's registered voters.

Department Overview

The Southborough Fire Department (SFD) is an all-hazards, full service fire department providing emergency response, risk-reduction, and inspection services to the Town of Southborough. The department is made up of 29 men and women, both full-time and part-time on-call. The department responds to an average of 1400 requests for services annually. The majority of emergency and community responses include medical emergencies, motor vehicle crashes, building and vehicle fires, smoke and hazardous conditions, fire alarm activations, and incidents related to weather.

Current Service Levels

The department operates 24-hours a day out of the Public Safety Building on Cordaville Road. The station houses the fire chief and administrative offices, the fire prevention officer, on-duty firefighters and paramedics, and all department apparatus and resources. The department's vehicle fleet is comprised of two fire engines, one tower-aerial-pumper, two advanced life support ambulances, one squad-forestry, and three response vehicles. An inflatable boat and multiple support trailers round out the available inventory.

Fire Apparatus and Crew Assignments

1 Officer and
2 Firefighters

Reserve –
Special Call

Reserve

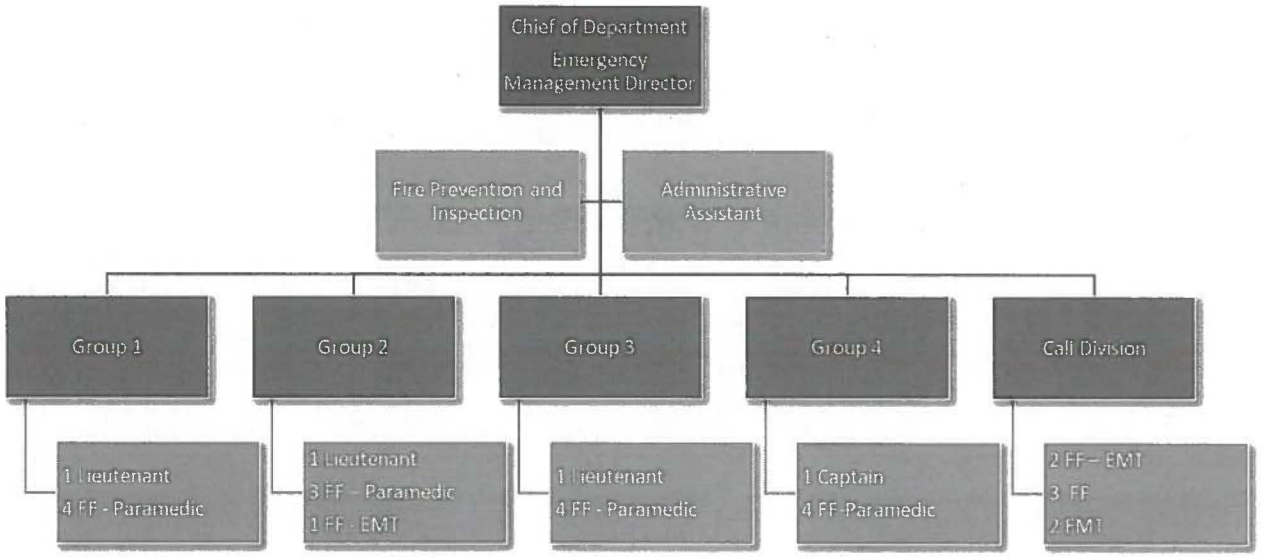
2 Firefighters

Reserve

The SFD utilizes a four platoon shift staffing model (Groups 1, 2, 3, and 4). Based on the department's apparatus staffing policy and collective bargaining agreements, the typical on-duty compliment of firefighters and officers at any one time is 5; the minimum staffing is currently 4.

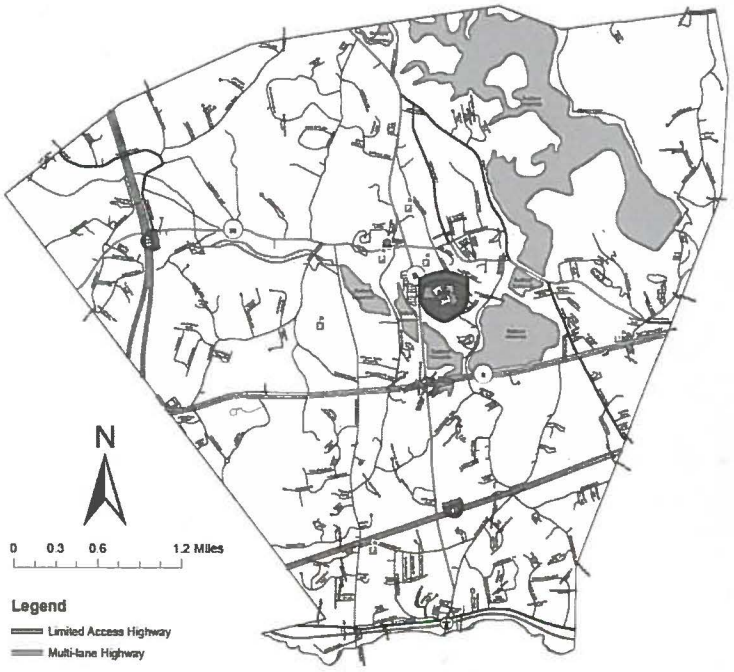
The workweek for full-time shift officers and firefighters is 42-hours, scheduled on a 24-hour basis, averaged over an 8 week cycle. Each group will work (1) 24-hour shift on, 24 hours off, (1) 24-hour shift on, and then 5 days off (Appendix 1). Call members (part-time) have no set work schedules, but supplement the duty shift during recall of members, work call-shifts, and cover for scheduled vacancies when full-time members are unavailable.

Organizational Chart



Facilities

The Public Safety Building serves as the primary and sole facility for both the Fire and Police Departments. The facility is located at 32 Cordaville Road and was built in 2019. The complex also houses the emergency communications center and a 49 seat training room. The training room also serves as the Town's emergency operation center (EOC) when needed. The location of the Public Safety Building is close to the geographic center of the town and has rapid access to Routes 85, 30, and 9.



Apparatus and Vehicles

A fire department's physical resources include fire apparatus and other capital expenditures that make up the property assets of an agency. These assets play an important role in maintaining an efficient, safe, and effective fire and emergency services department. The Commission on Fire Accreditation International (CFAI) has established benchmark criterion to measure apparatus and vehicle maintenance. The following are included performance indicators:

- Apparatus is located to accomplish the stated standards of response coverage and service level objectives.
- Apparatus types are appropriate for the functions served, i.e. operations, staff support services, specialized services and administration.
- There is a replacement schedule for apparatus and other equipment.
- There is a program in place for writing apparatus replacement specifications.
- The apparatus maintenance program has been established.
- Apparatus is maintained in accordance with manufacturer's recommendations, with activity conducted on a regular basis.
- Attention is given to the safety, health, and security aspects of equipment.

NFPA Apparatus Descriptions

Pumper: Fire apparatus with a permanently mounted fire pump of at least 750 gpm (3000 L/min) capacity, water tank, and hose body whose primary purpose is to combat structural and associated fires.

Engine 23

Aerial Fire Apparatus: A vehicle equipped with an aerial ladder, elevating platform, or water tower that is designed and equipped to support firefighting and rescue operations by positioning personnel, handling materials, providing continuous egress, or discharging water at positions elevated from the ground.

Tower 21

Quint: Fire apparatus with a permanently mounted fire pump, a water tank, a hose storage area, an aerial ladder or elevating platform with a permanently mounted waterway, and a complement of ground ladders.

Special Services Fire Apparatus: A multipurpose vehicle that primarily provides support services at emergency scenes.

Car 20

Ambulance: A vehicle used for out of hospital medical care and patient transport, which provides a driver's compartment; a patient compartment to accommodate an emergency medical services provider (EMSP) and one patient located on the primary cot so positioned that the primary patient can be given emergency care during transit; equipment and supplies for emergency care at the scene as well as during transport; safety, comfort, and avoidance of aggravation of the patient's injury or illness; two-way radio communication; and audible and visual traffic warning devices.

Ambulance 28

Current Apparatus and Rolling Stock

The SFD maintains a current fleet of 12 vehicles and trailers. The primary response apparatus and vehicles consist of two pumpers, one aerial-tower-pumper, two ambulances, and one squad-forestry. Additional units provide for 1) chief officer and prevention emergency response and travel, 2) equipment and personnel transport, 3) rapid water rescue capabilities, and 4) storage and transport of technical rescue and hazardous material response equipment. The apparatus and rolling stock replacement schedule utilized by the SFD was adopted in 2020. Ambulances are on an 8 year cycle, staff and support vehicles 10, pumpers and aerial at 20, trailers at 15, and special services apparatus on a 20 year cycle.

Unit ID	Type	Mfg	Make	Model	Year Mfg	Year Purch	Proj Repl
A28	Ambulance	Horton	Ford	F550	2018	2018	2026
A29	Ambulance	PL Custom	Ford	F450	2014	2014	2022
E22	Pumper	E-One	Typhoon	Qmax 150-21	2001	2002	2021
E23	Pumper	E-One	Typhoon	Emax	2016	2017	2036
SQ24	Squad	Fireone	Ford	F550	2015	2015	2030
T21	Tower	Smeal	Spartan	C-802-CC-100PL	2010	2010	2030
Car 27	SUV	-	Ford	Explorer	2013	2012	2022
Car 20	SUV	-	Ford	Expedition	2017	2016	2026
Car 30	Pick-up	-	Ford	F 350	2008	2008	2020
Haz-Mat	Trailer	-	Carry On	Utility	2009	2010	2025
Boat 1	RIB 12'	-	N. Atlantic Infl	DB380ALFB	2014	2015	2030
Boat 1 Trl	Trailer	-	Tide	Boat	2015	2015	2030

Apparatus and Vehicle Activity 2019-2020

Unit	avg. per month	median per month	yrly total proj.
Ambulance 28	50.9	37.0	610.9
Ambulance 29	42.2	45.0	506.2
Car 20	3.6	4.0	43.6
Car 27	3.0	3.0	36.0
Car 30	1.2	1.0	14.2
Engine 22	19.5	8.0	233.5
Engine 23	75.9	83.0	910.9
Tower 21	2.2	1.0	26.2

Response District

The Town of Southborough can be divided into four geographic areas by Route 85 (north - south) and Route 9 (east - west). Within and crossing these geographical sub-divisions are four smaller historical villages; 1) Downtown, 2) Cordaville, 3) Fayville, and 4) Southville. Based on the current single station model and with a relative equal mix of occupancy types and risks, the department maintains one town-wide response district. In-coming, single resource mutual aid, however, are identified and assigned by geographical area.

The department's alarm card (Appendix 2) is formatted according to the regional fire district's template. It provides one town-wide response district with two specific sub-districts; Off -Water and St. Marks School. Off -Water is the non-hydrant area of Pine Hill Road to Parmenter Road and includes a number of side roads and neighborhoods. It is estimated this geographic area is 2% of the town. In addition to the standard apparatus deployment, three water tenders (tankers) are automatically dispatched for confirmed or reported structure fires in this area. St. Marks School is a coeducational, Episcopal, preparatory school, located at 25 Marlborough Road. It is situated on 250 acres and contains multiple historic, educational, dormitory, sports and recreation, and place of assembly occupancies. An additional aerial apparatus is automatically dispatched to the campus for reported and confirmed structure fires.

Dispatch Criteria

Southborough Fire Department apparatus are assigned and dispatched to emergency requests through pre-determined criteria. Fire response dispatch criteria is based on National Fire Protection Association (NFPA) 1710, incident complexity, safety best practices, and National Incident Management System (NIMS) vehicle type / kind. Emergency Medical Services (EMS) response dispatch criteria is similarly based, with consideration of Massachusetts 105 CMR 170.00: Emergency Medical Services System and the National Academies of Emergency Dispatch (NAED) Medical Priority Dispatch System.

Initial Response and Deployment

- A single unit response is dispatched to an incident that is minor in intensity, magnitude or scope and may be effectively handled by one company. Most often this is a single engine.
- A two unit response is dispatched to an incident similar in nature to a single unit response, but where the presence of another unit is necessary due to the complexity of the situation. A two unit response is generally an engine and an ambulance.
- Supplemental single unit response is dispatched to the same location as a previous two unit response. Units responding are often staffed by a recall of off-duty and/or call SFD personnel or a mutual aid engine or ambulance.

Initial Response and Deployment continued

- A first alarm response is dispatched to an incident that would require multiple resources or equipment beyond the capabilities of a two unit response, such as a report of a structure fire. A two unit response may be upgraded to a first alarm response by an officer or dispatcher based upon additional information, their judgment of the nature, or relative seriousness of the incident or occupancy. Units responding include mutual aid.
- A multiple alarm is an alarm where additional assignments of companies, according to the department's alarm card, are dispatched to the same location as a previous first alarm response. A second alarm and each subsequent alarm assignment will include SFD as well as mutual aid units.

SFD Initial Response and Deployment		
Risk Level	Response	Response Plan
Low Risk	Single Unit	1 Engine
Low Risk	Two Unit	1 Engine and 1 Ambulance
Moderate Risk	Two Unit	1 Engine and 1 Ambulance
Supplemental	Single Unit	1 Engine or 1 Ambulance
Signficant Risk	First Alarm	3 Engines, 2 Ladders, 1 Ambulance, 1 Chief Officer
Maximum Risk	2nd Alarm	Additional 3 Engines and 1 Ladder
Maximum Risk	Multiple Alarms	Additional 2 to 3 Units each alarm

Resiliency

Resiliency is the ability of a public safety response system to maintain daily operations during major incidents as well as training and other planned events without negative impact on response time performance. As defined by the Center for Public Safety Excellence (CPSE) in its Community Risk Assessment: Standards of Cover, 6th Edition, resiliency consists of three components:

- Resistance: The ability to deploy only the resources necessary to safely mitigate an incident
- Absorption: The ability to quickly add resources to the city at times of heavy call volume or incidents of high magnitude
- Restoration: The ability to quickly return resources to normalcy and units back in service.

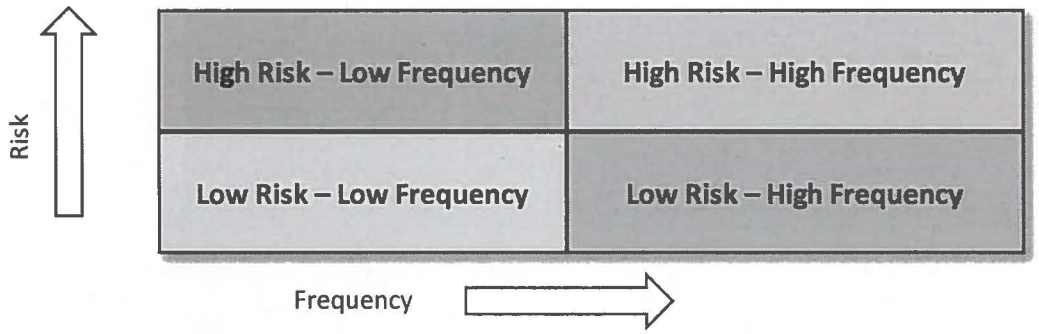
The SFD manages all elements of its system resiliency through a combination of response policies, procedures and the alarm card. Resistance is managed through the stepped use of resources, based on the information reported by the caller and then by oncoming companies. Depending on the information received about the level of risk for the particular hazard, the initial dispatch can be a single, two unit or first alarm. In cases of moderate to significant risk, the appropriate action may be to send a first alarm initially. Absorption is accomplished by upgrading responses as additional information is achieved, initially by the dispatcher and then by the incident commander. The system has the ability to add a full or partial recall off duty and call members, or mutual aid units to increase the resources at the scene or

to strengthen areas of the jurisdiction that may be lacking resources. Reserve apparatus are kept in an operational state with at least minimum equipment for being placed in service if staffed as a reserve company. The timing and order of restoration is done at the discretion of the incident commander for resources at the scene and the deputy chief for city wide coverage. For those units returned from the scene of an emergency the first priority is to put the crew, apparatus and equipment back in condition to resume an in-service status.

Risk Analysis

The SFD must assess risks based upon the potential frequency; probability of an incident occurring, and consequence; potential harm should an event occur. The relationships between probability and consequence and the community's adopted service level goals determine the needed concentration and distribution of resources. Distribution is the number of resources placed throughout the town. Concentration is the number of resources needed in a given area within the town. This varies depending on many factors including 1) the number of calls for service, 2) the risk factors of the area, and 3) the availability, reliability, and additional responding units' arrival time.

Risk Probability and Consequence Matrix



Low risk incidents often have minimal consequences when not all core tasks are accomplished. Conversely, higher risk incidents have a greater potential for significant consequences even when simple tasks are delayed, or worse, not completed. Frequency is an important factor related to risk; incidents performed often create experience, incidents performed infrequently or rarely have a higher probability of critical errors and untoward outcomes.

Hazard Analysis and Assessment

A critical element in the assessment of any emergency service delivery system is the ability to provide adequate resources for anticipated emergencies and events. Properly trained and equipped emergency resources must arrive, deploy, and mitigate the incident within specific time frames if successful emergency event strategies and tactical objectives are to be met. Each event, fire, rescue operation, major medical emergency, disaster response, or other situation will require varying and unique levels of

resources. The higher the risk, the more resources needed. For example, more resources are required for the rescue of persons trapped within a high risk building with a high-occupant load, than for a low-risk building with a low-occupant load. Additionally, more resources are required to control fires in large, heavily loaded structures than in small buildings with limited contents.

Creating a level of service requires making decisions regarding the distribution and concentration of resources in relation to the potential demand placed upon them by the level of risk in the community. The objective is to have a distribution of resources that is able to reach a majority of events in the time frame as stated in the service level goals. The following are factors considered by the SFD when determining risk level:

- Estimated fire flow
- Proximity of a hydrant
- Occupancy height (number of stories)
- Access to the occupancy
- Occupant load
- Occupant mobility
- Fire protection and warning
- Probability of an event
- Economic and Environmental impacts
- Life Safety Impact

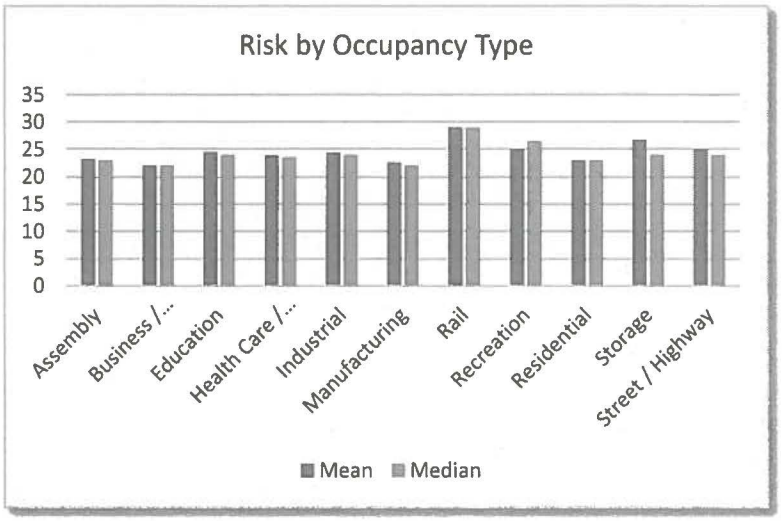
Occupancies Types

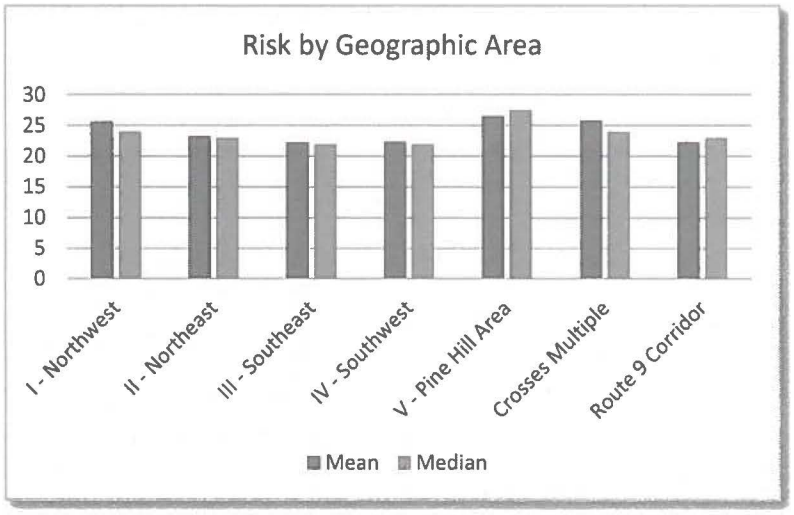
The following type of occupancies and locations are representative of the diverse risks in the Town:

- Assembly
- Education
- Health Care / Correctional
- Residential
- Business and Mercantile
- Manufacturing
- Industrial
- Storage
- Streets / Highways
- Recreation

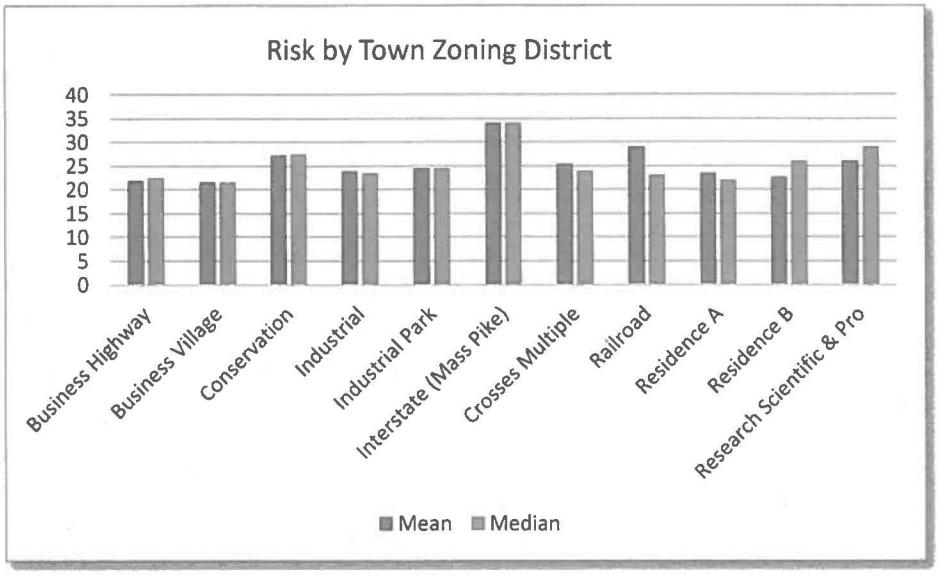
Risk by Response Occupancy Type, Geographic Area, and Zoning District

One hundred and eighty-six existing addresses were evaluated during a 2020 assessment. These occupancies and locations were selected based on the following criteria: 1) response occurrence over the last four years, 2) known or anticipated hazards, and 3) representation of occupancy types. The SFD recognizes that the selected addresses do not represent all locations in the town, but provide an appropriate measure of occupancy type and frequency of responses. The reference for the Risk Analysis Scoring can be found in Appendix 3. The four (4) risk categories are; Low (>20), Moderate (20-29), Significant (30-39) and Maximum (40+). Figures 15 through 17 provide the results of this risk analysis.





Geographic Area Map can be referenced in Appendix 4



Town Zoning Map can be referenced in Appendix 5

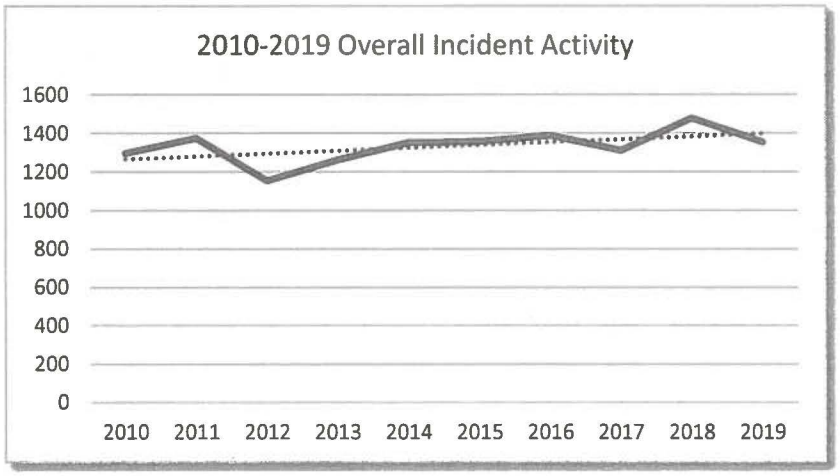
SFD Risk Analysis and Scoring Summary

- Risk by occupancy is overall moderate (20-29) with Rail, Storage, and Highway at or near Significant (30-39).
- Risk by Geographic Area of Town is greatest in the Pine Hill Road and the Northwest areas. Occurrences and locations that cross more than one geographical area also pose higher risks; specifically Highways, Streets, and Rail.
- Risks by Zoning Districts are generally moderate (20-29), with similar higher risk in the Highway (Interstate 90 and 495) and Railroad Districts. Conservation and Research, Scientific & Professional were on the higher Moderate scale. Properties and locations in these areas included the Sudbury Reservoir, Sudbury Dam, and Chestnut Hill Farms.

Historical Response Data Calendar Years 2016 to 2019

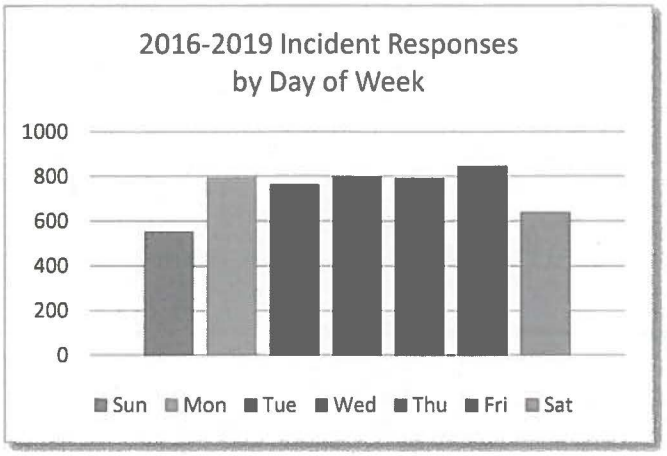
Total Response Data

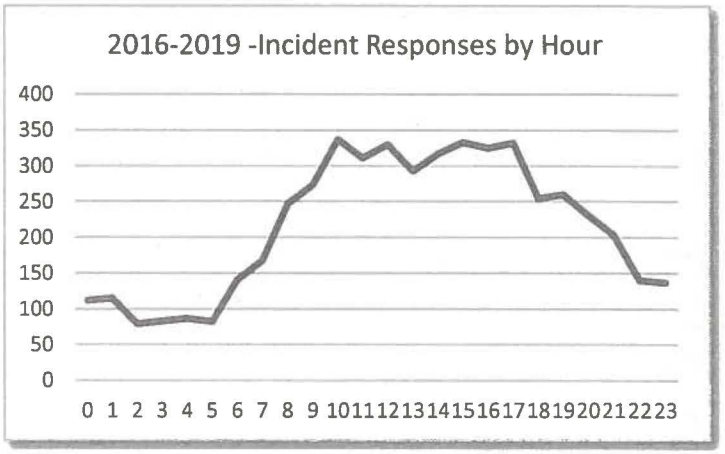
The availability of accurate information about fires and other incidents is vital in monitoring, assessing, and achieving maximum performance. Patterns that emerge from the analysis of incident data assists the SFD in focusing on emerging and current trends, predicting future issues within the community, and measuring our performance. Total incident activity, or call volume, is the most basic measure of department operations. The SFD includes only emergency requests for service in calculating total incident activity. Over the last four years the incident activity for the SFD has averaged 1382 total calls annually.

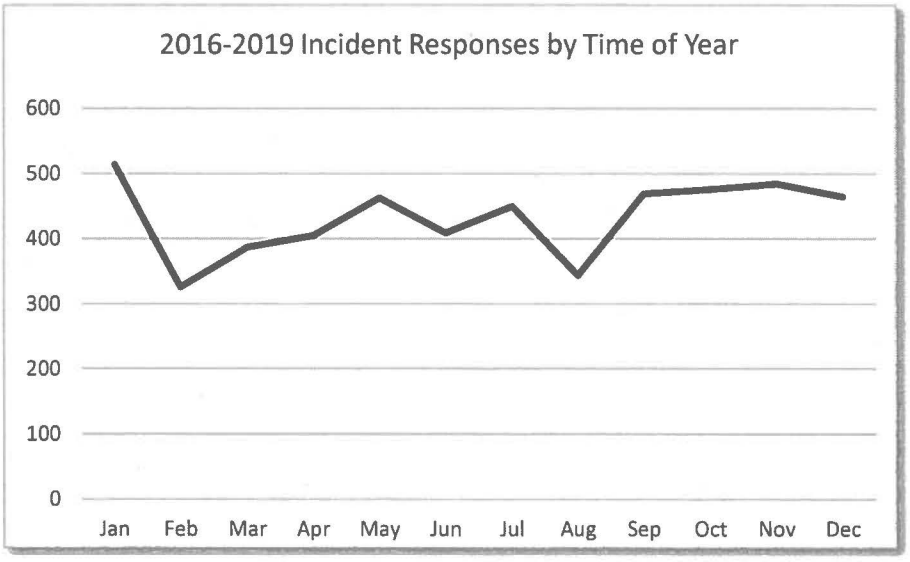


Response Activity by Day of Week, Hour of Day, and Time of Year

Total incident activity conveys the aggregate yearly call volume, but the distribution and concentration of activity can be best illustrated by incident responses by day of week, hour of day, and time of year. This information can be used to determine and monitor staffing, deployment, training, and work schedules. The distribution and concentration of incidents is often reflective of the overall demographics, occupancies, seasonal variations in population, and activities within a community.

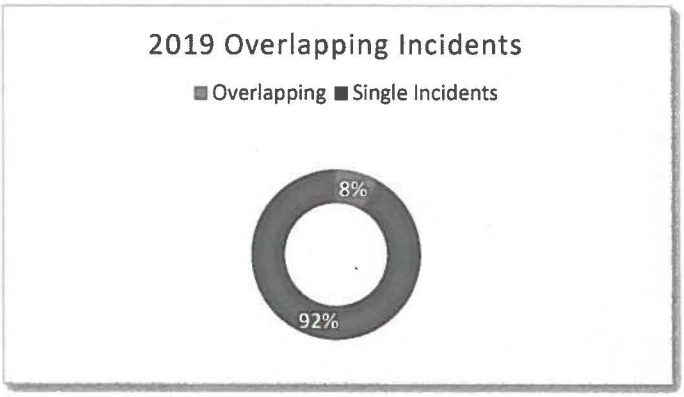

2016-2019 Incident Responses by Day of Week
1000
800
600
400
200
0
Sun
Mon
Tue
Wed
Thu
Fri
Sat


2016-2019 -Incident Responses by Hour
400
350
300
250
200
150
100
50
0
0 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23


2016-2019 Incident Responses by Time of Year
600
500
400
300
200
100
0
Jan
Feb
Mar
Apr
May
Jun
Jul
Aug
Sep
Oct
Nov
Dec

Overlapping Incidents:

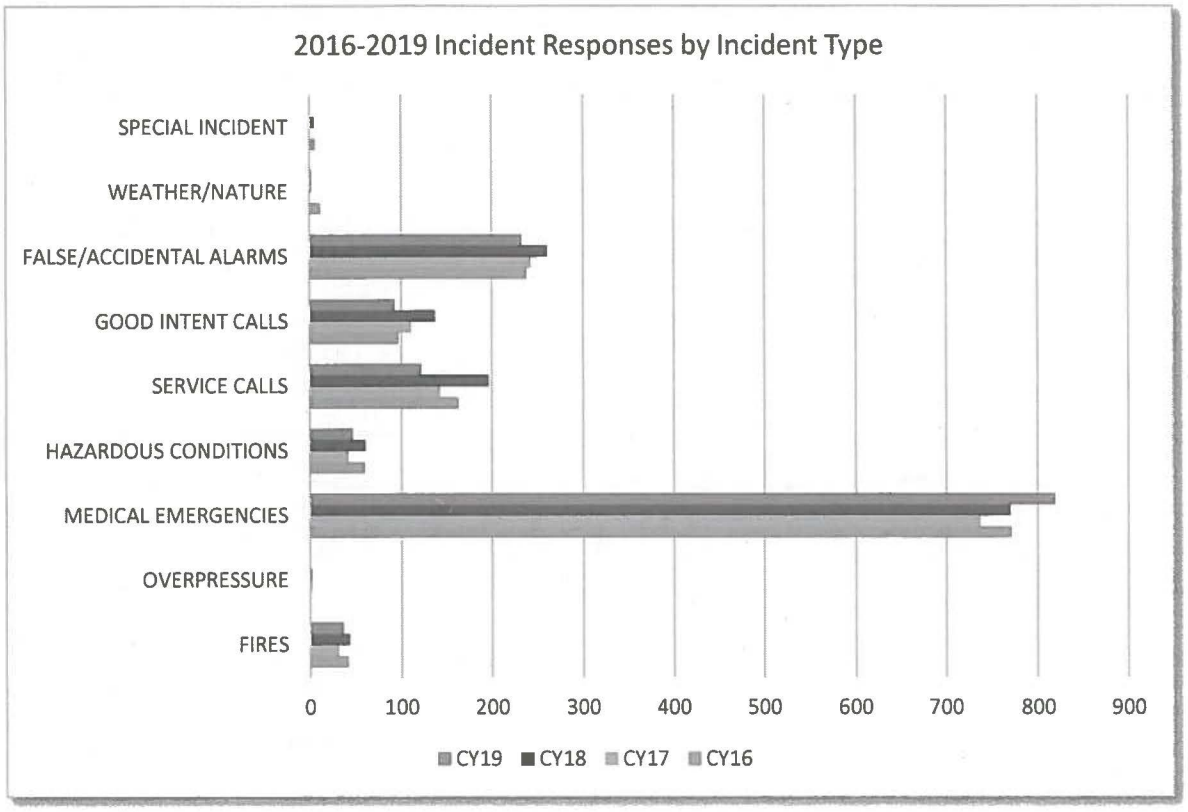
The SFD is staffed with only one engine and one ambulance at a time. When incidents remain active simultaneously or require additional resources, recall of off-duty, call members, and/or mutual aid is requested. Therefore, understanding how often multiple calls overlap is important when assessing the department's concentration of activity and resource availability. To determine overlapping events, the department reviews each individual call and then identifies the number of other calls that begin at any time between when the first call began and ended.



Incident Responses by Incident Type

Incident Type, as defined by the US Fire Administration, is the actual situation that emergency personnel found on the scene when they arrived. These include the entire spectrum of fire department activities from fires to EMS to public service. The type of incident reported is not always the same as the incident type initially dispatched. This critical information identifies the various types of incidents to which a fire department responds and allows the fire department to document the full range of incidents it handles. This information can be used to analyze the frequency of different types of incidents, provide insight on fire and other incident problems, and identify training needs.

National Fire Incident Reporting Incident Types		
Series	Heading	Examples
100	Fire	fires in buildings, mobile property, vehicles, vegatation, dumpsters
200	Overpressure Rupture, Explosion, Overheat (No Fire)	rupture of boiler or pipe, explosion, overheating without fire
300	Rescue and Emergency Medical Service Incidents	medical emergencies, refusal of care, vehicle crashes, water rescues
400	Hazardous Condition (No Fire)	combustible and flammable spill, chemical releases, electrical problem
500	Service Call	public assistance, water problem, animal rescue, unauthorized burning
600	Good Intent Call	cancelled enroute, steam mistaken for smoke, no emergency found
700	False Alarm and False Call	detector malfunction, unintentional alarm, malicious false alarm
800	Severe Weather and Natural Disaster	lightning strike, flood, wind storm assessment
900	Special Incident Type	citizen complaint, reports of code violation



Incident Responses by Property Type 2016 to 2019

Each individual property has a specific use, whether a structure or open land. Information on the frequency, losses, and types of emergencies for each property use can assist in targeting fire prevention programs and fire protection or suppression systems for each type of property. It often assists in ordering priorities for inspection, developing new building codes, and evaluating the success of programs directed at particular types of properties.

Property Type	Total	%	Yearly Avg.
Other	10	0.2%	3
Assembly	106	2.1%	27
Educational	161	3.1%	40
Health Care, Correctional	465	9.0%	116
Residential	2836	54.9%	709
Business / Mercantile	270	5.2%	68
Industrial	36	0.7%	9
Manufacturing	7	0.1%	2
Storage	154	3.0%	39
Street / Highway	942	18.2%	236
Recreational / Open Land	159	3.1%	40
Undetermined / Other	21	0.4%	5
Total	5167	1	1292

Estimated Fire Losses and Values

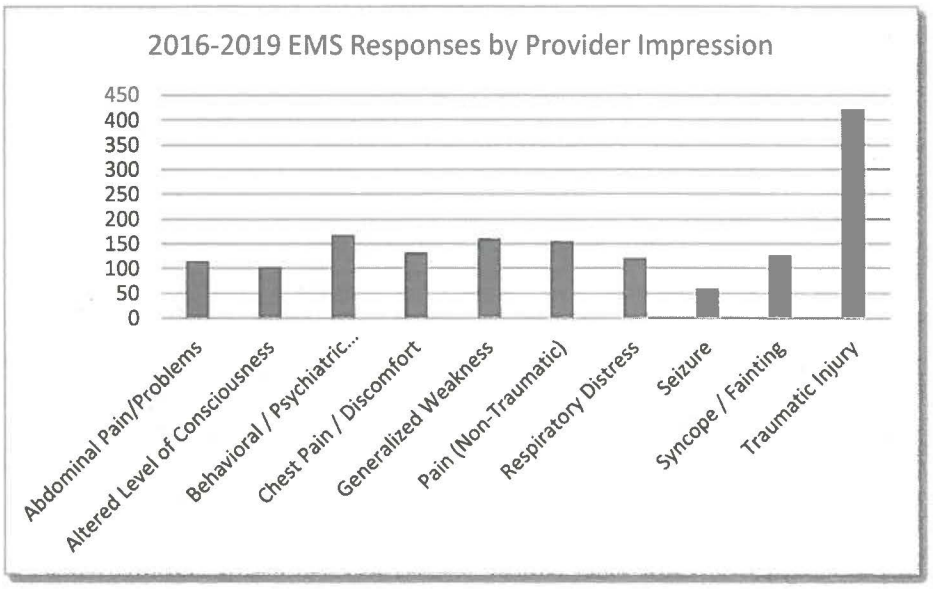
Property and content losses illustrate the magnitude of the fire problem, provides an additional indicator of the incident severity, and can be used to evaluate progress in fire protection. Estimated property and content losses are also crucial for identifying types of situations where high monetary losses are common. This information helps target fire prevention programs.

	2016		2017		2018		2019	
Incident Type	**Total Value**	**Total Loss**	**Total Value**	**Total Loss**	**Total Value**	**Total Loss**	**Total Value**	**Total Loss**
Fire, Other	$500	$500	$0	$0	$0	$0	$0	$0
Building Fire	$3,206,900	$792,900	$1,970,000	$41,600	$24,600,049	$1,916,049	$2,982,000	$964,000
Fire in Other	$0	$0	$2,000	$2,000	$0	$0	$0	$0
Cooking	$800	$400	$0	$0	$0	$0	$0	$0
Chimney	$0	$0	$0	$0	$1,250,000	$5,000	$0	$0
Fuel Burner/Boiler	$0	$0	$0	$0	$0	$0	$0	$0
Mobile Property, Other	$10,500	$10,500	$20,000	$26,200	$5,000	$5,000	$0	$0
Passenger Vehicle	$47,000	$27,000	$37,750	$34,750	$50,000	$49,000	$49,000	$16,000
Road Freight Vehicle	$0	$0	$25,000	$25,000	$0	$0	$0	$0
Off Road / Heavy Equip.	$0	$0	$0	$0	$0	$35,000	$0	$35,000
Brush	$100	$200	$0	$0	$0	$0	$0	$0
Outside Rubbish	$152,000	$6,000	$0	$0	$0	$0	$0	$0
Spec. Outside, Other	$0	$0	$100,000	$500	$0	$0	$510,000	$0
Total $ Loss		*$837,500*		*$130,050*		*$2,010,049*		*$1,015,000*

Emergency Medical Responses by Provider Impression

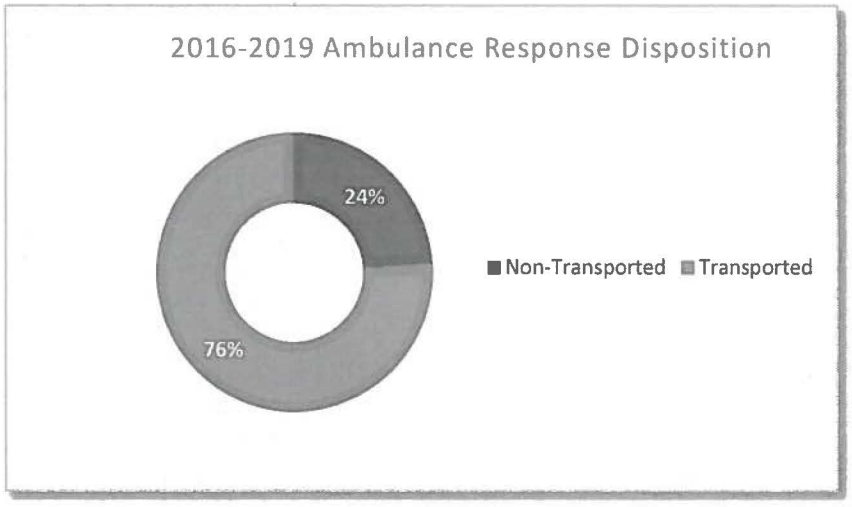
The SFD provides advanced life support level emergency medical care and ambulance transport services to the town. Over the past four years, emergency medical responses accounted for 60% of the department's overall request for service.

Medical Responses by Provider Impression provides information on the various types of emergency medical incidents to which the SFD responds. This information is used to analyze the frequency of different types of medical incidents, provide insight on the type of emergency medical incidents, and identify medical equipment and training needs. The top 10 type of emergency medical responses for the last 4 years are listed below.



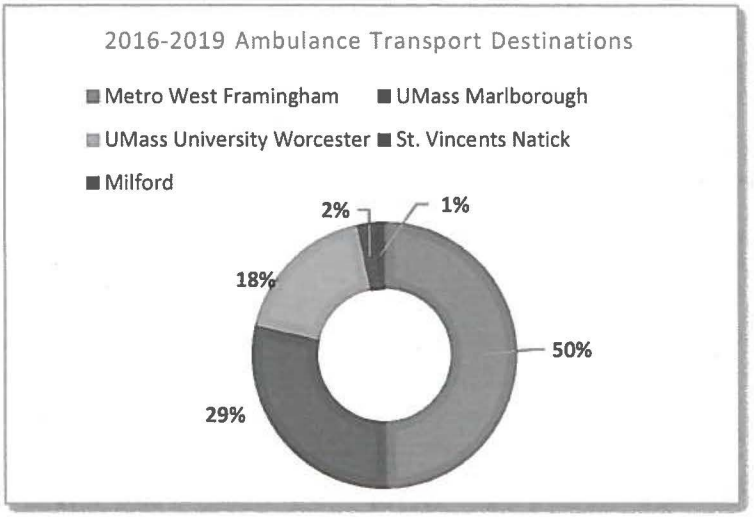
Ambulance Response Disposition

All requests for emergency medical care do not result in the transportation by ambulance to the hospital. The percentage of transports can fluctuate month to month, but on average range between 60-70%. Other dispositions include cancelled enroute, no patient found or no patient contact, and refusal of care and transport.



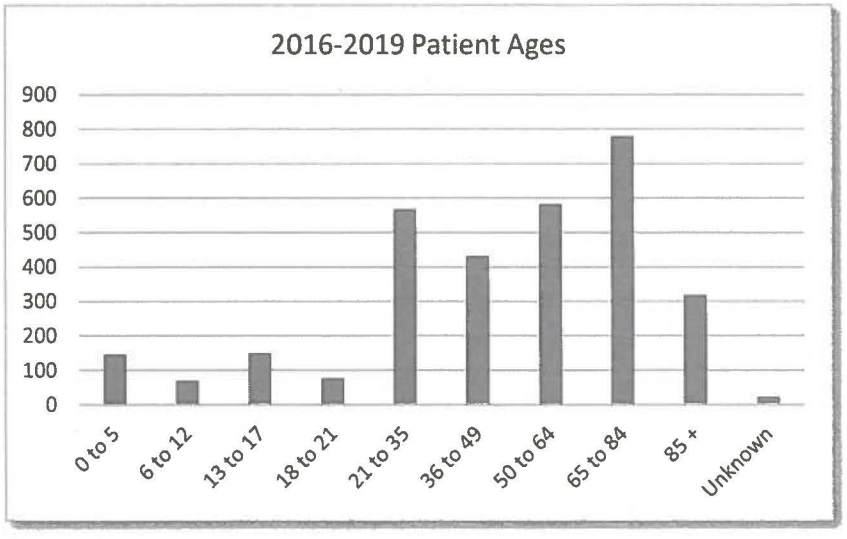
Ambulance Transport Destinations

SFD ambulances transport to the closest and most appropriate hospital based on the patient's medical condition and Regional Point of Entry Protocols. All patients are transported to an Emergency Department.



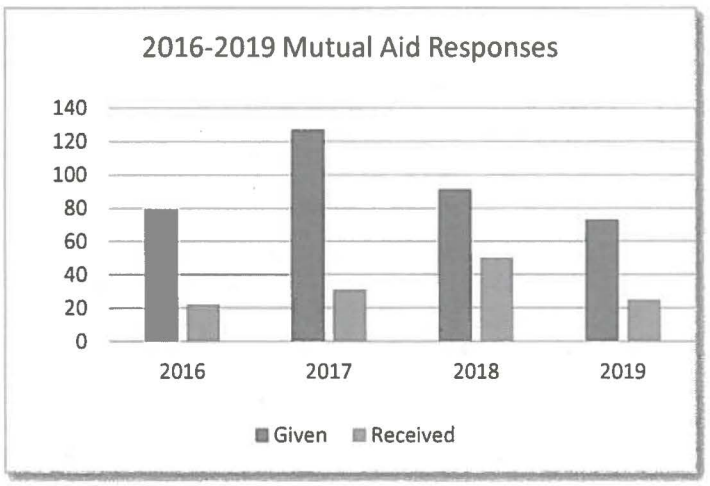
EMS Incident - Patient Ages

Tracking patient ages provides data on what age groups will most likely utilize emergency services in town, as well as where best to focus department injury prevention and public education measures.



Mutual Aid Given and Received

The SFD both receives and provides mutual aid response to area communities. The SFD will respond, at no charge, to a request of another fire department with an ambulance or fire unit. The response may be to the scene of an emergency or to provide community coverage from their fire station. This aid is reciprocated by area fire departments to the SFD. It is often the case that a community will provide more aid than received.



Response Time Analysis

According to the Commission on Fire Accreditation International (CFAI), response time and those individual time elements within the overall response time are critical components of an organization's ability to positively impact the outcome of an emergency event. Fire growth is exponential and is based upon such things as fuel concentrations and elapsed time to interventions. The elapsed time to effective interventions also have a direct relationship in determining survivability and quality of life during medical or traumatic emergencies.

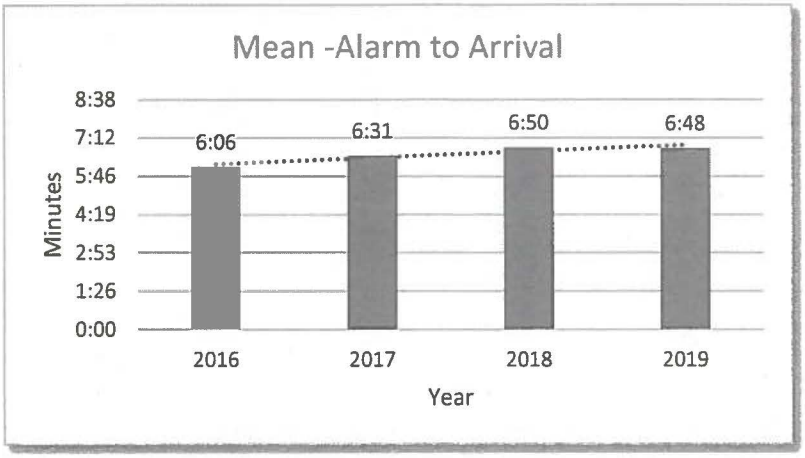
According to the CFAI, total response time consists of (a) notification and alarm processing, (b) turnout time, and (c) travel time. Notification and alarm processing are the time points which an alarm or request for emergency response is received by an agency and the time interval it takes to retransmit that emergency to the specific agency's resources. Turnout time is the time point at which the responding units are notified to the beginning of travel time. Travel time is the actual time of travel from turnout to the arrival on scene.

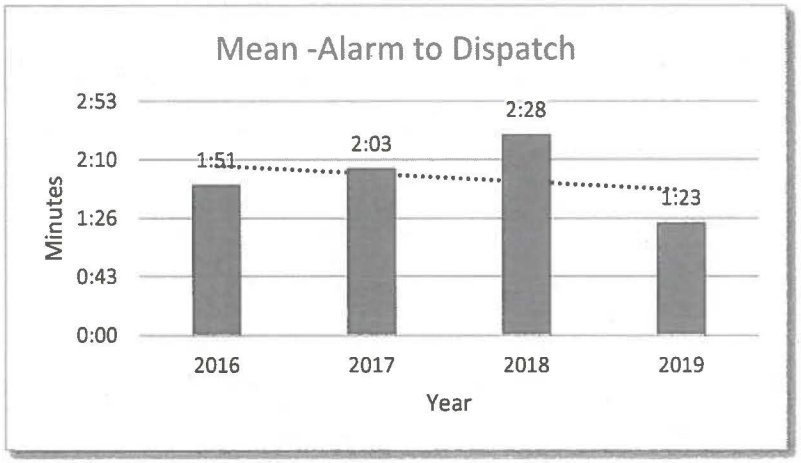
Notification and alarm processing for the SFD is the responsibility of the Southborough Emergency Communications Center. This is a combined public safety dispatch center under the supervision of the police department. The policies and procedures for alarm processing and notification are developed by the SFD and jointly adopted by both the fire and police departments. A nationally recognized Emergency Medical Dispatch (EMD) Protocol is utilized for callers reporting medical emergencies. Callers answer a few brief questions so that the proper response and pre-arrival treatment may be determined.

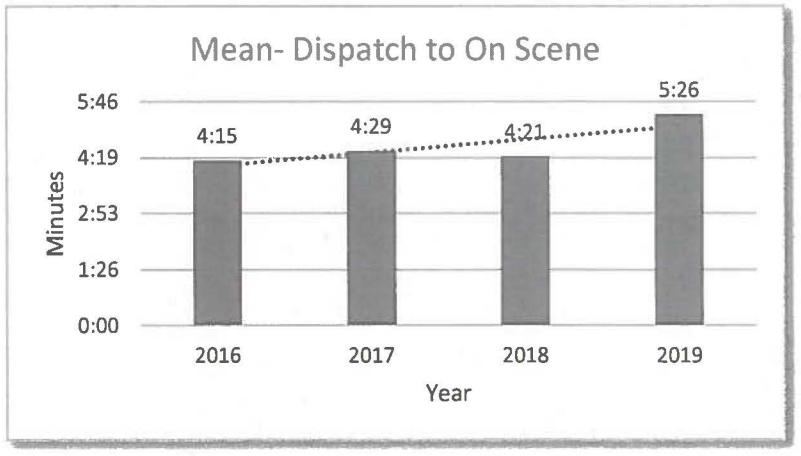
In 2019, the SFD began to develop Standards of Cover along with performance measures as part of a department-wide initiative to improve and strengthen essential services. National Fire Protection Association (NFPA) and Commission of Fire Accreditation International (CFAI) standards were referenced in addressing three main areas: (a) existing deployment, (b) service level objectives, and (c) performance and reliability. The SFD continues to monitor performance and reliability of department resources, as well as measuring and revising service level objectives. In addition to collecting and reviewing historical response data, the department conducted a response time analysis of all incidents that occurred from January 1, 2016 through January 1, 2020. The source of the information was obtained through the SFD's electronic record management system known as ESO Suite.

Mean (Average) Response Times

On average, from the time of dialing 911 until the arrival of the first fire department resource will be 6 minutes and 48 seconds or less 50% of the time. The Alarm to Dispatch time is 1 minute and 56 seconds and the Dispatch to On Scene time is 4 minutes and 38 seconds.

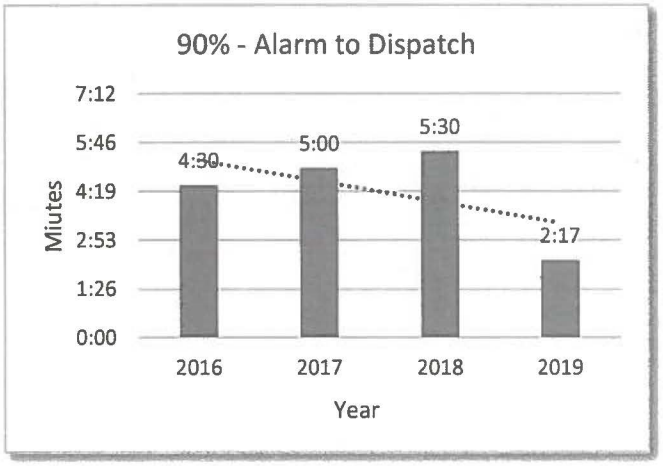

Mean -Alarm to Arrival
8:38
7:12
5:46
4:19
2:53
1:26
0:00
Minutes
6:06
6:31
6:50
6:48
2016
2017
2018
2019
Year

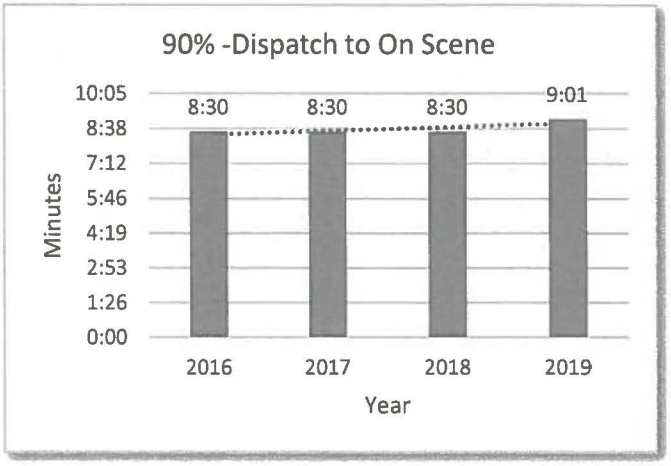

Mean -Alarm to Dispatch
2:53
2:10
1:26
0:43
0:00
Minutes
1:51
2:03
2:28
1:23
2016
2017
2018
2019
Year

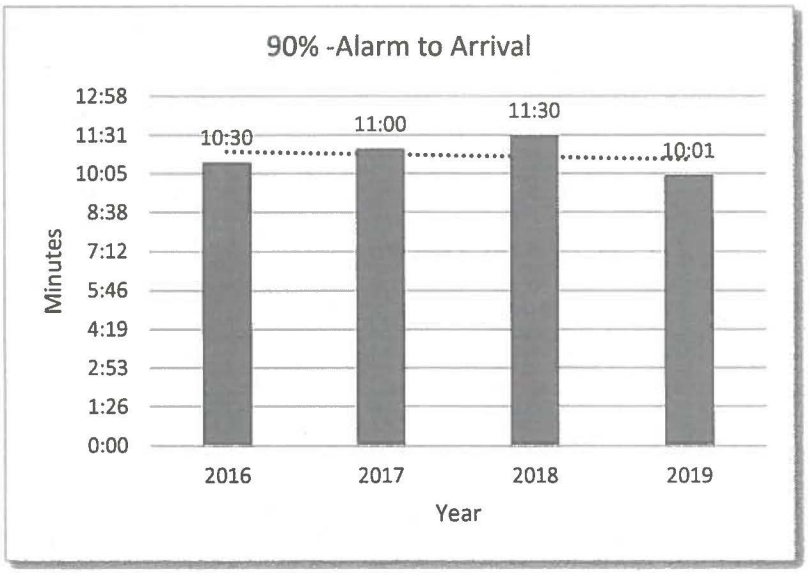

Mean- Dispatch to On Scene
5:46
4:19
2:53
1:26
0:00
Minutes
4:15
4:29
4:21
5:26
2016
2017
2018
2019
Year

90th Percentile Response Times

From the time of dialing 911 until the arrival of the first fire department resource will be 10 minutes and 45 seconds or less 90% of the time. Dispatch time is 4 minutes and 19 seconds and the Dispatch to On Scene time is 8 minutes and 38 seconds.







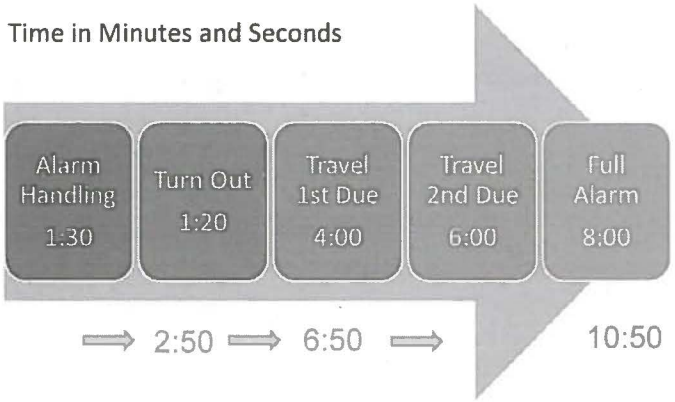
Effective Response Force

Apparatus Staffing and Deployment Standards

Staffing of fire apparatus and ambulances can be determined based on a number of variables. Traditional considerations often include the demographics of a community, the demand and numbers of service requests, the nature of risks and hazards in the service area, the type and age of buildings in the community, the type of occupancies (i.e. residential, commercial, industrial), and travel times from existing stations to the coverage area. The National Fire Protection Association (NFPA) has identified the standards to increase the chance for positive outcomes from fire and other emergencies. Staffing of each company shall be led by an officer who shall be considered part of the company. All engine and ladder companies should be staffed with a minimum of four on-duty personnel. According to *NFPA 1710 Standard for the Organization and Deployment of Fire Suppression Operations, Emergency Medical Operations, and Special Operations to the Public by Career Fire Departments* (2020), fire departments should establish the following 90% performance objectives for the first-due response zones (areas):

- Alarm Handling - 90 seconds (1:30) and within 120 seconds (2:00) 99% of the time.
- Turnout Time - 80 seconds (1:20) from time of dispatch to first unit enroute for fire and special operations response and 60 seconds (1:00) for EMS response.
- Travel Time 1st Due- 240 seconds (4:00) or less travel time for the arrival of the first engine company at a fire suppression incident.
- Travel Time 2nd Due - 360 seconds (6:00) or less for the arrival of the second company.
- Full Assignment - 480 seconds (8:00) or less travel time for the deployment of the of an initial full alarm assignment at a fire suppression incident.

Alarm Handling is the time interval from receipt of the alarm at the primary dispatch center to the notification of response units. Turnout Time is the time interval between response unit notification and travel time. Travel time is the interval that begins when a unit is enroute and ends when the unit arrives at the scene. The best practice for most incidents is a Total Response Time of 6 minutes and 50 seconds, 90% of the time for the first-due unit, 8 minutes and 50 seconds for the second unit, and 10 minutes and 50 seconds for the initial full assignment units to be deployed.



An initial full alarm assignment deployment for a two-story, single-family dwelling with no basement and no exposures should provide for the establishment of incident command outside the hazard area, water supply of a minimum of 400 gallons per minute, two hose lines producing a minimum of 300 gallons per minute, victim search and rescue, ground laddering and ventilation, and firefighter safety and rescue. Some incidents will also require aerial operations and emergency medical services. Therefore, the total effective response force of 16-18 firefighters is required. To meet these measures, automatic aid (joint response on first alarms from other fire departments) may be employed. The minimum effective response force for shopping centers and apartments is higher at 27-28 firefighters.

Effective Response Force	
Incident Command	1
Water Supply (Engine Operator)	1
Fire Attack via 2 Hose Lines	4
Support for Deployed Hose Lines	2
Victim Search and Rescue	2
Ground Ladders and Ventilation	2
Rapid Intervention Crew	4
Aerial Operator (If Used)	1
TOTAL	16-17

Additional studies and standards that influence staffing considerations include the National Institute of Standards and Technology (NIST) *Report on Residential Fireground Field Experiments* (2010) and the U.S Occupational Safety and Health Administration (OSHA) Respiratory Standard 29 CFR 1910.134. The NIST study concluded that four-person crews were more effective than two or three-person crews when it came to extinguishing fires in a 2000 square foot house (15% faster than two-person and 6% faster than three person) and rescuing occupants (30% faster than two-person crews and 5% faster than three-person crews). Additionally, four- and five-person crews were able to complete 22 essential firefighting and rescue tasks in a residential property 30% faster than two-person crews and 25% faster than three-person crews.

The OSHA regulation requires firefighters entering dangerous atmospheres do so in teams of two with a minimum of two more firefighters available outside to assist or rescue those inside (2-in / 2-out rule). Therefore, firefighters entering a building with smoke, toxic gases, or fire must do so only after there are a total of four firefighters on scene. An exception to this rule is when a victim is visible from the outside of the hazardous environment and readily accessible to the firefighters. The ratio of firefighters outside the dangerous environment to those inside after the initial entry is not required to be maintained at 2 to 2 (i.e. 6 firefighters inside requires 6 outside). The intent is to ensure there is adequate resources, equally equipped, to affect a rescue of the inside crews. This is accomplished by applying the NFPA 1710 standards.

NFPA 1710 Staffing and Deployment Standards for EMS

- A fire department first responder with an automated external defibrillator (AED) shall be deployed to provide for the arrival of the AED within 240 seconds (4 minutes).
- A fire department providing Advanced Life Support (ALS) shall be deployed to provide for the arrival of an ALS company within 480 seconds (6 minutes).
- Personnel deployed to ALS emergency responses shall include a minimum of two members trained at the emergency medical technician–paramedic level and two members trained at the emergency medical technician–basic level arriving on scene within the established travel time.

Massachusetts Department of Public Health Staffing Requirements for EMS

Massachusetts 105 CMR 170.305:Staffing requires that each ambulance and Emergency Fire Responder (EFR) service shall at all times maintain an adequate number of EMS personnel to staff EMS vehicles to ensure service availability and back-up 24 hours a day, 7 days a week. Based on the emergency medical care provided, the following staffing requirements exist:

- Basic Life Support: a minimum of two EMTs, certified at the EMT level
- Advanced Life Support: a minimum of two EMT's, at least one certified at the Advanced EMT or higher level.
- Advanced Life Support – Paramedic Level: a minimum of two EMT's, at least one certified at the Paramedic level.
- Advanced Life Support – Paramedic Level: High acuity: a minimum of two Paramedics.

Critical Tasks Analysis

Critical task analysis determines what tasks need to be accomplished at the scene of an emergency. Critical tasking is the process of assigning tasks to firefighters, EMTs, paramedics, and fire officers that must be conducted in a timely manner at in order to stabilize and control an incident. While creating standards of response coverage, the capability of arriving companies and individual responders to achieve these duties must be taken into consideration. On-scene operations, critical tasking, and maintaining an effective response team are elements of response coverage that determine staffing levels, number of apparatus needed, and duties to be performed by each team while at an emergency incident.

Critical Tasks Analysis - Fire

The SFD performs offensive interior fire attack whenever possible while placing firefighter safety in high regards, and using the RECEO VS approach (rescue, exposure, confinement, extinguishment, overhaul ventilation, and salvage). In rescue situations, the first objective is to put a hose line between the victims and the fire, if possible, to assist with the rescue. The second is to contain the fire to the point of origin. Before on-scene procedures can be established, the incident commander (IC) must determine whether or not the fire ground will operate under an offensive, transitional, or defensive strategy. An offensive

strategy consists of immediately entering the interior of the structure upon arrival to perform rescue and confinement. The transitional strategy is performing an exterior attack upon arrival, prior to making entry, to cool the interior and reset the behavior and growth of the fire. A defensive strategy is one that allows for no interior fire attack when fire conditions indicate no or an extremely low probability of survivability of occupants; therefore, no search and rescue is attempted. All firefighting is performed from outside the structure with the goal of containing the fire to the initial structure involved.

An organization providing for an offensive strategy requires the necessary fire resources to arrive sooner than they would have to if only the defensive strategy was provided for. Locations of fire stations and fire apparatus play a major role in the probability of a successful rescue. The incident commander must maintain scene management in order to properly implement the plan of attack. Scene management is not separate from, but is an integral part of successfully managing the incident. Objectives of scene management are life safety for firefighters (accountability, etc.) and non-emergency personnel on the scene, stabilizing the incident by controlling non-emergency personnel so they do not interfere with fire ground activities, and conserving property through timely implementation of resources to gain and maintain control.

The SFD has evaluated the critical tasks needed to control fires in each respective risk category. Whenever firefighters are operating in an immediate danger to life and health (IDLH) environments, additional personnel must be staged to perform rescue functions for interior firefighters, commonly known as two-in / two-out. In this situation, a command structure must also be in place. The growth of fire and the dynamics that are involved, as well as the uniqueness of the occupancy and life safety risks combine to determine which fire ground duties may be required to aid in mitigating potential loss.
On-scene Operations

The first fire company to arrive at the scene will communicate existing and known conditions to the emergency dispatcher and other responding units. At the completion of this report the ranking fire officer or senior firefighter will implement the incident command system (ICS). Before a specific on-scene strategy can be established, an initial size-up must be completed by the incident commander (IC). Factors considered include 1) forecasting fire growth and development, 2) identifying scene hazards, and 3), identifying heat and smoke flow path(s). This size-up should facilitate which strategy to employ; offensive, transitional or defensive.

Offensive Strategy

Considered an interior fire attack operation with the top priority of the search and rescue of any trapped occupants. The SFD employs this strategy most often to limit the number of fires that spread beyond the room of origin. For this reason the SFD uses an aggressive fire attack whenever possible, taking into consideration firefighter safety and other pertinent concerns.

Transitional Strategy

Utilized when the fire companies are faced with changing fire conditions and limited resources, this strategy uses an initial exterior fire attack through a ventilation opening to help transition the fire from ventilation-limited to fuel-limited conditions. Transitional attack reduces the potential for flashover and creates a more survivable interior environment for trapped occupants and also firefighters. A transitional strategy is also appropriate when on scene units are waiting for the arrival of sufficient resources to safely mount an offensive attack or when the initial defensive mode of operations has reduced to a point where interior operations can be conducted in a safer manner. The function of this strategy is reducing temperatures within the structure to increase occupant and firefighter survivability.

Defensive Strategy

Normally an exterior fire attack operation, without interior operations, except if it is necessary to rescue firefighters. There are no attempts to rescue any civilian occupants because the stage of the fire has grown in intensity, all fuel sources are burning (flash point), and the probability that occupants are reasonably presumed to be beyond rescue. In this situation, nearly all of the firefighting is to be performed from the outside of the structure with the concept of containing the fire to the initially involved structure. In the case of a large structure with a defensive attack implemented, a portion of the building may be salvaged with the use of an interior attack to create a safe haven for trapped occupants taking advantage of the building's design.
Life Safety Tasks

Fire Flow Tasks

Fire flow tasks relate to simply getting water on the fire. These tasks are dependent on the type of strategy that is used and available on scene resources. If the responding units use the offensive or transitional strategies, they will deploy one and three-quarter (1 ¾) or two (2.0) inch diameter hand lines to attack the fire. If responding units use the defensive strategy, they may retain the use of large diameter hand lines such as two and one-half (2 ½) inch, three (3.0) inch, or master-stream devices. Master-stream devices take relatively few firefighters to operate when mounted to fire apparatus. Master-stream devices not affixed to apparatus (connected via hose line) may take more firefighters to deploy and operate. These master-streams will be used to confine the fire and keep it from advancing to any adjacent exposures.

Critical Task Capabilities: Fire Services

The following critical tasks and staffing are required to carry out strategic and tactical objectives to 1) protect and rescue occupants, 2) confine, control, and extinguish the fire, 3) reduce property loss, and 4) account for and protect emergency responders for incidents involving fire:

Fire Services – Low Risk (vehicle or fire with no exposures)

This type of response can normally be handled by the on-duty compliment of 1 officer and 3 firefighters. The officer will assume the role of the Incident Commander and will provide support to both the Pump Operator and Attack Line personnel. The Attack Line personnel will also have responsibility of search and rescue, horizontal ventilation, overhaul, and salvage.

- Incident Command – (1) Fire Officer
- Pump Operator / Water Supply Engine – (1) Firefighter
- Attack Line – (2) Firefighters

Fire Services – Moderate Risk (fire with exposures)

Fires that extend beyond the room or floor of origin, impact the ability of occupants to safely evacuate, or pose a risk to adjacent structures require a full first alarm assignment to safely and effectively control. Responsibilities include command and control, accountability and safety of responders, search and rescue, exposure control, confinement, extinguishment, ventilation, overhaul, and salvage. A reliable water supply must be established and a 1 ¾ inch hose that produces up to 200 gallons per minute (GPM) should be deployed along with a backup line of equal or greater size. A fire of this type can transition into a serious fire.

- Incident Command – (1) Fire Officer
- Pump Operator / Primary Engine – (1) Firefighter
- Search and Rescue – (2) Firefighters
- Attack Line – (2) Firefighters
- Back-Up Line – (2) Firefighters
- Ventilation – (2) Firefighters
- Rapid Intervention Crew – (4)
- Support for Hose Lines, Water Supply – (2) Firefighters
- Aerial – Tower Operator – (1) Firefighter

Fire Services – Significant Risk (large fire with exposures)

Fires that involve the actual structure, multiple rooms and floors, injured or trapped occupants, hazardous materials, and/or extend to adjacent structures require a full first alarm assignment and possible a second alarm assignment in order to safely and effectively control. Responsibilities include command and control, accountability and safety of responders, search and rescue, exposure control, confinement, extinguishment, ventilation, overhaul, and salvage. A reliable water supply must be established to support the deployment of multiple 1 ¾, 2.0, or 2 ½ inch hose lines. Fires not contained will require master stream devices. Multiple rescues or casualties, structural collapse, firefighter injuries, hazardous materials release, and extreme weather conditions, will require the IC to request additional resources including mutual or regional aid.

- Incident Command – (1) Fire Officer
- Safety Officer – (1) Fire Officer
- Pump Operator / Primary Engine – (1) Firefighter
- Pump Operator / Water Supply Engine – (1) Firefighter
- Search and Rescue – (2) Firefighters
- Attack Lines – (2) Firefighters
- Back-Up Line – (2) Firefighters
- Support for Hose Lines, Water Supply – (2) Firefighters
- Ventilation – (4) Firefighters
- Rapid Intervention Crew – (4)
- Aerial – Tower Operator – (1) Firefighter
- EMS – (2) Advanced EMT

Critical Task Capabilities: Wildland Fires

Fires that occur in open spaces and wooded areas pose a risk not only to the environment and wildlife, but to adjacent structures, roadways and residential areas. Therefore, wildland fire suppression is primarily focused on containment. Small fires are often controlled by the duty crew. Moderate size fires during high fire danger weather days may require the response of a full initial alarm assignment and a chief officer. The initial IC or Fire Chief may request additional resources including forestry units, hand crews, water tenders (tankers), and MA Department of Conservation and Recreation (DCR) Bureau of Forest Fire Control assets.

The following critical tasks and staffing are established as a standard in order to perform 1) perimeter control, 2) confinement, and 3) extinguishment of a fire in open space, woodlands, and that threaten structures.

Wildland Fire- Low Risk (Hydrant)

- Incident Command – (1) Fire Officer
- Pump Operator / Water Supply Engine – (1) Firefighter
- Hand Crews – (2) Firefighters

Wildland Fire- Moderate to Significant Risk (Hydrant)

- Incident Command – (1) Fire Officer
- Safety Officer – (1) Fire Officer
- Pump Operator / Primary Engine – (1) Firefighter
- Pump Operator / Water Supply Engine – (1) Firefighter
- Hand Crews – (8) Firefighters
- Support for Hose Lines, Water Supply – (2) Firefighters

Wildland Fire- Moderate to Significant Risk (Off-Hydrant)

- Incident Command – (1) Fire Officer
- Safety Officer – (1) Fire Officer
- Pump Operator / Primary Engine – (1) Firefighter
- Pump Operator / Water Supply Engines – (2) Firefighter
- Driver – Operator / Water Tenders – (3) Firefighters
- Hand Crews – (8) Firefighters

Critical Tasks Capabilities: Emergency Medical Services

The following critical tasks and staffing are required to carry out strategic and tactical objectives of 1) triage and assess, 2) treatment, and 3) transport for patients experiencing medical and/or traumatic emergencies:

Emergency Medical Services – Low Risk (minor medical illness or traumatic event)

This type of response can normally be handled by two providers. One Emergency Medical Technician – Advanced (EMT-A) is the primary care provider while the other is the secondary care provider. The second Emergency Medical Technician (EMT) also has the added responsibility of ensuring safe transport to the hospital while basic medical care is being continued in the patient compartment.

- Primary Care Attendant – (1) Advanced EMT / Paramedic
- Secondary Attendant / Driver – (1) EMT / Advanced EMT

Emergency Medical Services – Moderate Risk (serious medical or traumatic event)

This type of response may be handled by two providers, but the condition of the patient may warrant additional personnel. Advanced Life Support responses require the added training of the AEMT- and/or Paramedic. Responsibilities include airway management, cardiac monitoring and interpretation, I.V. access, and medication administration.

- Primary Care Attendant – (1) Paramedic
- Secondary Attendant– (1) Advanced EMT / Paramedic
- Driver – (1) EMT / Advanced EMT
- Incident Command – (1) Officer
- Support – (1) Firefighter

Emergency Medical Service -Significant Risk (multiple casualties)

A mass casualty is considered anything more than the initial alarm assignment units can effectively manage. This can be considered 5-6 patients. The initial scene size up will determine the number of apparatus required for the incident. SFD utilizes a pre-determined, 5 level run card that includes mutual aid response.

- Incident Command – (1) Fire Officer
- Safety Officer – (1) Fire Officer
- Pump Operator / Primary Engine – (1) Firefighter
- EMS Branch Director – (1) Paramedic
- Triage Team – (2) Advanced EMT / Paramedics
- Treatment Officer – (1) Advanced EMT / Paramedics
- Ambulance Transport – (10) EMT / Advanced EMT / Paramedics

Water and Ice Rescue Incidents Critical Tasks

The SFD provides search and rescue of victims in or near the Sudbury Reservoir, as well as other bodies of water in Southborough. Other agencies that have jurisdiction and response capabilities include the Massachusetts Water Resource Authority (MWRA) and the Department of Conservation and Recreation (DCR). These incidents may involve operating in swift moving water, swimming, self-rescue, victim rescue in open water or on ice, boat operations, night operations, and multi-agency coordination. The initial response for a water rescue requires an engine and ambulance response by land or via the department's rescue boat. The Incident Commander may also request the deployment of Massachusetts Fire District 14's Technical Rescue and Dive Team.

The following critical tasks and staffing are established as a standard in order to 1) provide for the safety of responders, 2) gaining access to victim(s), 3) providing floatation device, and 4) affecting rescue.

Land-Side Incidents – Low to Moderate Risk

- Incident Commander - (1) Fire Officer
- Primary Rescue - (2) Firefighters
- Primary Care Attendant – (1) Paramedic
- Secondary Attendant– (1) Advanced EMT / Paramedic

Water-Side Incidents – Moderate Risk (Sudbury Reservoir, Ponds, and Rivers)

- Incident Commander - (1) Fire Officer
- Rescue Boat Operator – (1) Firefighters
- Rescuer - (1) Firefighter
- Primary Care Attendant – (1) Paramedic
- Secondary Attendant– (1) Advanced EMT / Paramedic

Water-Side Incidents – Significant to Maximum Risk (Sudbury Reservoir)

- Land-Side Incident Commander - (1) Fire Officer
- Land-Side Support – (2) Firefighters
- Rescue Boat Operator – (1) Firefighter
- Rescuer - (1) Firefighter
- Back-Up Team – (2) Firefighters
- Primary Care Attendant – (1) Paramedic
- Secondary Attendant– (1) Advanced EMT / Paramedic
- MWRA and or DCR Vessel(s) Water-Side

Hazardous Material Incidents Critical Tasks

In the early stages of a hazardous-materials incident (HMI), it may be necessary for all available on-duty personnel to assist in accomplishing tasks required to identify, isolate, secure, and mitigate the incident. Any HMI beyond the routine fuel spills/odor investigation may require the response of a full initial alarm assignment and a chief officer. The initial Incident Commander (IC) or Fire Chief may request the State Hazardous Materials Response Team for a HMI.

The following critical tasks and staffing are established as a standard in order to 1) isolate an incident, 2) rescue trapped occupants, 3) evacuate exposures and adjacent areas, and 4) contain the spread or release of hazardous materials:

Hazardous Materials Incident- Low to Moderate Risk (limited release, risk assessment)

- Incident Commander - (1) Fire Officer
- Driver/Operator - (1) Firefighter
- Air Monitoring - (1) Firefighter
- Exposure Control – (1) Firefighter
- State Hazardous Materials Response Team Member – (1)

Hazardous Materials Incident – Significant Risk (large release)

- Incident Commander - (1) Fire Officer
- Safety Officer - (1) Fire Officer
- Air Monitoring - (1) Firefighter
- Exposure Control – (2) Firefighters
- State Hazardous Materials Response Team – (15) Firefighters
- Pump Operator - (1) Firefighter
- Primary Care Attendant – (1) Paramedic
- Secondary Attendant– (1) Advanced EMT / Paramedic

Special Rescue Incidents Critical Tasks

Confined space, below grade, rope rescue incidents require basic and specialized equipment, ropes and rigging, safety considerations, scene management and organization, ascending and descending systems, rappelling, belaying, lowering and raising systems, and litter management. It also involves atmosphere monitoring and the provision of basic medical care and advanced life support. Any such incident will require the response of a full initial alarm assignment, chief officer, and the response of Massachusetts Fire District 14's Technical Rescue Team.

The following critical tasks and staffing are established as a standard in order to 1) provide for the safety of responders, 2) search for and rescue trapped victims, 3) secure exposures and adjacent areas, and 4) minimize the impact to the public and victims:

Confined Space, Below Grade, Rope Rescue Incidents- Moderate to Significant Risk

- Incident Commander - (1) Fire Officer
- Incident Command Aide- (1) Firefighter
- Safety Officer - (1) Fire Officer
- Primary Rescue - (2) Firefighters
- Air monitoring- (1) Firefighter
- Secondary Rescue - (2) Firefighters
- District 14 Technical Rescue Team Leader – (1) Fire Officer
- District 14 Technical Rescue Team - (8) Firefighters
- Primary Care Attendant – (1) Paramedic
- Secondary Attendant– (1) Advanced EMT / Paramedic

Service Level Objectives – Standards of Cover

Service level objectives have been established based upon the community risk, current resources, normal travel times, and budgetary considerations. These objectives drive the distribution and concentration of forces which are currently in place, and which will influence future resources and staffing levels. Services provided include structural fire suppression, emergency medical services (EMS) response and ambulance transportation at the Advanced EMT and Paramedic level, and rescue services (vehicle extrication, high angle, water, ice, trench, confined space and building collapse rescue). Rescue services are supported with technician level response of Massachusetts Fire District 14 Dive and Technical Rescue Teams. Hazardous Material response is at the operations and decontamination level with technician response provided by the Massachusetts Hazardous Materials Response Team. It is important that the Southborough Fire Department (SFD) continue to monitor and evaluate changes in the community risk dynamics and emergency response demand as the development of the Town continues.

Performance Goal

The SFD shall limit the risk to our communities and our citizens from fire, injury, death, and property damage associated with fire, accidents, illness, explosions, hazardous materials incidents, and other natural or manmade emergencies through prevention and response.

Performance Level Objectives outline the commitment of the department to meet pre-established objectives regarding the timeliness of response to specific risks. The objectives that follow are the result of a thorough evaluation and categorization of our risks. For each risk we have analyzed our historical response to that risk, the outcome of those responses and have analyzed the potential for future risk in each defined category. Specific performance measures have been established based on our analysis and mission.

Benchmark Definition

A benchmark is defined as a standard from which something can be judged. Searching for the best practices will help define superior performance. This document uses a combination of standards for determining best practices for fire and EMS response. Current and predicted economic indicators and factors will also influence the balance of risk and adequate effective response force. These response resources are enhanced by prevention mitigation intervention; employing enforcement, education, and engineering innovations.

Integrated Time and Performance Objective Statements – Structure Fire

Structure Fire - Low Risk (Hydrant)

Goal:

Effective first alarm response force of 16 personnel deployed via three engines, 2 aerial devices, one ambulance, plus a minimum of one chief officer shall respond.

Measure:

The first unit shall arrive within 10 minutes total response time, for 90% of all requests for emergency services. The completed first alarm units shall arrive within 15 minutes total response time, for 90 % of all requests for emergency services. A chief officer shall arrive within 20 minutes total response time, for 90% of all requests for emergency services.

Performance Objectives:

To stop escalation of a minor fire when found. Includes conducting search and rescue, confining fire damage to the area near the room of origin, and limiting extension of smoke and heat damage to the floor of origin. The first arriving unit is capable of starting rescue work or advancing the first line for fire control. Second due units provide additional personnel for tasks already started, plus ventilation, water supply, and firefighter safety support.

Structure Fire -Moderate to Significant Risk (Hydrant)

Goal:

Effective first alarm response force of 16 personnel deployed via 3 engines, 2 aerial devices, 1ambulance, plus a minimum of 1 chief officer shall respond.

Measure:

The first unit shall arrive within 10 minutes total response time, for 90% of all requests for emergency services. The completed first alarm units shall arrive within 15 minutes total response time, for 90 % of all requests for emergency services. A chief officer shall arrive within 20 minutes total response time, for 90% of all requests for emergency services.

Performance Objectives:

To stop escalation of a major fire when found. Includes conducting search and rescue, confining fire damage to the area or floor of origin, and limiting extension of smoke and heat damage to area or floor of origin. The tasks of rapid intervention rescue for trapped / lost firefighters, property salvage, and crew rotation with rehabilitation requires at a minimum 14 additional personnel on the fire scene.

Structure Fire - Low Risk (Off-Hydrant)

Goal:

Effective first alarm response force of 21 personnel deployed via 3 engines, 2 aerial devices, 1 ambulance, 3 water tenders (tankers), plus a minimum of 1 chief officer shall respond.

Measure:

The first unit shall arrive within 12 minutes total response time, for 90% of all requests for emergency services. The completed first alarm units shall arrive within 25 minutes total response time, for 90 % of all requests for emergency services. A chief officer shall arrive within 25 minutes total response time, for 90% of all requests for emergency services.

Performance Objectives:

To stop escalation of a minor fire when found. Includes conducting search and rescue, confining fire damage to the room of origin, and limiting extension of smoke and heat damage to the floor of origin. The first arriving unit is capable of starting rescue work or advancing the first line for fire control. Second due units provide additional personnel for tasks already started, plus ventilation, water supply, and firefighter safety support.

Structure Fire - Moderate to Significant Risk (Off-Hydrant)

Goal:

Effective first alarm response force of 22 personnel deployed via 3 engines, 2 aerial devices, 1 ambulance, 3 water tenders (tankers), plus a minimum of 1 chief officer shall respond.

Measure:

The first unit shall arrive within 12 minutes total response time, for 90% of all requests for emergency services. The completed first alarm units shall arrive within 25 minutes total response time, for 90 % of all requests for emergency services. A chief officer shall arrive within 25 minutes total response time, for 90% of all requests for emergency services.

Performance Objectives:

To stop escalation of a major fire when found. Includes conducting search and rescue, confining fire damage to the floor of origin, and limiting extension of fire, smoke and heat damage to building of origin. The tasks of rapid intervention rescue for trapped / lost firefighters, property salvage, and crew rotation with rehabilitation requires at a minimum 14 additional personnel on the fire scene.

Integrated Time and Performance Objective Statements – Wildland Fire

Wildland Fire - Low Risk (Hydrant)

Goal:

Effective initial alarm response force of 5 personnel deployed via 1 engine and 1 forestry shall respond.

Measure:

The first unit shall arrive within 10 minutes total response time, for 90% of all requests for emergency services. The completed initial alarm units shall arrive within 15 minutes total response time, for 90 % of all requests for emergency services.

Performance Objectives:

To stop the escalation of a minor or moderate fire when found. Includes controlling the fire to the area of origin on a high fire danger day without spread to adjacent structures or escalating to a size requiring additional resources including mutual aid.

Wildland Fire - Moderate to Significant Risk (Hydrant)

Goal:

Effective first alarm response force of 13 personnel deployed via 2 engines, 1 forestry, 1ambulance, plus a minimum of 1 chief officer shall respond.

Measure:

The first unit shall arrive within 10 minutes total response time, for 90% of all requests for emergency services. The completed first alarm units shall arrive within 15 minutes total response time, for 90 % of all requests for emergency services. A chief officer shall arrive within 20 minutes total response time, for 90% of all requests for emergency services.

Performance Objectives:

To stop the escalation of a major or serious fire when found. Includes controlling the fire to the area of origin on a high fire danger day without spread to adjacent structures or escalating to a size requiring significant additional resources including mutual aid.

Wildland Fire - Moderate to Significant Risk (Off-Hydrant)

Goal:

Effective first alarm response force of 15 personnel deployed via 2 engines, 1 forestry, 3 water tenders (tankers), plus a minimum of one chief officer shall respond.

Measure:

The first unit shall arrive within 12 minutes total response time, for 90% of all requests for emergency services. The completed first alarm units shall arrive within 25 minutes total response time, for 90 % of all requests for emergency services. A chief officer shall arrive within 25 minutes total response time, for 90% of all requests for emergency services.

Performance Objectives:

To stop the escalation of a major or serious fire when found. Includes controlling the fire to the area of origin on a high fire danger day without spread to adjacent structures or escalating to a size requiring significant additional resources including mutual aid.

Integrated Time and Performance Objective Statements – Emergency Medical Service

Emergency Medical Service - Moderate Risk (Serious Medical or Traumatic Event)

Goal:

Effective first alarm response force of 5 personnel deployed via 1 engine and 1 ambulance, which includes a minimum of one Paramedic certified provider, shall respond.

Measure:

The first unit shall arrive within 10 minutes total response time, for 90% of all requests for emergency services. The completed first alarm units shall arrive within 10 minutes total response time, for 90% of all requests for emergency services.

Performance Objectives:

To stop the escalation of the medical emergency beyond the level of severity found upon arrival. Includes patient assessment, basic and advanced life support measures, and transport via ambulance as necessary for three or fewer patients.

Emergency Medical Service - Significant Risk (Multiple Casualty)

Goal:

Effective first alarm response force of 16 personnel deployed via 3 engines, 1 aerial device, 2 ambulances, plus a minimum of 1 chief officer shall respond.

Measure:

The first unit shall arrive within 10 minutes total response time, for 90% of all requests for emergency services. The completed first alarm units shall arrive within 15 minutes total response time, for 90 % of all requests for emergency services. The chief officer shall arrive within 20 minutes total response time, for 90% of all requests for emergency services.

Performance Objectives:

To stop the escalation of the medical emergency beyond the level of severity found upon arrival. Includes aggressive and timely triage, treatment and ambulance transport. Additional significant response resources are required including mutual aid.

Integrated Time and Performance Objective Statements – Water and Ice Rescue

Water and Ice Rescue Incidents -Low Risk

Goal:

Effective first alarm response force of 5 personnel deployed via 1 engine, 1 ambulance, plus a minimum of one chief officer shall respond.

Measure:

The first unit shall arrive within 10 minutes total response time, for 90% of all requests for emergency services. The completed first alarm units shall arrive within 10 minutes total response time, for 90 % of all requests for emergency services. The chief officer shall arrive within 20 minutes total response time, for 90% of all requests.

Performance Objectives:

To stop the escalation of serious injuries beyond the level of severity found upon arrival. Includes gaining access to victim(s), providing floatation device, and affecting rescue.

Water and Ice Rescue Incidents - Moderate to Significant Risk

Goal:

Effective first alarm response force of 10 personnel deployed via 2 engines, 1 utility vehicle with 1 rescue boat, 1 ambulance, plus a minimum of 1 chief officer shall respond.

Measure:

The first unit shall arrive within 10 minutes total response time, for 90% of all requests for emergency services. The completed first alarm units shall arrive within 15 minutes total response time, for 90 % of all requests for emergency services. The chief officer shall arrive within 20 minutes total response time, for 90% of all requests.

Performance Objectives:

To stop the escalation of serious injuries beyond the level of severity found upon arrival. Includes deploying a rescue boat and/or rapid deployment craft, access to victim(s), providing floatation device or entering the water, and affecting rescue. Additional response resources are required including mutual aid, Massachusetts DCR and WRA, and /or a Massachusetts Fire District 14 Specialty Team.

Integrated Time and Performance Objective Statements – Hazardous Materials Incidents

Hazardous Material Incidents – Low Risk

Goal:

Effective first alarm response force of 5 personnel deployed via 1 engine and 1 ambulance shall respond.

Measure:

The first unit shall arrive within 10 minutes total response time, for 90% of all requests for emergency services. The completed first alarm units shall arrive within 10 minutes total response time, for 90 % of all requests for emergency services.

Performance Objectives:

To stop the escalation of minor injuries or a hazardous materials emergency when found. Includes isolating the incident, rescuing trapped occupants, evacuation of exposures and adjacent areas or containing the spread of a hazardous materials release. Additional response resources may be required including a chief officer and/or a Massachusetts Hazardous Materials Response Team Leader.

Hazardous Material Incidents – Moderate to Significant Risk

Goal:

Effective first alarm response force of 15 personnel deployed via three engines, 1 aerial device, one ambulance, plus a minimum of 1 chief officer shall respond.

Measure:

The first unit shall arrive within 10 minutes total response time, for 90% of all requests for emergency services. The completed first alarm units shall arrive within 15 minutes total response time, for 90 % of all requests for emergency services. A chief officer shall arrive within 20 minutes total response time, for 90% of all requests for emergency services.

Performance Objectives:

To stop the escalation of serious or multiple injuries or a hazardous materials emergency when found. Includes isolating the incident, rescuing trapped occupants, evacuation of exposures and adjacent areas or containing the spread of a hazardous materials release. Additional significant response resources are required including mutual aid, and a Massachusetts Hazardous Materials Response Team.

Integrated Time and Performance Objective Statements – Special Rescue Incidents

Special Rescue Incidents – Moderate to Significant Risk

Goal:

Effective first alarm response force of 15 personnel deployed via three engines, 1 aerial device, one ambulance, plus a minimum of 1 chief officer shall respond.

Measure:

The first unit shall arrive within 10 minutes total response time, for 90% of all requests for emergency services. The completed first alarm units shall arrive within 15 minutes total response time, for 90 % of all requests for emergency services. A chief officer shall arrive within 20 minutes total response time, for 90% of all requests for emergency services.

Performance Objectives:

To stop the escalation of serious or multiple injuries when found. Includes providing for the safety of responders, searching for and rescuing trapped occupants, securing exposures, and minimizing the impact to the public and victims. Additional significant response resources are required including mutual aid, and a Massachusetts Fire District 14 Specialty Team.

Plan for Maintaining and Improving Performance

The SFD is an organization of committed men and women working with modern and well maintained apparatus, equipment, and facilities. To ensure the department is meeting or approaching current service level objectives (benchmarks), continuous monitoring of service level baselines must be conducted.

The SFD will begin the review process by conducting a community risk assessment, including the response demands and identifiable risks throughout the town. Changes in community demographics and growth over the previous twelve-month period will be reviewed. This provides the opportunity to determine if there have been any significant changes within geographic areas of the community, changes to service demands, or changes in standards or operations that impact the service level objectives or the Standard of Cover document.

The SFD will continue to review service level baselines and system performance. Included in the review will be a summary of the results of the service level objectives, a comparison of current results to previous results, and calculations of the difference in results between time periods. To aid in the collection and presentation of this information, the department will work as a group to assemble all required information and assist the SFD administration in the interpretation of data and considerations for improvement towards achieving benchmarks objectives. The service level objectives are incorporated for fire and other emergencies in the self-assessment manual. Findings of the self-assessment review are translated, where needed, into budgetary requests for the coming fiscal year budget preparation.

Recommendations

1. Collect data and monitor overlapping calls over multiple years.
2. Evaluate the need for additional water tenders (tankers) for responses to Off-Hydrant areas.
3. Consider improving available water supply to Off-Hydrant areas; including adding a water tender to department fleet and/or extending municipal hydrant system.
4. Consider automatic aid to Off-Hydrant and other high risk areas to improve full assignment response times.
5. Implement measures to reduce Alarm Processing time to national standard.
6. Implement formal pre-plan program.
7. Increase risk hazard assessments to include more locations and occupancies.
8. Develop and maintain a training program to address high-risk, low frequency incidents.
9. Develop a Multiple Casualty Alarm Card.
10. Continue to develop performance-based operational and capital budgets

Appendices

Appendix 1: Work Schedule

Jul2020

Sun	mon	tue	wed	thu	fri	sat
			01	02	03	04
Group 4	Group 1	Group 2	Group 3		Group 3	Group 4
05	06	07	08	09	10	11
Group 1	Group 4	Group 1	Group 2	Group 3	Group 2	Group 3
12	13	14	15	16	17	18
Group 4	Group 1	Group 4	Group 1	Group 1	Group 3	Group 2
19	20	21	22	23	24	25
Group 3	Group 4	Group 1	Group 4	Group 1	Group 2	Group 3
26	27	28	29	30	31	
Group 2	Group 3	Group 4	Group 1	Group 4	Group 1	Group 2

Appendix 2: Department Alarm Card

Southborough			NORMAL AVAILABILITY 1 Engine or 1 Tower		EMG. DISPATCH # (508) 485-3232			BUSINESS LINE # (508) 485-3235		
DIST.14					STATION ASSIGNMENT				NOTES	
ALARM	ENGINE	ENGINE	ENGINE	LADDER	ENGINE	AMBULANCE	SPECIAL	COMMAND	DISPATCH FREQUENCY	
			R. I. T.						FREQ.	PL
1	Southborough	Westborough	Ashland	Marlborough Tower/ Southborough Tower	Framingham	Framingham EMS/ Southborough	*Off Water District/ ** St. Marks	Southborough Chief/Duty Off.	TRANSMIT 471.4250	DPL-065
TRANSFER MUTUAL AID REQUESTS TO DISRTICT 14 CONTROL										
2	Framingham	Southborough	Hopkinton	Framingham	Northborough	Marlborough EMS	Worcester Box 4 Rehab	Westborough Chief	RECEIVE 471.4250	DPL-065
3	Northborough	Marlborough			Hudson		District 14 Command Support Team	Hopkinton Chief		
4	Hudson			Westborough	Shrewsbury					
5	Shrewsbury	Natick			Sudbury					
6	Sudbury			Ashland	Holliston					
7	Holliston	Milford			Wayland					
8	Wayland			Hudson	Grafton					
9	Grafton	Sherborn			Upton					
10	Upton			Framingham	Northborough			* Notify towns to send tankers*		
NOTE: ALARM ASSIGNMENTS MAY VARY DEPENDING ON INCIDENT LOCATION									PHASE TWO BEGINS	
ADDITIONAL TANKERS: *Out of Water District -Northborough, Hopkinton, Berlin tankers									R = DEDICATED RIT TEAM	
** St. Mark's 25 Marlborough Rd.- Additional Ladder from Hopkinton										
									UPDATED: 06.18.2019	

STRIKE TEAM RESPONSE

	STRUCTURAL	ALT. STRUC.	FORESTRY	ALT. FORESTRY	AMBULANCE	ALT. AMB.	DISASTER	ALT. DISASTER
	14-B			14-A	14-C		14-C	14-B

Appendix 3: Risk Assessment Tool

Address:

Property Use

Select One

Est. Fire Flow* 0
500 gpm - 1 point
1000 gpm - 2 points
3000 gpm - 3 points
5000 gpm - 4 points
6000 + gpm - 5 points

**Fire flow formula: (L x W ÷ 3) x % involved*

Proximity of Hydrant 0
< 100 ' - 1 point
200' - 2 points
300' - 3 points
400' - 4 points
500' + - 5 points

Building Height 0
1 story - 1 point
2 stories - 2 points
3 stories - 3 points
4 stories - 4 points
5 + stories - 5points

Access 0
All sides - 1 point
3 Sides - 2 points
2 Sides - 3 points
1 Side - 4 points
None - 5 points

Occupant Load 0
0-10 - 1 point
11-50 - 2 points
51-100 - 3 points
101-300 - 4 points
301+ - 5 points

Occupant Mobility 0
Awake / Amb 1-2 stories - 1 point
Asleep / Amb 1-2 stories - 2 points
Awake / Amb 3+ stories - 3 points
Asleep / Amb 3+ stories - 4 points
Non-ambulatory - 5 points

Fire Protection and Warning 0
Automatic / Sprinkler - 1 point
Local / Sprinkler - 2 points
Manual / Sprinkler - 3 points
Local / No Sprinkler - 4 points
No system - 5 points

Probability of Event 0
Rare - 1 point
Annually - 2 points
Monthly - 3 points
Weekly - 4 points
Daily - 5 points

Economic Impact 0
None - 1 point
Minimal Dollar Loss - 2 points
Moderate Dollar Loss - 3 points
Significant Dollar Loss - 4 points
Long Term Recovery - 5 points

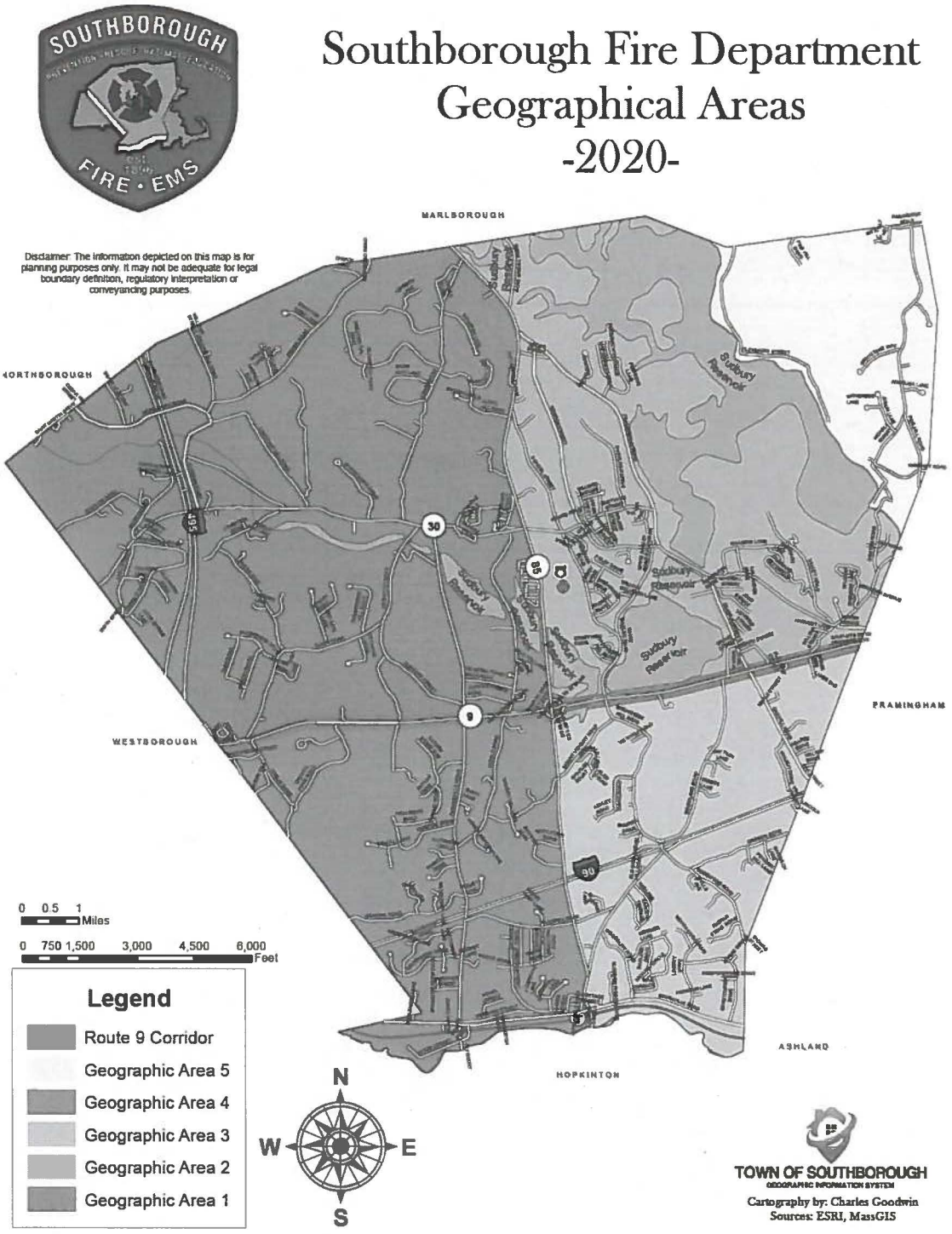
Environmental Impact 0
None - 1 point
Minimal - 2 points
Moderate - 3 points
Significant - 4 points
Long Term Recovery - 5 points

Life Safety Impact 0
None - 1 point
Minimal Risk to Life - 2 points
Moderate Risk to Life - 3 points
Significant Risk to Life - 4 points
Mass Casualty- 5 points

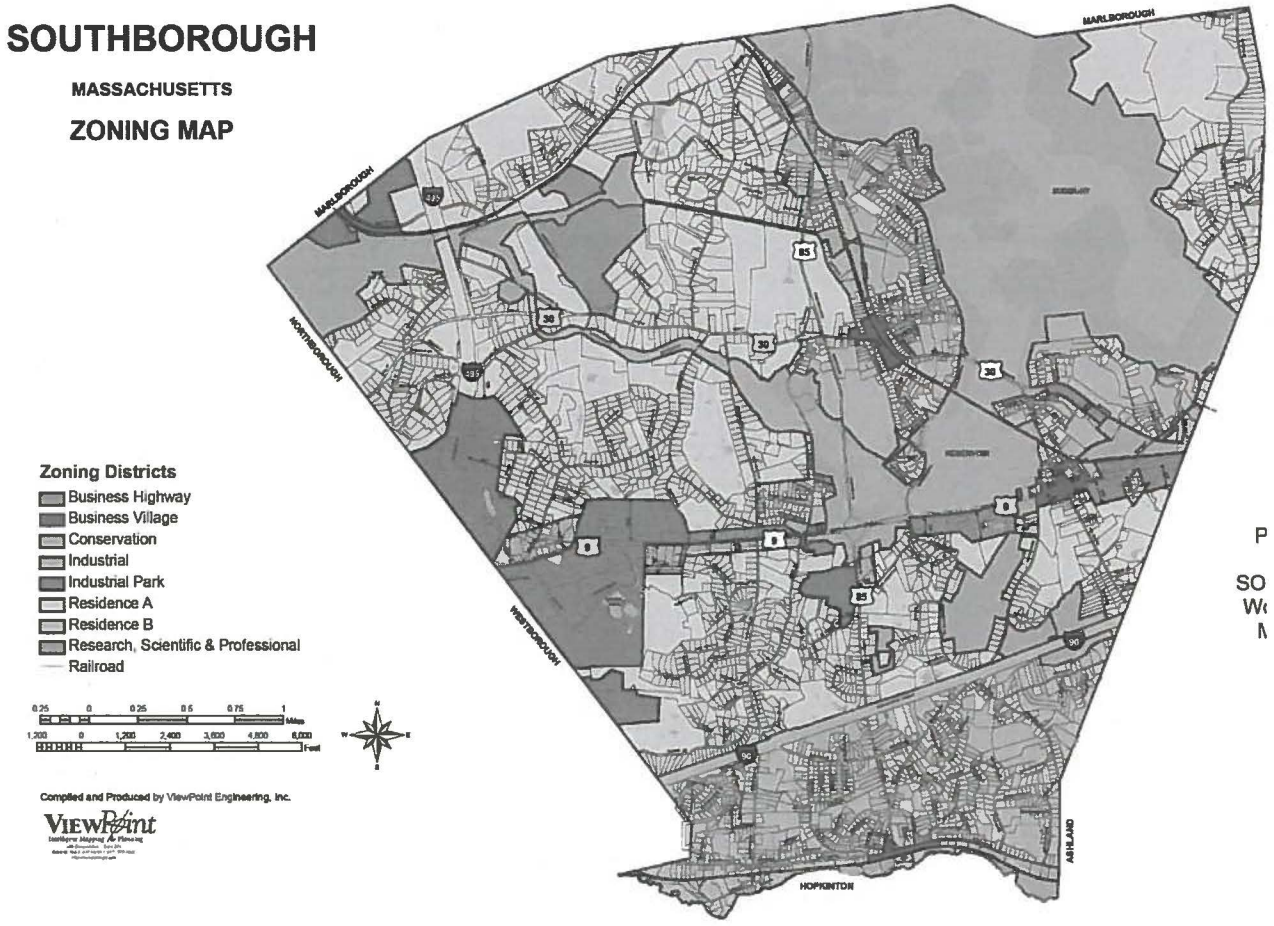
Total Score 0

Low (<20) - Moderate (20-29) - Significant/High (30-39) - Maximum/Very High (>40)

Appendix 4: Town Geographical Area Map



Appendix 5: Town Zoning District Map



Last Page

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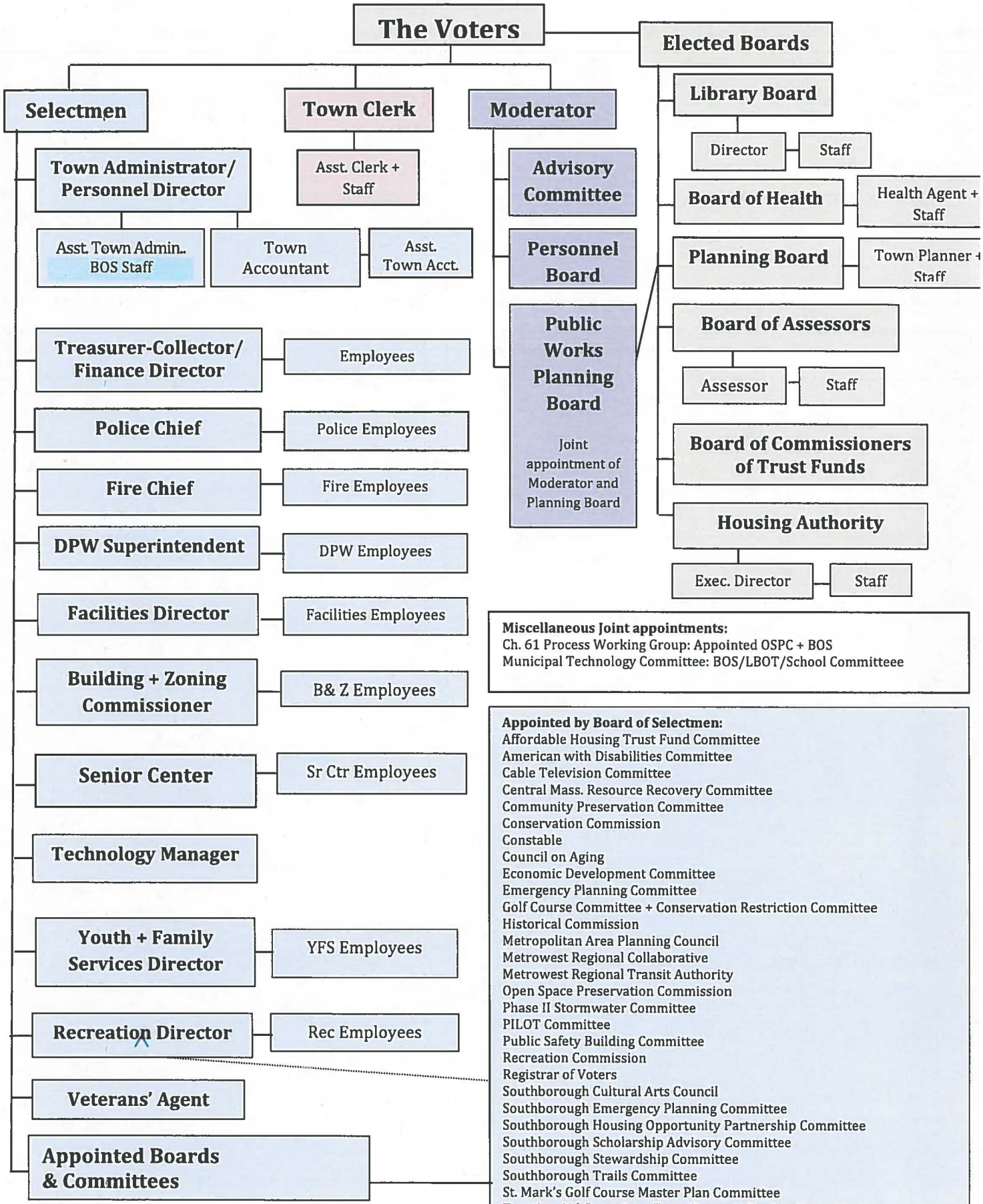
Southborough Town Government



Miscellaneous Joint appointments:
Ch. 61 Process Working Group: Appointed OSPC + BOS
Municipal Technology Committee: BOS/LBOT/School Committeee

Appointed by Board of Selectmen:
Affordable Housing Trust Fund Committee
American with Disabilities Committee
Cable Television Committee
Central Mass. Resource Recovery Committee
Community Preservation Committee
Conservation Commission
Constable
Council on Aging
Economic Development Committee
Emergency Planning Committee
Golf Course Committee + Conservation Restriction Committee
Historical Commission
Metropolitan Area Planning Council
Metrowest Regional Collaborative
Metrowest Regional Transit Authority
Open Space Preservation Commission
Phase II Stormwater Committee
PILOT Committee
Public Safety Building Committee
Recreation Commission
Registrar of Voters
Southborough Cultural Arts Council
Southborough Emergency Planning Committee
Southborough Housing Opportunity Partnership Committee
Southborough Scholarship Advisory Committee
Southborough Stewardship Committee
Southborough Trails Committee
St. Mark's Golf Course Master Plan Committee
Taxation Aid Committee Town Property Review Committee
Youth Commission • Zoning Board of Appeals

Created by B. Rosenbloom 10-10-18 (rev. 01-07-19)
cc: M. Purple, V. Hale, J. Hegarty, L. Braccio

lates # 026

TOWN OF SOUTHBOROUGH

BOARD OF SELECTMEN Meeting Minutes

Meeting Date: Tuesday, October 6, 2020, 6:30 P.M.
Location: Virtual Meeting through Zoom
Present: Marty Healey, Lisa Braccio, Chelsea Malinowski, Brian Shea, Sam Stivers and Town Administrator Mark Purple

I. Chairman Healey called the meeting to order at 6:31 P.M. Chairman Healey read the following statement:

Pursuant to Governor Baker's March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, §18, and the Governor's March 15, 2020 Order imposing strict limitation on the number of people that may gather in one place, this meeting of the Southborough Board of Selectmen will be conducted via remote participation to the greatest extent possible. Specific information and the general guidelines for remote participation by members of the public and/or parties with a right and/or requirement to attend this meeting can be found on the Town of Southborough's website, at https://www.southboroughtown.com/. For this meeting, members of the public who wish to watch or participate in the meeting may do so in the following manner by finding the meeting at: https://www.southboroughtown.com/remotemeetings. No in-person attendance of members of the public will be permitted, but every effort will be made to ensure that the public can adequately access the proceedings in real time, via technological means. In the event that we are unable to do so, despite best efforts, we will post on Southborough's website an audio or video recording, transcript, or other comprehensive record of proceedings as soon as possible after the meeting.

II. **Public Comment**

Marnie Hoolahan (26 Clifford Road) stated she was speaking as a resident regarding the letter included in the packet from Valeria Romano, the Attorney for CommCan. She explained the host agreement language in section four of the contract explicitly states that they agreed to pay $50,000 annually for substance abuse education in the schools and potentially the Southborough Police Department. She asked the Board to consider this as CommCan is saying this payment will negate their license due to recent State guidance.

III. **Scheduled Appointments**

6:30PM HEARING: Application for Class II Used Car Dealer's license for T & L Auto Care Inc. at 6 Turnpike Road

Mr. Purple read the hearing notice into the record. Chairman Healey informed Attorney Galvani that the Board received information from Ms. Quinn regarding the number of parking spaces requested for used car sales. Attorney Galvani gave a summary of the tenants and the proposed used car sales business at the site. He stated that they are requesting the right to display a maximum of five used cars at any time in the existing parking lot. He added there will be no banners, signage or additional lighting. Attorney Galvani summarized his conversation with Ms. Quinn from this morning and explained that he disagreed with her interpretation of the site plan approval and parking. He spoke to his opinion on the zoning classifications for the business and asked the Board for approval of up to five vehicles but only allow two at this time for the Building Commissioner or Planning Board to approve of the three additional spaces. He stated this will

enable the owner to start selling two cars at a time. Chairman Healey stated this was a reasonable approach and applauded him for the compromise.

Ms. Braccio stated that she is frustrated that the concern from the Planning Board was brought up at the eleventh hour. She thanked Attorney Galvani for his compromise and apologized to him and his client. Mr. Stivers agreed that two spaces are currently available and the path forward sounds reasonable. Chairman Healey stated the Board shared Ms. Braccio's frustration and new businesses opening in Southborough is always a positive. Mr. Morris from the Planning Board explained the next steps for the approval of the additional three spaces. Attorney Galvani stated he would file a request for modification to the site plan.

At 6:45 P.M. Mr. Shea made a motion to close the public hearing. Mr. Stivers seconded. The motion passed all in favor (5-0-0) by roll call vote, Braccio, aye; Malinowski, aye; Shea, aye; Stivers, aye; Healey, aye.

Mr. Shea made a motion to approve the application for Class II Used Car Dealer's license for T & L Auto Care Inc. at 6 Turnpike Road as modified this evening to limit to two used car opportunities to begin. Mr. Stivers seconded. Mr. Purple clarified that Attorney Galvani proposed to limit the number of cars to five but for now limit to two to correct the use with the Planning Board or Building Commissioner. Mr. Shea accepted the modification. The motion passed all in favor (5-0-0) by roll call vote, Braccio, aye; Malinowski, aye; Shea, aye; Stivers, aye; Healey, aye.

<u>Barry Rubenstein, Cable Committee Chair: renewal cable agreement for Charter Communications</u>
Mr. Rubenstein explained the cable renewal negotiations with Charter Communications. He stated the proposal is a five-year agreement with Charter increasing the gross revenue payment from 4% to 5%. He added that Verizon agreed to increase their gross revenue payment to 5% when Charter does the same. Mr. Rubenstein explained the budget proposed from Southborough Access Media and stated that the amount of capital generated by the two agreements over five years exceeds SAM's budget by $32,000. He explained SAM is requesting to live broadcast from the Library and Public Safety Building and described the options proposed from Verizon and Charter. Mr. Rubenstein concluded that the Cable Committee voted unanimously to approve the renewal cable agreement for Charter Communications.

Chairman Healey praised the Committee for producing the agreement in a modest amount of time and asked if Charter or Verizon would be responsible for SAM's tie-in to the Town's fiber line. Mr. Rubenstein replied that SAM will be making the decision to either use Verizon's offer to provide the equipment to tie-in to the fiber line or Charter's offer to supply the Town with $5,000 to pay for the tie-in. Mr. Stivers stated that he felt the agreement was advantageous to the Town and urged the Committee to follow up and follow through with the administrative requirements for cable companies. Ms. Braccio asked if Counsel has reviewed the agreement and Mr. Rubenstein replied they had.

Mr. Stivers made a motion to approve the renewal cable agreement for Charter Communications as proposed. Mr. Shea seconded. The motion passed all in favor (5-0-0) by roll call vote, Braccio, aye; Malinowski, aye; Shea, aye; Stivers, aye; Healey, aye.

<u>Discussion with Planning Board, EDC and other stakeholders regarding potential zoning article for Downtown Business Village District</u>

Chairman Healey informed the other Boards and Committees that he read the Governor's statement for all at the beginning of the Board meeting. Mr. Morris called the Planning Board meeting to order at 7:15 P.M. Ms. Jasinski called the SHOPC meeting to order at 7:15 P.M. Ms. Luttrell of the Master Plan Committee and Mr. Wood of the EDC both announced they do not have a quorum. Chairman Healey gave a brief history of this initiative beginning from the 2008 Master Plan to today. He introduced Judy Barrett, consultant from Barrett Planning Group, LLC, and explained her role to assist in updating the zoning specifications for the downtown area. Ms. Barrett explained that in order to write clear zoning codes for any district, it must be understood what people want to see as far as activity, greenspace, and buildings. She added that the clearer the desires are for an area, the more predictable zoning becomes. Ms. Barrett asked for direction this evening so she can begin writing draft zoning changes.

Chairman Healey stated many surveys have been done to understand how residents would like the downtown to look and asked how the determination of uses impact how a zoning article will be written. Ms. Barrett explained how uses determine standards for property owners to understand what they can and cannot do by right. Chairman Healey asked about the consideration of mixed use and building a varied housing stock. Ms. Barrett explained that the clear goal from 2008 was for mixed use and explained that the intent in Southborough has been to have upper story housing above a commercial use. She said many communities are allowing mixed use and if Southborough would like this ability, she needs to understand what is clearly wanted to make sure the requirements are written deliberately. Ms. Barrett then explained why most planners encourage communities to create a new district rather than creating an overlay district.

Mr. Morris, Chair of Planning, stated he agreed that there should be a new district and explained how that would look in the Town Code. Mr. Mills stated he agreed but did not understand where the need for mixed use was coming from as most people he has talked to do not think its feasible due to parking limitations and lack of sewer services. Ms. Barrett stated she encourages mixed use and explained that if Southborough did not want this, she needs to know so the zoning can facilitate this. Ms. Luttrell agreed to creating new zoning versus an overlay district and explained that she is in favor of small-scale mix used and described what that would entail. She added that the draft Ms. Barrett created was in line with her idea of small-scale mixed use. Ms. Hoolahan stated she was also in favor of small-scale mixed use and felt that the Open Space Preservation Committee should be a key stakeholder in these discussions. She also voiced her concerns about lack of infrastructure and drainage in the downtown area. She asked the Board as the overseer of the DPW to resolve the drainage and wastewater and septic issues before moving forward with Ms. Barratt to solve zoning. Mr. Morris stated what she proposed could take decades and asked if she were suggesting to put this on hold until these issues are addressed. Ms. Hoolahan stated that was for the Board to decide. Ms. Barrett replied that in her experience infrastructure issues have been solved through mixed use developments during the redevelopment and reinvestment process. She added that she does not recommend holding the zoning progress as development can solve the infrastructure issues described. Chairman Healey stated the Board fought and won for the Main Street project which could be a catalyst to update zoning. He said the zoning progress should not be delayed because of other issues and developing Main Street stops right before downtown.

Ms. Braccio stated she supports small-scale mixed use for downtown and the renderings the EDC that depicts walkability and greenspace is what she is looking for in this area. She added she

would like the downtown to be a place to congregate and supports creating a new zoning district. She said her most important factor for downtown is one that promotes a sense of community and added that if there is going to be mixed use, there needs to be an affordability component to it. Ms. Malinowski stated the downtown should have nice places people can live and gather with a balance of open space and residential buildings. She added she is in favor of a creating a new zoning district. She asked about parking. Ms. Barrett stated it is her preference to write parking maximums. Mr. Shea stated that there have been many studies done to identify what people want to see in the downtown and those areas should be focused on. He added that the Town is taking the first step to create a means for people to get downtown safely and working to solve zoning and infrastructure issues should be done at the same time. Mr. Shea agreed to creating a new zoning district. Mr. Stivers stated downtown has a lot of assets to create a sense of community and would like to defer to Ms. Barrett for expertise in developing the district and the Board can focus on Town Meeting approval. He also would like to continue to look into parcel 54-40 to potentially create a larger footprint for the downtown. Mr. Stivers suggested designating a project manager to help streamline efforts.

Mr. Wood from the EDC explained where the thought for an overlay district came from and stated the Committee would be in support of creating a new zoning district. Ms. Connelly explained the need for diversity in the housing stock for the opportunity for young people and seniors to move and stay in Town. She suggested moving forward and following Ms. Barrett's advice as the expert and make sure everyone agrees with the vision for downtown. She added there is large support of the renderings the EDC created last year. Mr. Robbins stated that collaboration is necessary and that the option presented at Town Meeting should be clear with a unanimous consensus from all involved.

Ms. Jasinski described the need for more affordable housing units and the possibility of removing barriers for multi-family housing. She asked Ms. Barrett her views on mixed use and affordable housing. Ms. Barrett explained and warned against loading too many expectations in a small district. Ms. Jasinski explained the 40R option and Ms. Barrett felt this area was too small for a 40R development. Mr. Bhistikul explained 40R and how this could benefit the Town. Ms. Barrett agreed that there is opportunity in Southborough to look into a 40R district but does not feel the downtown is the right place for this.

Ms. Jasinski made a motion to adjourn the SHOPC meeting at 8:46 P.M. Ms. Malinwoski seconded. The motion passed all in favor by roll call vote. Mr. Mills made a motion to adjourn the Planning Board meeting at 8:47 P.M. Ms. Luttrell seconded. The motion passed all in favor by roll call vote.

Mr. Morris added that the Town Planner asked him to inform the Board that there are three items the Tree Committee has to work on before a draft gets moved to Planning and the Board. He suggested that the Board defer this item tonight and let the Tree Committee finish their work. Chairman Healey stated the next steps will take place on a number of levels and enable Ms. Barrett to begin drafting regulations for downtown. He added that the Board will get input from other stakeholders.

IV. Reports

Chairman's Report

Chairman Healey stated he received a response regarding the flagpole at the Town House and it is more favorable for the Town to resolve the issue rather than litigation. He added there is movement towards cooperation and resolution to return the flagpole to its condition prior to the most recent alterations.

Chairman Healey stated Mass Historical Society has reached out to restore the historical sign at the corner of Route 30 and Parkerville Road at no cost to the Town. He said they are going to move forward with this and will engage our Historical Commission and Historical Society to find an appropriate place for the sign.

Chairman Healey said he watched the Capital Planning meeting and they have pressed Ms. Galligan to put together as many shovel ready projects as possible. He added the Board should make sure to reach out to those outside of the DPW to ensure all projects that can be shovel ready soon are being moved forward. Chairman Healey stated there is a strong likelihood that after the election there will be an infrastructure bill in early 2021.

Chairman Healey said the Chair of the Capital Planning Committee reached out to setup a meeting and he suggested a separate meeting after October 20th. The Board agreed to October 27th.

Chairman Healy updated the Board that the Town received a 94 from the Commonwealth of Massachusetts for the Complete Streets Funding Program. He stated they are waiting for guidance from the State for the implementation plan.

Chairman Healey said he received a letter from National Grid and they do not have any projects planned for town property and therefore do not need any town property tree approvals. He said they will reach out before doing any work that impacts town land.

Chairman Healey discussed possible Executive Session topics for the October 20th meeting. He described a current litigation case, a public records request and the possibility of amending the public comment policy.

ii. Selectmen Goals-status report

Chairman Healey stated Mr. Stiver's revisions to the report were too lengthy and asked the Board to inform him of any updates to goals and any that may be missing from the report.

i. Liaison assignments

Chairman Healey explained the budget process and the current liaison relationship with the Finance Team and Advisory Committee. He voiced his concerns that a Board liaison could duplicate efforts. Ms. Malinowski stated that the Board does not have department heads in on a regular basis and they come to speak to their budgets once a year. She said with the upcoming year being challenging fiscally, she believes the Board should look at every line item and a liaison role would help members understand departments and their budgets more intimately. Mr. Stivers stated he is willing to defer to Advisory for budget items but would like to understand the longer-term opportunities or concerns. He said this would be in parallel with the budget process. Ms. Braccio supported the idea of a liaison. Mr. Shea stated that he was concerned that the Board may insert themselves too early in the process and may be duplicating efforts done by the

Finance Team and Mr. Purple. Chairman Healey proposed that between now and October 20th, he speak with Ms. Braccio to create a hybrid approach. The Board agreed.

Members' Report

i. Rent/Mortgage relief under CARES Act

Ms. Braccio explained the program and stated she spoke with the department head from Holliston Youth and Family Services to understand the setup. She stated they began with $25,000 and were overwhelmed with the response. She stated the second round of funding is available by the end of December. Ms. Braccio said she will be speaking with Ms. Cassell and will report back to the Board at the next meeting. Mr. Stivers asked how long it took Holliston to setup the program. Mr. Braccio stated it was relatively quick because funds are currently available. Mr. Stivers suggested she ask the contacts in Holliston about thresholds, if there were any negatives and a full understanding of the program. Ms. Braccio agreed.

Mr. Stivers stated he and Mr. Shea were trained on the ClearGov Budgeting System and he felt it will be helpful to track the budget process going forward. He asked if Mr. Shea had a report and update on the Deerfoot stormwater issue.

Mr. Shea stated there has not been a report from Pare Engineering as of yet. He said he and Ms. Galligan visited the location during multiple rain events last week and observed the effects. Mr. Shea added that initial indications show that an additional catch basin would not intercept the overflow adequately and requested Pare Engineering confirm that the infrastructure in place is appropriate. He added that if the infrastructure in place is deemed appropriate, then it must be ensured that the roadway is paved to ensure the drainage works properly.

Mr. Shea stated that there is an event at the Golf Course this weekend to support ALS One in honor of Mr. Wilson and Mr. Shifrin.

Town Administrator Report

Mr. Purple stated that Ms. Malinowski has also been trained on the ClearGov Budget System and it could be a great answer to a lot of questions about the budget. He added he hopes the budget will be entered into the system at the start of this week. He stated the Town Accountant is looking into the CARES Act with other communities and urged Ms. Braccio to reach out to her. Mr. Purple added that Ms. McAuliffe has also been researching other benefits of the CARES Act and she has found that additional flu clinic expenses is eligible this year as there is anticipation of more participants.

i. Community Host Agreement update – CommCan

Mr. Purple stated Ms. Hoolahan summarized the letter from CommCan and he told the Board that Town or Special Counsel may have to respond. Chairman Healey stated he would have a conversation with Town Counsel and added that there are attorneys specialized in this area of law.

ii. EDC grant aware for Shared Streets program

Mr. Purple stated Southborough received $24,500 through the efforts of EDC Coordinator Marijke Munsiff. He stated the Town will be partnering with businesses to assist in funding

outdoor tents and heaters to extend outdoor dining in addition to improvements to greenspaces downtown. He applauded the EDC for their work.

iii. Status of 2020 Executive Session minutes

Mr. Purple stated he sent the Board a memo regarding the quarterly review on Executive Session minutes and determining what should be released, released with redactions or held due to the confidential nature of the Executive Session. He described the six Executive Session meetings from 2020 and Labor Counsel suggested four of the six sets can be released in their entirety. He stated it was suggested that one not be released due to ongoing litigation and the other could be released with redactions of the union contract negotiations. Mr. Purple stated he would like to put the five on the agenda for approval to release at the next meeting. He stated he is researching previous years for any Executive Session minutes that were held for the Board to review. Chairman Healey stated he was comfortable with this process. Ms. Malinowski asked if the list provided were approved but not released and Mr. Purple confirmed that was correct. Mr. Purple added that if there is no discussion about the minutes, the Board can approve in regular session.

Mr. Purple stated there have been questions from residents regarding their water rates. He said Ms. Galligan has been gathering information for public understanding of the changes and to provide insight as to why the water bills are as they are. This information has been posted on the Town website and they will continue to post updates as more questions come in. Mr. Purple asked the Board to review and provide feedback.

V. Consent Agenda

a. Mr. Stivers held agenda item "a." Mr. Stivers asked for "Ms. Sines" on page eight be changed to "Mr. Sines." Mr. Shea asked for the last sentence on page 6, paragraph one to be changed to "Chairman Healey requested..." Ms. Malinowski wanted to revise a sentence on page four to "...they went over the budget for deferred compensation which is a straight calc." Chairman Healey made a motion to approve Open Session Minutes: September 22, 2020 with the requested revisions. Mr. Shea seconded. The motion passed all in favor (5-0-0) by roll call vote, Braccio, aye; Malinowski, aye; Shea, aye; Stivers, aye; Healey, aye.

b. Chairman Healey made a motion to approve the revision to Golf Course Committee charge. Mr. Shea seconded. The motion passed all in favor (5-0-0) by roll call vote, Braccio, aye; Malinowski, aye; Shea, aye; Stivers, aye; Healey, aye.

c. Chairman Healey held agenda item "c." One-Day alcohol license applications, Chestnut Hill Farm Events: Fall Fun on the Farm, October 1 1 and October 18; Brew Moon Hike, October 10. Ms. Braccio stated concerns regarding parking for the events. She said the Conservation Commission approved expanding the parking lot to include twenty-four spaces and with 200 people expected to attend the October 11th events, she felt there would need to be overflow parking which is in opposition of the intent of the conservation restriction. She asked that if the Board approves these events tonight, there is a caveat that there is to be no overflow parking across the line at the north side defined by Conservation and parking be kept in Farmstead Parking as approved by Conservation. Chairman Healey said he reviewed the conservation restriction and the land management plan and he did not see these events as educational as outlined in a letter from the Trustees. He felt the land management plan is being stretch beyond the spirit of its nature with these events. Mr. Stivers said he shared the concerns and never envisioned events would be held for 200 people. He added that many people would disrupt the passive recreation allowed at the farm. He stated he would like a cap on event size in the future

to not overload the infrastructure. Mr. Shea stated he did not have a strong feeling either way but felt the events are a great opportunity for residents that might not otherwise go to the farm to visit. He added that he would be in support of the events with parking limitations. Ms. Braccio stated that the events on October 11th overlap and she was concerned about traffic leaving and arriving at the same time. Ms. Malinowski stated the same concern and asked that future events be better spaced out with a plan in place for people to come in and out to maximize the twenty-four spots. Mr. Shea made a motion to approve One-Day alcohol license applications, Chestnut Hill Farm Events: Fall Fun on the Farm, October 11 and October 18; Brew Moon Hike, October 10. Chairman Healey seconded for discussion. Mr. Stivers asked if there were opportunity for the applicants to come back to the Board or limit the approval in order to spread out timing. Ms. Braccio stated she initially was open to accepting this plan but is concerned that no one would monitor or enforce parking or timing changes. The vote failed (1-0-4) by roll call, Braccio, nay; Malinowski, nay; Shea, aye; Stivers, nay; Healey, nay.

d. Ms. Malinowski asked to hold agenda item "d." Ms. Malinowski stated the Board discussed the Fire Chief being included and not his designee. She asked for this to be revised. Chairman Healey agreed and added that St. Mark's no longer needs approval for remote learning enrichment. Mr. Purple stated that St. Mark's currently has five students and do not need this approval but will monitor for future applications. Chairman Healey made a motion to approve of COVID-19 Remote Learning Enrichment forms with Ms. Malinowski's revisions. Mr. Shea seconded. The motion passed all in favor (5-0-0) by roll call vote, Braccio, aye; Malinowski, aye; Shea, aye; Stivers, aye; Healey, aye.

e. Ms. Malinowski asked to hold consent agenda item "e." Ms. Malinowski stated she spoke with Ms. Hale to ensure that when the Board approves this policy, the older policy is removed at the same time. She also wanted clarification that there is a difference between a complaint and a grievance; that a complaint goes to the ADA Committee and a grievance goes through this process. She also asked if there was a separate form for a complaint. Mr. Shea stated the article proposed at Town Meeting that was postponed due to the pandemic, read that the ADA Committee serves as a conduit to voice complaints or issues. He said he raised the question as to the intention of the article for a grievance to be different from a complaint where a complaint holds more weight. Ms. Malinowski asked if the policy should be renamed to "complaint procedure." Mr. Purple stated the bylaw in the warrant speaks about concerns complaints and suggested to change the name to "complaint form." Ms. Hale stated the template for this policy was taken from CMRPC and was revised to add information pertinent from Southborough. Ms. Malinowski asked if the form could be submitted online and Ms. Hale stated it could not but they are working with IT. She added that the ADA Committee has not held a meeting to discuss the document and Ms. Hale replied that she reached out to the Chairman of the ADA Committee and received no feedback. Chairman Healey made a motion to approve the ADA Complaint and Non-Discrimination policy modified that "grievance" be replaced with "complaint or complainant" and in approving this at the same time rescind any previous ADA policies that may conflict. Mr. Stivers seconded. The motion passed all in favor (5-0-0) by roll call vote, Braccio, aye; Malinowski, aye; Shea, aye; Stivers, aye; Healey, aye. Mr. Purple thanked Ms. Hale for her work on this and John Parent and Tim Davis for ensuring the facilities were available to those needed for inspection. He explained the grant process through CMRPC and the cost savings to the Town.

f. Chairman Healey made a motion to appoint Keturah Martin to the Capital Planning — School Research Subcommittee. Mr. Shea seconded. The motion passed all in favor (5-0-0) by roll call vote, Braccio, aye; Malinowski, aye; Shea, aye; Stivers, aye; Healey, aye.

g. Chairman Healey made a motion to sign the warrant for November 3, 2020 State Election. Mr. Shea seconded. The motion passed all in favor (5-0-0) by roll call vote, Braccio, aye; Malinowski, aye; Shea, aye; Stivers, aye; Healey, aye.
h. Chairman Healey made a motion to open the warrant for 2021 Annual Town Meeting. Mr. Shea seconded. The motion passed all in favor (5-0-0) by roll call vote, Braccio, aye; Malinowski, aye; Shea, aye; Stivers, aye; Healey, aye.

VI. Other Matters Properly Before the Board

Discussion of partial waiver for Section 12 alcohol license renewals, Calendar Year 2021

Mr. Purple stated there has been movement among other towns to discount the Section 12 alcohol license renewal fees to support businesses that are struggling due to the impact of COVID-19. He explained what these licenses were for and the process for collecting renewal applications and fees. He said most towns are discounting 25% - 50% of the fee. Mr. Stivers stated he was supportive of this and the Board agreed. There was discussion about the need to support local businesses and their current financial struggles due to the pandemic. Chairman Healey made a motion to approve a 50% credit for Section 12 alcohol license renewals for the calendar year 2021 as described in the chart provided in the packet. Ms. Braccio seconded. The motion passed all in favor (5-0-0) by roll call vote, Braccio, aye; Malinowski, aye; Shea, aye; Stivers, aye; Healey, aye.

Tree removal policy

Mr. Stivers described the open issues with the policy regarding the process for trees to be removed on scenic roads. He stated he hopes to have this item on the agenda for the October 20th meeting. Chairman Healey stated he is hesitant to approve a policy that removes the Board from the process. He added that the policy may be more intensive than necessary to address the need for due process on the removal of potential important trees. Chairman Healey said the Town has a competent Tree Warden and process for tree removal. He said he felt the current appeal process is simple and may be the better process rather than creating a potentially complicated policy. Mr. Stivers said that the proposed policy becomes complicated when the tree is on a scenic road due to State Law giving the Planning Board a direct role. Mr. Stivers stated he will reconvene and update the Board.

VII. Public Comment

None

VIII. On a motion made by Mr. Shea, seconded by Mr. Stivers and voted by roll call all in favor, Braccio, aye; Malinowski, aye; Shea, aye; Stivers, aye; Healey, aye, the meeting was adjourned at 10:18 P.M.

Upcoming Meetings
October 20, 2020
November 4, 2020

Respectfully submitted,

Kathleen Barry, Recording Secretary

List of Documents referred to at the October 6, 2020 BOS Meeting:

- FY 2021 Goals – Boards and Committees
- Public Hearing Notice for 10.6.20 meeting
- Class II Used Car Dealer's License Application for T&L Auto
- Executive Summary - Charter Cable Television Renewal License
- EDC Downtown Initiative Presentation - September 2020 Update (V2)
- Host Community Agreement ("HCA") between CommCan, Inc. ("CommCan") and Town of Southborough dated 4.29.20
- Grant Announcement - Shared Streets and Spaces
- Draft Regular Session Minutes, September 22, 2020
- Draft Golf Course Committee Charge
- One-Day alcohol license applications, Chestnut Hill Farm Events dated 10.11.20, 10.18.20 and 10.10.20
- Draft Remote Learning Enrichment Program Exemption
- Draft Town of Southborough Non-Discrimination of Rights
- Warrant for 2020 State Election
- Section 12 restaurant-club alcohol licenses
- City and Town Alcohol License Comparison Chart
- Draft Public Shade Tree Policy
- Executive Session minutes review 201005
- TTOR legal follow up
- 10.5.20 Southborough BOS liquor license response letter
- Chestnut Hill Letter of conditions Sept 2020
- Renderings for BOS mtg 10-6
- 10.6.20 M. Danza re. Town Counsel Opinion
- Letter from Attorney Cipriano to Melissa Danza dated October 5, 2020

DRAFT

MEMORANDUM

DATE: October 13, 2020

TO: Board of Selectmen

FROM: Lori Esposito, Executive Assistant Lori Esposito

SUBJECT: Extension of Outdoor Dining and Expanded Alcohol License

CC: Mark Purple, Town Administrator

Due to the recent Governor's Order extending the allowance for outdoor dining (see attached ABCC Advisory), I respectfully request the Board to consider granting an extension allowing outdoor dining to continue for 60 days after the current COVID-19 state of emergency has ended. Both businesses in town that are currently permitted for outdoor dining, Tomasso's and Hola!, are interested in being granted this extension; the Order allows the Board to issue a blanket approval rather than by individual consideration. If approved, the attached alcohol license extensions would replace the existing permits that are set to expire on November 1, 2020.

Thank you for your consideration.

Commonwealth of Massachusetts
Alcoholic Beverages Control Commission
95 Fourth Street, Suite 3
Chelsea, Massachusetts 02150

Jean M. Lorizio, Esq.
Chairman

ALCOHOLIC BEVERAGES CONTROL COMMISSION ADVISORY REGARDING EXTENSION OF ALLOWANCE OF OUTDOOR TABLE SERVICE

On September 10, 2010, Governor Charlie Baker issued an Order Making Certain Phase III Adjustments (also known as COVID-19 Order No. 50), which extends the period for outdoor table service by licensees licensed for on-premises consumption. The text of the Governor's Order can be found HERE.

Pursuant to this Order, local licensing authorities ("LLA") may approve requests for expansion of outdoor table service or extensions of earlier granted approvals issued pursuant to Section 4 of COVID-19 Order No. 35[1], from November 1, 2020, for any period up to and until sixty (60) days after the end of the state of emergency. The LLA may issue extensions automatically to all licensees, or may do so on request from individual licensees.

The LLA may modify any prior approvals as the LLA deems proper and appropriate, including addressing snow removal, pedestrian traffic, and other similar concerns.

Any licensee that was previously granted approval but is not granted an extension by the LLA may still operate outdoor table service until November 1, 2020.

ABCC approval is not required on these extensions. Upon approval from the LLA the LLA may issue the amended license forthwith. The LLA must provide notice by mail to the ABCC on all application approvals. For further guidance on the process of approving and issuing these amended licenses LLAs should consult with their counsel.

Please be aware that all expanded premises approved pursuant to this Order are only effective through sixty (60) days after the end of the state of emergency and revert to their original licensed premises on that date.

The ABCC continues to retain supervision and oversight of all alcohol licensees, including those that expand their licensed premises pursuant to this Order. As always, all licensees must ensure that they comply with the laws of the Commonwealth of Massachusetts, and that sales of alcoholic beverages take place only as authorized by federal, state, and local law. All questions should be directed to Executive Director Ralph Sacramone at (617) 727-3040 x 731.

(Issued September 11, 2020)

[1] The text of COVID-19 Order No. 35 can be found HERE.

Town of Southborough, Massachusetts

TEMPORARY LICENSE EXTENSION

On June 6, 2020, Governor Charlie Baker declared that the Commonwealth had entered Phase II of its reopening plan. According to the Governor and the Executive Office of Housing and Economic Development, licensees for on-premises consumption of alcohol may commence outdoor seated service, provided food is prepared on-site under a retail food permit issued by a municipal authority pursuant to 105 CMR 590.000.

This is to certify that the Board of Selectmen of the Town of Southborough has granted a temporary license to:

L Carpentier Inc., d/b/a Tomasso Trattoria & Enoteca
154 Turnpike Road

DESCRIPTION OF OUTDOOR PREMISES:

Four (4) parking lot spaces immediately adjacent to the sidewalk in front of the restaurant, with a total of up to 7 tables, containing 4 seats per table, for a maximum outdoor occupancy of 28.

FOR THE SALE OF: **All Alcoholic Beverages**

This license is granted and accepted upon the express condition that the license shall, in all respects, form to all the provisions of the Liquor Control Act, Chapter 138 of the General Laws as amended, and any rules or regulations made thereunder by the Board of Selectmen.

IN TESTIMONY WHEROF, the undersigned have hereunto affixed their official signatures on October 20, 2020

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_____

Board of Selectmen (Local Licensing Authority)

Expires: **60 days after** the COVID-19 state of emergency is declared ceased, or the Governor's COVID-19 Order No. 50 is rescinded; whichever is sooner.

Town of Southborough, Massachusetts

TEMPORARY LICENSE EXTENSION

On June 6, 2020, Governor Charlie Baker declared that the Commonwealth had entered Phase II of its reopening plan. According to the Governor and the Executive Office of Housing and Economic Development, licensees for on-premises consumption of alcohol may commence outdoor seated service, provided food is prepared on-site under a retail food permit issued by a municipal authority pursuant to 105 CMR 590.000.

This is to certify that the Board of Selectmen of the Town of Southborough has granted a temporary license to:

150 Southborough LLC, d/b/a Hola!

154 Turnpike Road, Suite 150

DESCRIPTION OF OUTDOOR PREMISES:

Seven (7) parking lot spaces immediately adjacent to the sidewalk in front of the restaurant, with a total of 14 tables, containing 4 seats per table, for a maximum outdoor occupancy of 56.

FOR THE SALE OF: **All Alcoholic Beverages**

This license is granted and accepted upon the express condition that the license shall, in all respects, form to all the provisions of the Liquor Control Act, Chapter 138 of the General Laws as amended, and any rules or regulations made thereunder by the Board of Selectmen.

IN TESTIMONY WHEROF, the undersigned have hereunto affixed their official signatures on October 20, 2020

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Board of Selectmen (Local Licensing Authority)

Expires: **60 days after** the COVID-19 state of emergency is declared ceased, or the Governor's COVID-19 Order No. 50 is rescinded; whichever is sooner.

FY 2021 Goals - Boards and Committees.	In Progress	Recent Steps	Completed
OML training and support/training for running Open Meetings.	XX	XX	
Promote and enforce Town Email Use Policy.	XX		
Update, consolidate and promote compliance with general policies.	XX	XX	
Encourage and provide support for televising meetings.			
Encourage and provide support for composite agendas and packets.			
Enhance informational outreach and recruiting for volunteers (forum).	XX	XX	
Conduct public comment at beginning & end of meetings			XX
Review and update descriptions and charges.	XX	XX	
FY 2021 Goals - Community Initiatives			
Coordinate and oversee Downtown Initiative.	XX	XX	
Coordiate communication/roundtables with local businesses.			
Pursue PILOT initiatives, including community center and projects.	XX		
Pursue "bike friendly" policies and explore Biking Committee.			
300th Anniversary planning, including Committee creation.	XX	XX	
FY 2021 Goals - Employees			
Create Employee Handbook.			
Update job descriptions for BoS staff.	XX	XX	
BoS review of annual staff performance reviews.	XX	XX	
Review staffing and BoS office organization.	XX		
Analyze Personnel Board/Town Administrator authority.	XX	XX	
FY 2021 Goals - Infrastructure			
Explore municipal electric plant.			
Natl Grid parcel 54-40	XX		
Assimilate Pine Hill Rd into Town Water re: Fire (via MWRA)	XX	XX	
FY 2021 Goals - Long Range/Strategic Planning			
Explore establishing grant writing position(s).	XX		
BoS training, reporting and hiring initiatives re: diversity and inclusion.	XX	XX	
FY 2021 Goals - Municipal Finance			
Additional approval/oversight on appropriation line items.			
Schedule quarterly budget updates (Finance Director).			XX
Establish budget narratives, including long-term impacts.			
Establish BoS budget liaisons.	XX	XX	
Communicate BoS position to departments re: new FTEs.			XX
Establish long-term capital plans (with Capital Committee).	XX	XX	
Explore generating additional commercial tax revenue.			
Identify and establish a roster of Town service contracts.	XX	XX	
Review contracted services and explore re-bidding.	XX	XX	
Maximize potential Covid-19 reimbursements and grants.	XX		
Coordinated budget discussions with Advisory, Capital and Schools.	XX	XX	
FY 2021 Goals - Organizational			
Quarterly newsletter.	XX		
Explore public safety regional dispatch.			
Evaluate organizational processes: postage; mailings; data exchanges.			
Budget software implementation.	XX	XX	
Pursue policies and projects for 40B threshold.	XX	XX	
Customer service survey re: Town departments.			

COMMUNITY NEWSPAPER COMPANY

GateHouse Media New England

Community Newspaper Co. – Legal Advertising Proof

15 Pacella Park Drive, Randolph, MA 02368
l800-624-7355 phone l 781-961-3045 fax

Order Number: CN13914044
Salesperson: Deborah Dillon

Lori Esposito
Southborough Selectmen
17 Common St
Southborough, Ma 01772-9109

Title:	**MetroWest Daily News Legals**	**Class:**	
Start date:	**10/6/2020 10/6/2020**	**Stop date:**	
Insertions:	**1 29 ag**	**#Lines:**	

10/20/2020 HEARING

LEGAL NOTICE
of
PUBLIC HEARING
Town of Southborough

The Southborough Board of Selectmen shall hold a public hearing with the Board of Assessors on Tuesday, October 20, 2020 at 6:30 p.m. to determine the certified valuation of each class of property, the minimum residential factor, and the allocation of the tax burden among the four classes of real property: residential, open space, commercial and industrial, and personal property. The public hearing will be held in a virtual meeting and may be viewed by the public through a link located at https://www.southboroughtown.com/remotemeetings. All interested parties are encouraged to view and/or participate. Additionally, interested citizens may present written views prior to the public hearing.

Board of Selectmen and Board of Assessors

AD#13914044
MWDN 10/6/20

UPDATED 10-19-20

Fiscal Year 2021
Tax Classification Hearing

October 20, 2020

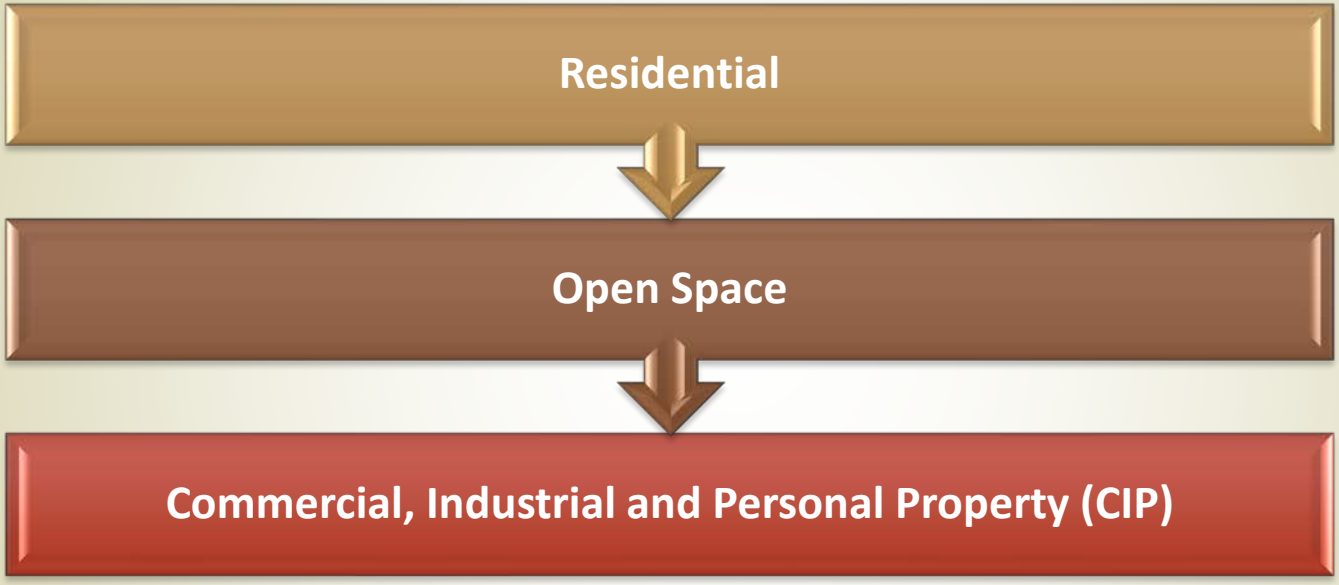
Prepared For:
Southborough Board of Selectmen
Martin Healey, Chairman
Lisa Braccio, Vice-Chair
Sam Stivers
Brian Shea
Chelsea Malinowski

Prepared By:
Southborough Board of Assessors
Jeffrey Klein, Chairman
Tammi Rice, Vice-Chairman
Arthur Holmes, Member

Paul Cibelli, Principal Assessor
Coryn Dias, Deputy Assessor

What is Tax Classification?

Allows communities to have different tax rates for certain classes of property:



State Statute:

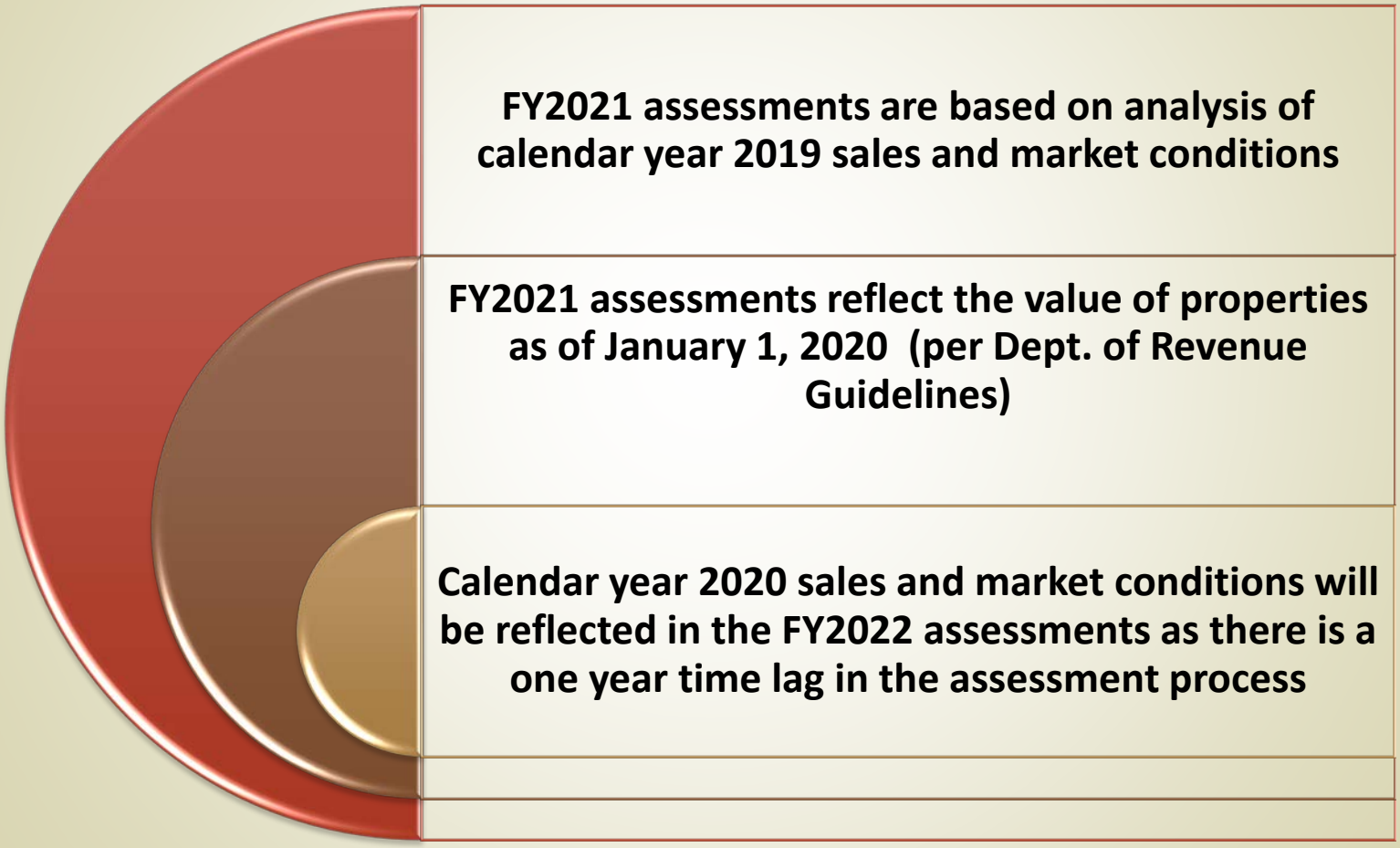
Provides a maximum allowable portion of the tax levy (up to 150%) to be borne by the CIP classes

Provides a minimum allowable portion to be borne by the residential class

Tax Classification / Key Concepts

- **Allows the Board of Selectmen to make the decision whether or not to shift tax burden from one class of property to another**
- **No additional tax dollars are raised as the tax levy remains the same**
- **Town of Southborough has never had a split tax rate**
- **Issue of fairness between property classes**

Fiscal Year Assessments



What is Happening to Assessments?

- **Overall assessments are on the rise**
  - **Residential class increased 4.55%**
  - **Commercial class increased 0.88%**
  - **Industrial class increased 10.10%**
  - **Personal Property class increased 15.82%**

- **Towns total valuation increased by $126.55 million to a new high of $2.752 billion in FY21**

Fiscal Year 2021 New Growth

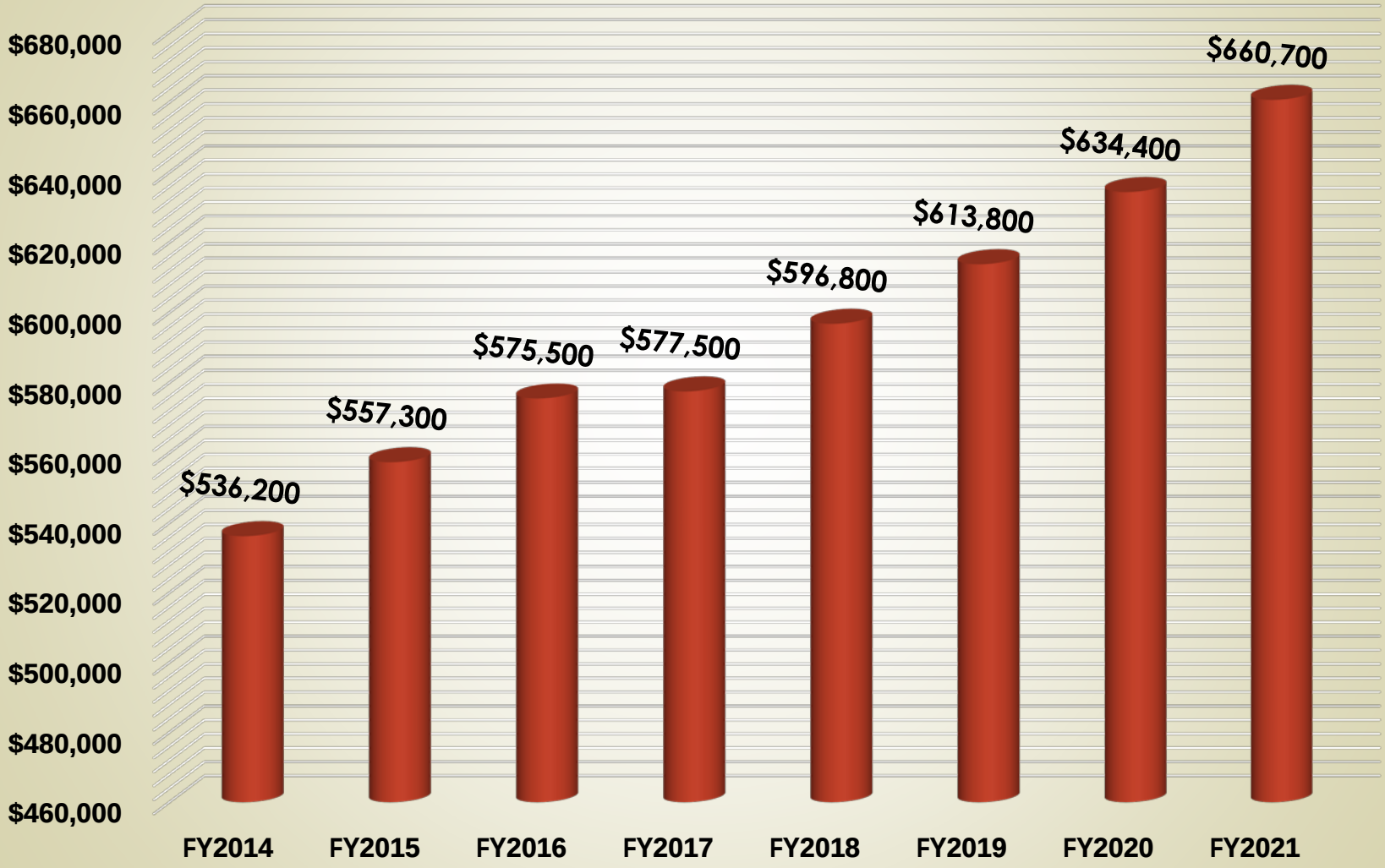
The Assessors calculated $47,349,518 million in *new growth* value within the Town

This represents $788,843 in *new growth* tax dollars

Results in a 11.89% decrease in *new growth* from FY2020

10 Year New Growth Average = $659,886

Average Single Family Assessed Value



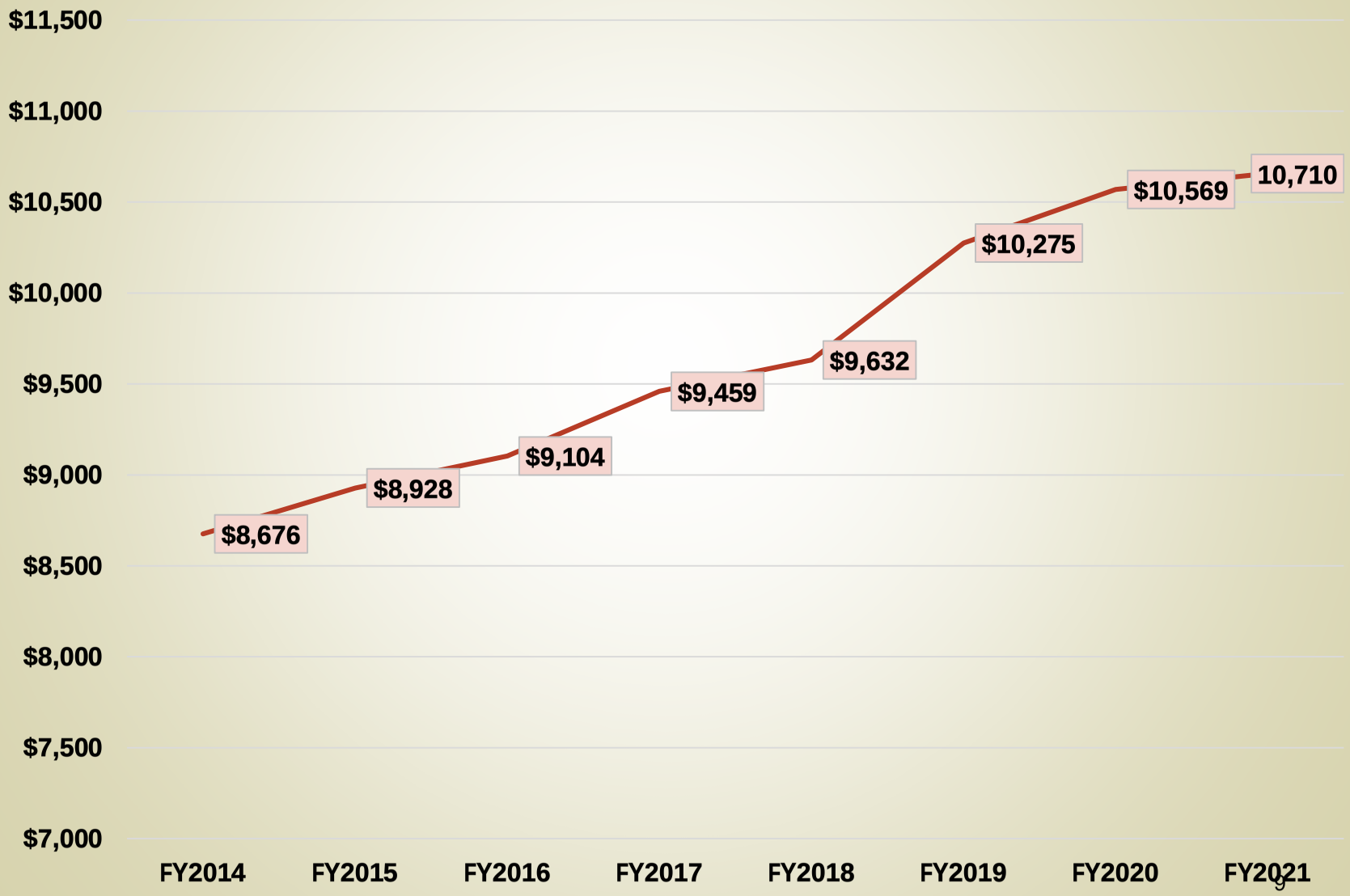
Single Rate Impact
(Residential)

FY2021 tax rate would decrease from $16.66 to $16.21

The average single family tax bill would rise from $10,569 in FY2020 to $10,710 in FY2021, a $141 or 1.33% increase *

- **Excluding the Community Preservation Act surcharge**
  (Avg. Single Family Home = $90.89)

Average Single Family Tax Bill History



Single Rate Impact
(Commercial, Industrial, Mixed-Use)

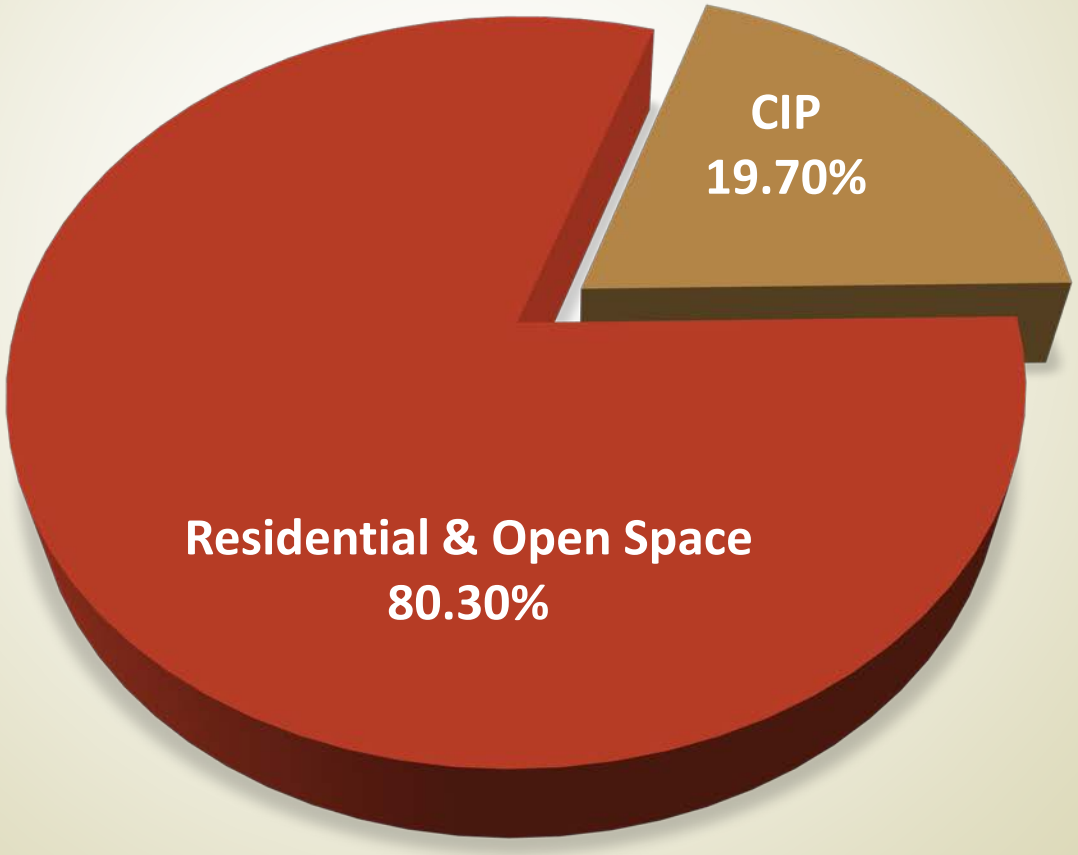
The average assessed commercial, industrial, mixed-use improved property rose from $3,066,400 to $3,141,300 a 2.4% increase

The average commercial, industrial, mixed-use tax bill would fall from $51,086 to $50,920 or a .32% decrease *

- **Excluding the Commercial Preservation Act surcharge**
  (Avg. C&I, Mixed-Use = $509.20)

Relationship of Class Values

Fiscal Year 2021



Recommendation

The Board of Assessors unanimously recommend continuing with a single tax rate for fiscal year 2021

COVID-19

- **Businesses of all size are struggling to survive**
- **End of pandemic is unknown leaving the future of businesses unclear**
- **Not the time for additional tax burden to be placed on the CIP classes**

Reasons Why……

With the relatively small percentage of value that comes from the CIP (19.70%), a split rate would only produce a small savings to the residential class and would increase the CIP classes making Southborough a less attractive place to conduct business

The Board believes a single tax rate helps a small town like Southborough attract new business into the community while retaining those already located in town

Expanding business within the community provides new tax dollars with little impact on costly town services

Reasons Why……

Although CIP properties only account for 5.74% of Southborough's taxable parcels, they generate 19.70% of the Town's total tax revenue

This figure includes personal property taxes which many businesses pay in addition to their real estate taxes

Southborough's CIP is comprised of mostly small businesses not big box stores or large corporations

The Board of Assessors also recognizes the role businesses play in contributing additional funds to support many of the Town's athletic, recreational and community events

Additional Facts

- **242 out of 351 (69%) Massachusetts communities had a single tax rate in fiscal year 2020**
- **April 2015 Town Meeting voted overwhelmingly to defeat a non-binding article to have a split tax rate**
- **April 2015 Town Meeting voted to fund a part-time Economic Development Coordinator to help expand future business development within the community, thus a split tax rate would be prohibitive to the EDC's goals**

Tax Rate Shift Impact

SINGLE TAX RATE SCENERIO

SINGLE FAMILY HOME		C & I IMPROVED PROPERTY	
Average Value	$660,700	Average Value	$660,700
Tax Rate (per $1,000)	16.21	Tax Rate (per $1,000)	16.21
Average Tax Bill	$10,710	Average Tax Bill	$10,710

5% TAX RATE SCENERIO

SINGLE FAMILY HOME		C & I IMPROVED PROPERTY	
Average Value	$660,700	Average Value	$660,700
Tax Rate (per $1,000)	$16.01	Tax Rate (per $1,000)	$17.02
Average Tax Bill	$10,578	Average Tax Bill	$11,245
Tax Decrease	$132	Tax Increase	$535
Decrease	1.23%	Increase	5.0%

FY2020 Tax Rates of Surrounding Communities

COMMUNITY	SPLIT-RATE	RES. RATE	COMM. RATE
Ashland	NO	$16.66	
Berlin	YES	$15.79	$27.84
Bolton	NO	$20.39	
Boylston	NO	$16.54	
Framingham	YES	$14.98	$32.30
Grafton	NO	$16.50	
Holliston	NO	$18.85	
Hopkinton	NO	$16.82	$16.80
Hudson	YES	$16.61	$33.12
Marlborough	YES	$14.18	$25.22
Natick	NO	$13.61	
Northborough	NO	$17.25	
Shrewsbury	NO	$12.47	
SOUTHBOROUGH	**NO**	**$16.66**	
Sudbury	YES	$18.45	$24.97
Wayland	NO	$17.76	
Westborough	NO	$18.32	

Residential Exemption
Small Commercial Exemption

Residential Exemption

- Shifts tax burden within the residential class from lower assessed properties to seasonal, rental and higher assessed properties.
- Allowed only on residential property that is a primary residence of the taxpayer.
- If adopted, the residential exemption may be up to 35% of the average assessed value of all residential parcels.
- Accepting this option **increases** the residential tax rate only.
- Typically, this exemption is adopted in areas with a low rate of owner occupancy.

	Without Exemption		With Exemption @ 10%				
Assessed Value	Tax Rate	Tax Bill	Exemption Amount	Net Taxable Value	Tax Rate	Tax Bill	Difference
$400,000	$16.21	$6,484	$62,045	$337,955	$17.78	$6,009	($475)
$660,700		$10,710		$598,655		$10,644	($66)
$850,000		$13,779		$787,955		$14,010	$231

Any owner occupied home assessed over $702,645 would pay **more** while those below would pay **less**.

*** Previously 15 of 351 communities adopted a residential exemption in FY20**

Small Commercial Exemption (SCE)

Grants a small commercial exemption to all Class Three commercial properties that are occupied by businesses with an average annual employment of no more than ten people and an assessed valuation of less than $1,000,000

Adopting this exemption increases the commercial and industrial tax rates

This exemption creates a tax burden shift that reduces the taxes paid by owners of properties occupied by small businesses and shifts them to larger commercial and industrial taxpayers

The amount of tax levy paid by those two classes remain the same

The exemption is for the property owner, not the small businesses

*** Previously 14 of 351 communities adopted a SCE in FY20**

Recommendation

The Board of Assessors unanimously recommend not to adopt the Residential and Small Commercial Exemptions as they are not relevant to this community

Further Action Items

- **Selectmen Discussion**
- **Public Comment**
- **Selectmen Vote**

1) Split Tax Rate
2) Residential Exemption
3) Small Commercial Exemption

Position Title: Town Administrator

Statement of Duties

Serves as the Chief Administrative Officer of the Town for the Board of Selectmen [Chief Executive Authority]. In such capacity, provides professional administrative, technical and supervisory work in managing and directing town activities, departments and projects on behalf of the Board of Selectmen including the establishment of departmental goals and objectives, policies and regulations. Researches, analyzes and recommends changes in town policies, personnel, systems and procedures, and serves as liaison and coordinator between town officials, employees and citizens; all other related work as required including reports to the Board of Selectmen as the Board may direct.

Supervision

Works under the general policy direction of the Board of Selectmen, in accordance with town bylaws, policies and procedures, as well as state and federal statutes. Functions with considerable independence and is directly accountable for actions.

Performs highly responsible work of a complex nature requiring the exercise of independent judgment and initiative in providing professional guidance to the Board of Selectmen, department heads, Town departments, boards and committees, concerning the long-range planning, development, implementation and administration of policies, goals, regulations, and statutory requirements related to the administration and operation of the Town. Position involves analyzing administrative problems and recommending and implementing solutions.

Has direct supervisory responsibility for all department heads reporting to the Board of Selectmen, staff within these departments, and several part-time positions. Responsible for coordinating the work and administrative activities of those employees not reporting directly to the Board of Selectmen. Evaluates department heads; manages labor relations issues and recommends disciplinary actions to Board of Selectmen. Recruits, screens and recommends personnel to the Board of Selectmen for appointment.

Job Environment

Work is performed under typical office conditions. Position requires frequent night meetings and work on weekends as needed; may be contacted at home at any time to respond to important situations and emergencies. May be required to attend community and civic events to represent the Town.

Prepares and administers the operating and capital budgets of the Town.

Operates a computer and associated technical software, and general office equipment such as a calculator, e-mail, facsimile, and other modes of communication.

Makes constant and direct contact with the public requiring significant perceptiveness and discretion with all departments and boards, members of the business and civic community, labor union representatives, attorneys, and state, federal and local officials as well as the media. Contacts require excellent customer services skills, persuasiveness, and resourcefulness.

Has access to a variety of confidential information. Position requires the use of extensive good judgment and initiative within policies and procedures that may require interpretation and direction to others and developing appropriate responses.

Errors in judgment could have a significant and continuous effect on the town's ability to deliver services and may have direct financial and legal repercussions, loss of revenue, damage to buildings or equipment, injury to employees, and cause considerable adverse public relations and potential liability to the Town. Responsible for the safety of all town employees and building operations.

Essential Functions

The essential functions or duties listed below are intended only as illustrations of the various types of work that may be performed. The omission of specific statements of duties does not exclude them from the position if the work is similar, related, or a logical assignment to the position.

The Town Administrator is the Chief Administrative Officer of the Town for the Board of Selectmen as Chief Executive Authority and is responsible for the administration of certain Town affairs. In addition, the Town Administrator is responsible for:

- Setting guidelines for budget parameters in consultation with the Board of Selectmen;
- Developing and submitting the annual capital plan;
- Working with all appointed and elected boards on behalf of the Board of Selectmen to reach agreement on budget guidelines previously set by the Selectmen;
- Preparation, format and presentation of the annual budget for all departments, boards and committees; Presents the total budget package (including the annual capital plan) to the Advisory Committee.
- Oversees and is responsible for the planning, administration, personnel management, procurement of services/equipment, and coordination of the daily operation of the Town;
- Provides leadership and direction in the development of short and long-range plans; gathers, interprets and prepares data for studies, reports and recommendations.

- Provides professional advice to Selectmen, other boards and committees and department heads;
- Makes presentations to boards, Town Meeting and the general public;
- Prepares the agenda, attends all meetings of the Board (unless otherwise excused), and briefs board members on meeting discussion, alternatives and resolutions;
- Receives and makes appropriate disposition or referral of all Board correspondence and communications;
- Anticipates the needs of the Selectmen for information and background material;
- Ensures that all decisions of the Board are carried out;
- Keeps the Board fully advised regarding departmental operations and financial health;
- Establishes goals, objectives and policies based on the needs of the Town;
- Provides supervision, direction and guidance including regular communication and development of said goals/objectives for all Town staff and reporting department heads;
- Assists all department(s) in any administrative or operational areas to insure regulatory, statutory or procedural compliance;
- Responsible for managing the collective bargaining process on behalf of the Board of Selectmen and negotiation of employment contracts subject to the approval of the Board of Selectmen. Develops bargaining concepts and strategies for the Board's approval. Attends all bargaining sessions and/or grievance hearings. Advise officials on the impact of contract terms on personnel system, wage administration and fiscal objectives;
- Consults with department heads and all employees on human resource issues;
- Serves as the Board of Selectmen's representative to town boards, committees, local, state and federal agencies as so directed.
- Negotiates and assists citizens in their interaction with all Town departments, boards and committees
- Responds to oral and written inquires, requests for assistance, and complaints; Investigates complaints and develops responses and, when appropriate, directs corrective action after consultation with the Board of Selectmen;
- Prepares all Town meeting warrants and motions. Develops and compiles background materials for town meeting and shall be available at Town Meeting to assist the Board of Selectmen as needed;
- Oversees all Town automated management information systems and, makes recommendations for improvements relative to systems;
- Oversees the coordination and compilation of annual Town report;
  Facilitates annual license renewals and board and committee appointments, as well as any other procedures which are under the statutory authority of the Board of Selectmen;
- Approves grant applications for all departments consistent with state statute and Town by-laws;

- Oversees all Town building maintenance, construction, repairs and rental/use of Town facilities, consistent with Town by-laws and state statutes under the authority of the Board of Selectmen.
- Undertakes special projects as assigned by the Board of Selectmen;
- In the absence of the Board of Selectmen, or at their direction, serves as the Chief Information Officer and responds to crisis or matters of public relations.

Recommended Minimum Qualifications

Education and Experience

Degree in finance, public/business administration or related field; master's degree preferred; Minimum of Five (5) years of municipal management experience as a Chief Administrative Officer, or a related field; municipal management strongly preferred, or any equivalent combination of education and experience. Knowledge of Massachusetts's General Laws, labor relations, personnel administration, municipal finance and town meeting process. Experience with elected officials and volunteer boards a plus.

Knowledge, Ability and Skill

Knowledge: Thorough knowledge of Massachusetts General Laws (Chapter 30B, 32B), and federal statutes (FLSA, FMLA, AA/EEO/ADA etc), pertaining to municipal government including finance, budget, personnel policies and practices, collective bargaining, IT management and operations. Expertise in the operation and organization of municipal government. Sufficient knowledge of emerging technologies and to recognize its value to the Town. Comprehensive knowledge of the various financial requirements of municipal government. Proficiency in various computer software and hardware applications.

Ability: Ability to direct and evaluate the work of department heads as well as professionals and other subordinates including office staff. Ability to plan, organize, and direct the development of projects, the preparation of reports, analyzes problems and formulates recommendations. Ability to bring people together around complex goals and develop consensus among community groups and individuals that may not share common priorities. Ability to establish and maintain harmonious and effective working relationships and deal appropriately with employees, board/committee members, agencies and officials, media and the public. Ability to prioritize and manage multiple tasks, and delegate authority in a prompt and effective manner. Ability to negotiate contracts, agreements and appropriate working arrangements and achieve timely results under stressful circumstances. Must be comfortable with public speaking and possess meeting presentation skills.

Skill: Strong oral communication skills and the ability to represent the Town before an array of organizations including providing statements to the media. Excellent writing

skills required to prepare various reports and position papers. Strong organizational skills and the ability to manage a large number of projects and tasks. Skill in the utilization of technology as a means of strengthening the organization and its services. Professional skills related to customer service. Skill in remaining non-political, yet understanding local government politics.

Physical Requirements

Minimal physical effort generally required in performing duties under typical office conditions. Position requires the ability to operate and view a keyboard and standard office equipment. The employee is frequently required to use hands to finger, handle, or feel objects, tools or controls and reach with hands and arms. The employee is frequently required to sit, talk and hear. Incumbent may be required to lift up to 10 pounds. Equipment operated includes automobile, office machines, pager and computer.

Other Requirements
Must possess a valid Massachusetts current Driver's License

TOWN VOLUNTEER FORM

You are invited to participate in the government of your community. The Town Moderator and the Board of Selectmen are responsible for appointing a number of committees that oversee specific areas. The appointed committees, their membership, and their terms are listed on the town website.

If you are interested in serving, please fill out this form [and attach a resume and/or letter of interest] and mail it or take it to the receptionist in the Town House, 17 Common Street, Southborough, MA 01772 [there is a drop box outside the Town House]. You may also fax it to the Selectmen's Office at 508-480-0161. When an opening occurs, you will be called to discuss whether the position interests you. The Selectmen's Office can be reached at 508-485-0710 or by email at selectmen@southboroughma.com.

Name: Sue Luh Phone _____

Address: 1405 Madison Place Southborough, MA

E-mail: _____

Occupation: non profit

Are you a registered voter? ☐ YES ☒ NO

Indicate your area of interest:

	Building	x	Library
	Celebrations		Open Space
	Conservation		Personnel
x	Education		Planning
x	Elderly		Recycling
	Facilities		Recreation
x	Finance	x	Regional Issue
	Health		Town Scholarship
	Historic District		Trails
	Housing	x	Youth

Other: disability

Interest and the willingness to give time to the government of your community is the prime prerequisite for serving on a town board. There are no formal requirements, but if you have specific areas of training or job expertise that are related to your area of interest in town government, please complete the following sections.

Education and training:

Attended University of Chicago, University of Illinois at Urbana Champaign, Harvard University

Experience in government:

None

RECEIVED
By Town Clerk/rhc at 4:56 pm, Nov 17, 2020

TOWN OF SOUTHBOROUGH

BOARD OF SELECTMEN Meeting Minutes

Meeting Date: Tuesday, October 27, 2020, 6:30 P.M.
Location: Virtual Meeting through Zoom
Present: Marty Healey, Lisa Braccio, Chelsea Malinowski, Brian Shea, Sam Stivers and Town Administrator Mark Purple

I. Chairman Healey called the meeting to order at 6:30 P.M. Chairman Healey read the following statement:

Pursuant to Governor Baker's March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, §18, and the Governor's March 15, 2020 Order imposing strict limitation on the number of people that may gather in one place, this meeting of the Southborough Board of Selectmen will be conducted via remote participation to the greatest extent possible. Specific information and the general guidelines for remote participation by members of the public and/or parties with a right and/or requirement to attend this meeting can be found on the Town of Southborough's website, at https://www.southboroughtown.com/. For this meeting, members of the public who wish to watch or participate in the meeting may do so in the following manner by finding the meeting at: https://www.southboroughtown.com/remotemeetings. No in-person attendance of members of the public will be permitted, but every effort will be made to ensure that the public can adequately access the proceedings in real time, via technological means. In the event that we are unable to do so, despite best efforts, we will post on Southborough's website an audio or video recording, transcript, or other comprehensive record of proceedings as soon as possible after the meeting.

II. Public Comment

III. Scheduled Appointments

<u>6:30 P.M. – Joint Meeting with Capital Planning Committee</u>

i. Review and Discussion, RE: Proposed FY22 Capital Plan

Mr. Malinowski walked the Board through the presentation included in the packet. He explained what capital improvements were not included, what was deferred and what should be accelerated. He stated that the Committee reviewed and voted on all fiscal year 2022 capital items. Mr. Malinowski explained the process followed for capital needs and requests by department. He gave a review of what has been approved by Town Meeting the prior year and what is coming in the next years to understand what is still being paid and what is anticipated in the future. Mr. Malinowski walked the Board through capital items by department as included in the packet. Mr. Stivers asked if any of the vehicles listed for replacement at the DPW were considered to be leased instead of purchased. Mr. Malinowski stated that is an ongoing conversation and explained which vehicles were being considered for lease and how Ms. Galligan purchases vehicles. Chairman Healey asked if the Library renovation and the exterior renovation and window work at the Town House could be CPC funded. Mr. Malinowski stated it was his understanding that they could not. Mr. Parent explained that the majority of the Library work will be done on the newer non-historical section and would not qualify for CPA funding. He explained that the renovations at the Town House include bringing the bathroom to meet building codes.

Mr. Malinowski described the capital needs and requests for the Fire Department. Ms. Malinowski asked the process for the turnout gear fund for new hires and Chief Achilles explained. Mr. Stivers asked about grants for the fire turnout gear fund and Mr. Malinowski replied that a grant for turnout gear could be disadvantageous as it would require the department to replace all the gear at once instead of using the turnout gear lifecycle process described earlier. Chief Achilles agreed and explained the grant process.

Mr. LaFlamme explained his need to replace the physical servers and the vendors he uses for his hardware. Mr. Stivers suggested seeking a connection at DELL to receive additional discounts. Mr. Malinowski walked the Board through the needs of the Police Department and Recreation projects. He then summarized the items deferred or removed from the capital budget. Ms. Malinowski asked what needed to be done to ensure the Cordaville Road project was shovel ready. Mr. Malinowski described the process proposed by Ms. Galligan and her hesitations of holding public hearings a Zoom environment. Mr. Shea asked if easements were required for this project and Mr. Malinowski stated he was told there were not. Mr. Stivers supported the idea of a shovel ready project list and asked if it were possible to move funds from the Chapter 90 allocation for shovel ready projects. Mr. Malinowski replied that he would like the Committee to collaborate with the Public Works Planning Board to look into this further. Mr. Stivers agreed. Chairman Healey stated he was in favor of deferring the Cordaville Hall project and explained his reservations of staying below a funding threshold to avoid additional ADA requirements. Mr. Malinowski explained that Cordaville Hall would be evaluated differently if the school discussion falls through. He stated that this location may not be the right site for the seniors and there could possibly be a better long-term solution. He said there will be better clarity on this matter in January.

Chairman Healey asked if an emergency generator is needed at the Town House. Mr. Parent explained the risk of not having a generator is the same as prior years. He then explained plans put in place to ensure the building would be protected and the phone lines supported during a weather emergency. Mr. Malinowski explained the items the Committee is reviewing for future funding and requested the Boards vote on multiple items. Mr. Malinowski added that if there are any hesitations regarding the items discussed this evening, that the Board provide feedback. Chairman Healey asked for clarification on the vote and Mr. Malinowski and Mr. Purple explained. Ms. Malinowski stated that she supports the list presented with one concern that if the operating budget creates a larger increase than what is palatable for the Town, an option to bond items over a long period or look at other resources be reviewed. Mr. Shea stated he supports the items recommended by the Committee and suggested Mr. Purple and Mr. Ballantine use these numbers in their initial budget. He added that depending on the proposed tax rate increase, the Board may have to revisit these items. Mr. Stivers and Ms. Braccio agreed.

Chairman Healey made a motion to support the recommendations the Capital Committee presented tonight for items to go forward for fiscal year 2022 and other items be deferred or not put forward in fiscal year 2022 and consistent with that, the Town Administrator and Finance Team include those numbers into the fiscal year 2022 ongoing budget process. Mr. Shea seconded. The motion passed all in favor (5-0-0) by roll call vote, Braccio, aye; Malinowski, aye; Shea, aye; Stivers, aye; Healey, aye.

Mr. Shea made a motion to support the setup of a warrant article for a fire turnout gear replacement fund. Ms. Malinowski seconded. The motion passed all in favor (5-0-0) by roll call vote, Braccio, aye; Malinowski, aye; Shea, aye; Stivers, aye; Healey, aye.

Chairman Healey made a motion to declare the emergency generator from the old Fire Station at 21 Main Street as surplus property. Mr. Shea Seconded. The motion passed all in favor (5-0-0) by roll call vote, Braccio, aye; Malinowski, aye; Shea, aye; Stivers, aye; Healey, aye.

ii. Discussion, RE: Proposed Capital Planning policy

Mr. Malinowski stated the Committee has been looking at other policies from similar towns and asked the Board to review and solicit feedback to him. He stated they hope to have a policy submitted to the Board for approval in November. Chairman Healey stated that there is a bylaw about the Advisory Committee which limits their ability to volunteer for other committees. He stated that the bylaw is appropriate but Advisory members should be able to sit on a Capital Committee. Mr. Malinowski asked if he was advocating that the Capital Committee convert from an ad-hoc committee at some point and Chairman Healey replied that he felt it had to. He added that he believes the Capital Planning Committee should be a permanent committee with specific guidance provided for and it is advantageous for Advisory members to serve. Ms. Cook stated that she fully supports this but does not support making it mandatory that Advisory members serve on the Capital Planning Committee. Mr. Malinowski stated he will circulate the research the Committee has done regarding the policy and stated that the Committee has some points they feel strongly about. Mr. Malinowski made a motion to adjourn his meeting at 8:13 P.M. Ms. Braccio seconded. The motion passed by roll call all in favor.

<u>Review of latest VMUD draft for Downtown Initiative</u>

Ms. Braccio gave a brief update of when the EDC and Planning Board will be meeting to review this document. She stated the goal is to present this as a warrant article at Spring Town Meeting. She asked the Board to hold another joint meeting after feedback from all stakeholders was given to Ms. Barrett regarding her first draft. Feedback from all parties are to be turned in to Ms. Esposito on November 6th. Chairman Healey agreed to a joint meeting and asked that additional stakeholders be made aware of the meeting. Ms. Braccio stated she felt the affordable housing component needed more work. She provided more feedback and stated she will include her comments in the feedback document provided by Ms. Barrett. Chairman Healey asked that residents and businesses in the downtown district and abutters get notice of the meeting. Mr. Purple stated he will make sure all board and committees receive the meeting information, he will send the meeting information to MySouthborough.com, post on Twitter and the Town Website and make sure the EDC does direct emails to businesses.

Ms. Braccio stated that Ms. Reynolds was working on creating a redlined version of the document. She added that the EDC is discussing the possibility of adding more parcels to the district. She stated that outreach would need to be done to homeowners. Chairman Healey agreed and stated that if there is going to be any significant resistance from those whose parcels would be affected, that the Board take that into careful consideration. Ms. Malinowski agreed with that approach and does not want to push this issue if it would tie up the project. Mr. Stivers stated that the affordable housing piece was weak and described some clerical errors in the document he would like to clean up. He added it was worth exploring the idea of adding parcels. Mr. Shea stated he supported the approach discussed. Ms. Malinowski and Mr. Stivers gave feedback on the document and they agreed to include their comments in the written feedback document provided by Ms. Barrett.

Ms. Malinowski asked about the timeline. Ms. Braccio explained the timeline and that the goal was to stay as closely to it as possible for future grant opportunities. Ms. Braccio asked that all comments be sent to Mr. Purple by Friday. The Board agreed.

IV. Consent Agenda

a. Chairman Healey made a motion to accept a $100.00 donation for the Fire Department Ambulance Fund. Mr. Shea seconded. The motion passed all in favor (5-0-0) by roll call vote, Braccio, aye; Malinowski, aye; Shea, aye; Stivers, aye; Healey, aye.

V. Other Matters Properly Before the Board

Rent & Mortgage Assistance program approval

Ms. Braccio gave a general update and thanked the Emergency Fund Committee, Mr. Purple, Ms. Esposito, Mr. Ballantine and Ms. McAuliffe for their assistance in creating the program. Ms. Braccio requested a brief meeting with the Board and the Affordable Housing Trust. She explained the Affordable Housing Trust is a backup fund if the CARES Act does not reimburse the funds. She also stated that the Affordable Housing Trust will need to approve of Ms. Malinowski reviewing redacted applications before submitting them to Ms. McAuliffe. Ms. Braccio stated that Town Counsel is reviewing the applications and guidelines and they will receive his feedback tomorrow. She reviewed the changes made since the last draft was presented. Ms. Braccio explained the application submittal process and the timeframe it takes for approval. Ms. Malinowski stated the goal is to have application submissions open for acceptance from November 1st to December 1st. She explained this will give Ms. McAuliffe time to file the reimbursement for the December 30th deadline. Chairman Healey asked if the Board needs to determine if applicants meet the criteria and Ms. Braccio explained that all applications are submitted to the Emergency Fund Committee, then reviewed by Ms. Malinowski and then submitted to Ms. McAuliffe. Ms. Malinowski stated it is not outlined in the documents and Ms. Braccio offered to create a one-page document that outlines this process. Mr. Stivers asked if the initial $25,000 allocated for the program is enough. Ms. Malinowski stated the reason for the December 1st deadline was to have time to reassess the need of Southborough residents. The Board agreed to meet with the Affordable Housing Trust on Friday at noon.

Chairman Healey made a motion to approve the rental mortgage assistance guidelines as proposed, the mortgage rent assistance application as proposed and the criteria and approval process as proposed pending review and approval by Town Counsel. Ms. Malinowski seconded. The motion passed all in favor (5-0-0) by roll call vote, Braccio, aye; Malinowski, aye; Shea, aye; Stivers, aye; Healey, aye.

VI. Public Comment

None

VII. On a motion made by Chairman Healey, seconded by Mr. Shea and voted all in favor by roll call vote, Braccio, aye; Malinowski, aye; Shea, aye; Stivers, aye; Healey, aye, the meeting was adjourned at 9:10 P.M.

Upcoming Meetings
November 4, 2020
November 17, 2020

Respectfully submitted,

Kathleen Barry, Recording Secretary

List of Documents referred to at the October 27, 2020 BOS Meeting:

- Capital Planning Committee Presentation 10.27.20
- Draft VMUD for Downtown Initiative
- Letter from Chief Achilles to BOS dated 10.15.20
- Draft Rental/Mortgage Assistance Guidelines

Capital Planning Committee

Board of Selectmen Update – FY22 Capital Recommendations

October 27th, 2020

Committee Members

- Jason Malinowski, Chair
- Kathy Cook, Vice Chair
- Jeff Hark, Clerk
- Lisa Braccio
- Joseph Palmer
- Andrew Pfaff
- OPEN SEAT

Committee Actions Since August Meeting

- Facilitated Town House CPA Application with Facilities Director
- Facilitated Solid Waste Disposal Analysis which led to significant reduction in capital requests for FY22 and FY23
- Formed School Research Subcommittee
- Set up Capital Module in ClearGov, almost ready to go live
- Reviewed and voted on all FY22 Capital Items which includes votes of approval, deferral, and acceleration

Process

- All items presented have unanimous support of Capital Planning Committee
- All Department Heads were notified of Capital Planning meetings and BOS meeting
- Committee held in some instances multiple meetings with Dept. Heads to determine proper timing of some items
- Adjustments were made to long term capital plan based on these discussions.
- All modifications that were not proposed by Dept. Heads will be outlined in the presentation
- Items subject to bonding open for further analysis

Comparison of FY21 to FY22 General Fund

	FY21	FY22
Total Cost of Capital	1,372,660	1,533,200
Amount Spent - Appropriation	747,757	1,533,200
Amount Spent – PY Bonds	3,115,803	3,243,101
Total	3,863,560	4,766,301

FY22 Capital Expenditures – Previously Authorized

Department	Project	Amount
Recreation	DEPIETRI FIELD REPAIRS	45,750
Recreation	TROTTIER TRACK	63,250
Recreation	911 Field	122,000
DPW	DPW FUEL TANK	136,500
Facilities	PUBLIC SAFETY BUILDING	1,553,086
Facilities	GOLF COURSE REPAIRS/ALTERATIONS	57,500
Schools	FINN - BOILER	89,049
Schools	TROTTIER/FINN/WOODWARD	1,112,400
Schools	NEARY RENOVATIONS PHASE 2	25,628
Schools	NEARY RENOVATIONS PHASE 3	37,939
Total		3,243,101

Summary of FY22 Capital Items

	Total Cost	Amount to be Spent in FY 22
General Fund	1,533,200	1,533,200
Potential CPA	2,438,750	421,417
Ambulance Fund	287,000	13,354
Water Fund	130,000	130,000
Total	4,388,950	2,097,971

FY22 Capital Summary - DPW

Item	Amount	Funding	Bonded
CHIPPER	30,000	General Fund	N
EQUIPMENT TRAILER (2006 - REPLACEMENT)	12,000	General Fund	N
HOOK LIFT TRUCK -General	165,000	General Fund	N
HOOK LIFT TRUCK-Water	60,000	Water	N
Pick-up Diesel (Service Body) (Highway) (12/10) (2008/2012)	70,000	General Fund	N
Utility/Service Diesel (water) (30) (Replacing a 2011)	70,000	Water	N
REPLACE 3 LARGE PLOWS	40,000	General Fund	N
ROAD MAINTENANCE – FY22	325,000	General Fund	N
SIDEWALK MAINTENANCE- FY22	200,000	General Fund	N

FY22 Capital Summary - Facilities

Item	Amount	Funding	Bonded
LIBRARY - INTERIOR RENOVATIONS, FLOOR COVERINGS AND PAINTING	115,000	General Fund	N
TOWN HOUSE - BATHROOM AND INTERIOR RENOVATIONS	80,000	General Fund	N
TOWN HOUSE - EXTERIOR RENOVATION AND WINDOW WORK	2,238,284	CPA	Y
FACILITIES MAINTENANCE- FY22	100,000	General Fund	N

FY22 Capital Summary - Fire

Item	Amount	Funding	Bonded
CHIEF VEHICLE C20	60,000	General Fund	N
THERMAL IMAGING CAMERAS	30,000	General Fund	N
SELF CONTAINED BREATHING APPARATUS GRANT MATCH	13,000	General Fund	N
SELF CONTAINED BREATHING APPARATUS/CYLINDERS	10,000	General Fund	N
IV PUMPS	12,000	Ambulance Fund	N
FIRE HOSE/NOZZLE REPLACEMENT - FY2022	20,000	General Fund	N
FIRE TURNOUT GEAR FUND - FY22	40,000	General Fund	N
AMBULANCE	275,000	Ambulance Fund	Y

FY22 Capital Summary - MIS

Item	Amount	Funding	Bonded
SERVER & STORAGE INFRASTRUCTURE UPGRADE	90,000	General Fund	N

FY22 Capital Summary - Police

Item	Amount	Funding	Bonded
DEFIBRILATORS	18,200	General Fund	N
POLICE CRUISERS (2)	115,000	General Fund	N

FY22 Capital Summary - Recreation

Item	Amount	Funding	Bonded
KALLANDER FIELD	238,750	CPA	N

Summary of Items Deferred

- Summary of Items Deferred or Removed:
  - Cordaville Road Project (deferred)
  - Cordaville Hall Project (deferred)
  - Town House – Emergency Generator (removed)
    - Looking for approval to declare old fire station generator as surplus property

Items in the Works

- South Union School
- School-related capital items
- Discussion of maintenance articles (Facilities and DPW) in terms of whether they should be operating or capital expenses
- Discussion of re-purposing Fire Vehicle and its future to achieve net zero increase to town vehicle fleet

Requests of BOS

- Vote on FY22 Capital Items
- Vote related to support of warrant article to set up Fire Turnout Gear replacement fund
- Vote to declare emergency generator from old Fire Station at 21 Main Street as surplus property
- Provide feedback on potential Capital Planning policy
- Discuss and prioritize staff and committees to streamline grant applications

Thank You!

Town of Southborough

Rental/Mortgage Assistance Guidelines

In response to the loss of income to households due to COVID-19, this program has been created and funded by the CARES Act funds granted to the Town of Southborough. This program seeks to be efficient and responsive. It is temporary in nature. Applicants that have been residents of Southborough for at least six (6) months are eligible for:

- Up to two months rental or mortgage assistance
- Assistance can be used to pay current rent/mortgage or pay rent/mortgage that is past due since 4/1/2020
- Mortgage assistance can be used to pay the mortgage principal and interest, it cannot be applied to escrow or homeowner's insurance.
- Amounts available are:
    - $1200 / month for an efficiency/studio
    - $1400 / month for a 1-bedroom
    - $1600 / month for a 2-bedroom
    - $2000 / month for a 3+-bedroom

Please visit https://www.southboroughtown.com/town-administrator/covid-19-information-center or contact Sarah Cassell, Director of Youth and Family Services, at scassell@southboroughma.com or (508) 481-5676 for an application.

All applications must be received by Tuesday, December 1, 2020.

Household Eligibility

"Eligible" Household

An eligible household is one that:

- Has reduced income because of COVID-19
- Earns less than 80% of Area Median Income
- Households currently receiving government-funded rental assistance such as Section 8, MRVP are not eligible. Households that have received RAFT assistance since April 1, 2020 are not eligible. Households living in units subsidized with Project Based Section 8 shall not be eligible.

A "household" shall mean an individual or two or more persons who will live regularly in the unit as their principal residence and who are related by blood, marriage, law, or who have otherwise evidenced a stable inter-dependent relationship.

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Town of Southborough

Income Eligibility
The total income of the applicant and all other members of the applicant's household **over the age of eighteen (18)** may not exceed 80% of the Area Median Income for the greater Boston area adjusted for family size. An applicant's total household income cannot exceed the following limits:

	Persons in Family							
	1	*2*	*3*	*4*	*5*	*6*	*7*	*8*
Income Limit: 80% Area Median	$67,400	$77,000	$86,650	$96,250	$103,950	$111,650	$119,350	$127,050

Exception: A member of the household that is over the age of eighteen (18) and is pursuing post-secondary education on a full-time basis is exempt from being included in the total household income. Please provide proof of enrollment with application.

Process

- All potential participants must complete an application and attach requested documents prior to the deadline. The applications will be processed on a rolling basis.
- If you need a copy of the information contact Sarah Cassell, Director of Youth and Family Services, at scassell@southboroughma.com or (508) 481-5676.
- Applicants have the right to request a reasonable accommodation(s), which may include a change to a rule, policy, procedure or practice to afford a person with a disability an equal opportunity to participate fully in the housing program or to use and enjoy the housing.
- Free language assistance is available to households with limited English proficiency.

Affirmative Marketing Methods
The Town of Southborough does not discriminate on the basis of race, color, religion, national origin, disability, familial status, sex, age, marital status, children, sexual orientation, genetic information, gender identity, ancestry, veteran/military status or membership.

Marketing Activities
Marketing activities will be conducted for a one-month period beginning November 1, 2020 – December 1, 2020. Efforts consist of:

1. Town COVID-19 Response website pages
2. Notices on Town social media
3. Press releases to local newspaper
4. Utilizing the distribution lists for schools, Recreation Department and Youth and Family Services.

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Applications will be available online at the Town of Southborough website, or a hard copy may be requested from the Youth and Family Services department. In all cases, the process begins by contacting the Youth and Family Services office. The Youth and Family Services staff is available to assist individuals in the completion of their application and are able to accommodate households with disabilities that may impede their ability to complete the application. Staff can also arrange for assistance for households that have limited English proficiency. Applicants have the right to request a reasonable accommodation, which may include a change to a policy, procedure or practice to afford a person with a disability an equal opportunity to participate fully in the housing program or to use and enjoy the housing.

Please contact Sarah Cassell, Director of Youth and Family Services, at scassell@southboroughma.com or (508) 481-5676 for assistance or inquiries.

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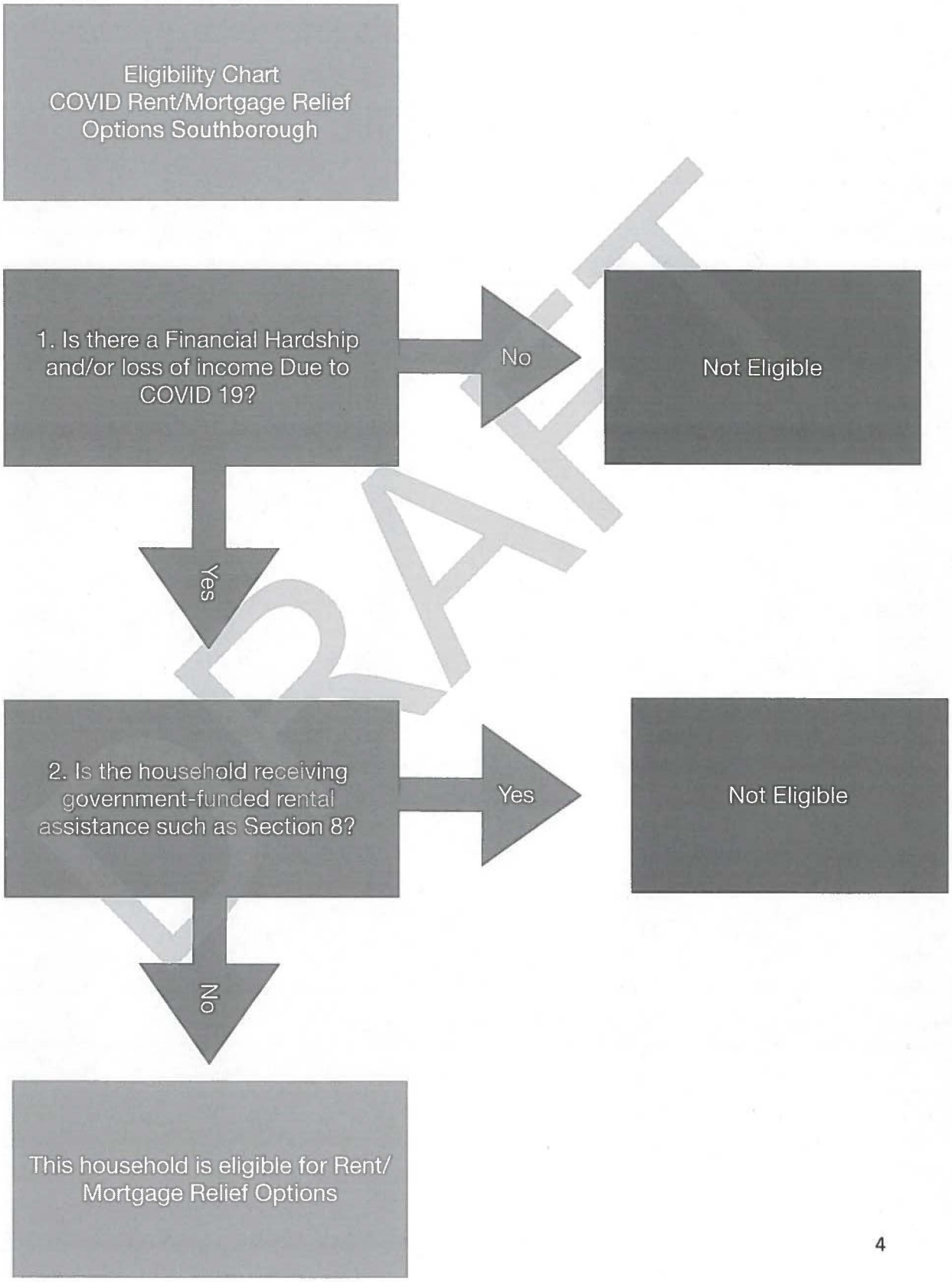
Eligibility Chart
COVID Rent/Mortgage Relief Options Southborough
1. Is there a Financial Hardship and/or loss of income Due to COVID 19?
No
Not Eligible
Yes
2. Is the household receiving government-funded rental assistance such as Section 8?
Yes
Not Eligible
No
This household is eligible for Rent/ Mortgage Relief Options

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Town of Southborough

Mortgage / Rent Assistance Application

Application Deadline: Tuesday, December 1, 2020

Applicant's First Name _____ Last Name _____

Co-Applicant's First Name _____ Last Name _____

Street Address _____

City/Town _____ State _____ Zip Code _____

Applicant's
Telephone: Home _____ Work _____ Cell _____

Co-Applicant's
Telephone: Home _____ Work _____ Cell _____

Applicant's
E-Mail Address _____ Re-enter E-mail: _____

Co-Applicant's
E-Mail Address _____ Re-enter E-mail: _____

Language Preference (if other than English): _____

How long have you been a Southborough resident _____ (must be at least 6 months)
Total number of people in household (including yourself) _____
Total number in household 18 years or older _____
Total number in household under 18 years _____
Total number in household 18 years or older AND enrolled full-time in post-secondary education ____

Are you self-employed? _____yes _____no

This program is for people who have lost income due to COVID-19 related circumstances. Does your household meet this eligibility? _____ yes _____ no

What is your household's current monthly income (please include all income types from all household members 18 years and older) $_____

Number of bedrooms in your home? _____

DRAFT

Do you have a Section 8 Voucher or other housing assistance such as RAFT? ____ yes _____ no
If yes, what type of assistance_____

If you have a MORTGAGE:
Is your mortgage currently under forbearance? ____ yes ____ no

What is your current mortgage payment each month, excluding escrow and homeowner's insurance? $_____

Do you owe past mortgage payments? ___ yes ____ no If yes, how much $_____

If you are RENTING:
What is your current rent payment each month? $_____

Do you owe back rent? _____yes _____no If yes, how much $_____

I have an application for Unemployment Assistance pending _____ yes _____ no

Types of income being received by the household:

Yes	No	
___	___	Wages
___	___	Unemployment Benefits
___	___	Social Security
___	___	SSI/Disability
___	___	Child Support
___	___	Alimony
___	___	Pension/Retirement
___	___	TANF
___	___	Other

Lender / Landlord* Contact Information:

Name: _____

Street Address _____

City/Town _____ State _____ Zip Code _____

Best Phone Number _____ Email _____

*Landlord MUST participate in this program. If this is left blank the application is incomplete and will not be considered.

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Certifications

Certification of Information

• I/We certify that all information furnished in this application for affordable housing assistance is true and complete to the best of my/our knowledge.

• I/We certify that our household is not receiving any other government-funded rental or mortgage assistance.

• I/We certify that our household does not have access to other resources sufficient to cover the mortgage.

• I/We understand that any false statement, made knowingly and willfully, will be sufficient cause for rejection of my/our application.

• I/We understand that ANY false information on this application or statements given are punishable by law and will lead to cancellation of this application and mortgage assistance.

Applicant's Signature _____ Date _____

Co-Applicant's Signature _____ Date _____

Release of Information

I/We understand that this authorization or the information obtained with its use may be given to and used to administer and enforce program rules and policies in compliance with HUD or Massachusetts DHCD or any other federal or state housing program guidelines

I/We agree that a photocopy or facsimile or other electronic transmission of this authorization may be used for the purposes stated above.

I/We understand that all decisions made by the Town of Southborough are final and that any appeals must be submitted in writing to the Southborough Youth and Family Services Director at:

Applicant's Signature _____ Date _____

Co-Applicant's Signature _____ Date _____

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APPLICATION CHECKLIST

☐ **Application**

Income Verification – provide ALL of the following:

☐ One most recent paystub for all employed household members over the age of 18.

- *If overtime is a part of the household income, please provide the most recent three months of paystubs. Income will be calculated based on the average monthly income.*

☐ Evidence of any other income sources (unemployment, child support, alimony, pension/retirement, etc.)

☐ Most recent bank statement for all bank accounts for all household members over the age of 18.

- *If a member of the household is over the age of eighteen (18) and is pursuing post-secondary education on a full-time basis, please provide proof of enrollment. Any income from this household member will not be included as a part of the income verification.*

Residence Verification – provide ONE of the following:

☐ Rent/Mortgage receipt/cancelled check

☐ Current utility bill

Evidence of Reduced Income – provide ONE of the following:

☐ A second paystub showing reduced hours

☐ A lay-off notice from your employer

☐ Multiple month's bank statements

☐ Notices from Unemployment Assistance

☐ Statement from employer stating reduction in hours

Rent/Mortgage Payment Verification – provide ONE of the following:

☐ Copy of lease or letter from landlord evidencing monthly rent amount

☐ Current mortgage statement

THESE MUST BE INCLUDED WTH YOUR APPLICATION OR IT WILL BE DEEMED INCOMPLETE

DRAFT

DRAFT Downtown Business Village District v.2
October 20, 2020

Part I. Amend **§ 174-2** Definitions by adding the following new term and definition in appropriate alphabetical order.

BED AND BREAKFAST

Bed and breakfast is an establishment in an owner-occupied residence providing not more than four guest rooms for overnight lodging, with food service limited to breakfast for guests.

MICROBREWERY

A microbrewery is a licensed establishment that produces and distributes beer, ale, or other malt beverages, and which may include accessory uses such as tours of the microbrewery, retail sales, and a taproom for on-site consumption. In addition to selling beer at retail on the premises, a microbrewery may act as wholesaler for beer of its own production for off-site consumption if it has a valid pub brewery license from the Commonwealth of Massachusetts.

MIXED-USE DEVELOPMENT

Mixed-Use Development: A development that includes both residential uses and nonresidential uses within a single structure, with nonresidential uses occupying the ground floor (street level) and residential uses above on the upper floors. The total gross floor area of the nonresidential uses shall be at least 10 percent of the gross floor area of the structure.

Part 2. Amend **§ 174-3 Districts enumerated** by adding the following new district:

K. Downtown Business Village District, referred to as DVB District.

Part 3. Amend **§ 174-8(C)(2)** as follows (amendment shown in italics)

Not more than one principal permitted use shall be located on any lot, provided that a multiple occupancy building used for the same category of use, such as retail sales and services, light manufacturing or offices in a business district or Industrial Park District, *or a mixed-use development in the Downtown Village Business District*, shall be deemed to be in a single principal permitted use. . . .

Part 4. Amend **Article III, Use Regulations**, by adding the following new section:

§ 174-8.4.1 Downtown Village Business District

A. Permitted uses are as follows:

(1) All uses permitted in the residential districts (RA and RB)

B. Permitted uses are as follows, up to a maximum floor area ratio of 0.35:

(1) Mixed-use development

(2) Professional or business office, or bank, but not including a medical or dental office

(3) Custom manufacturing of custom goods sold primarily on the premises, such as a woodworking shop, shop for artisan or craftsperson, or bakery

(4) Craft brewery or distillery

(5) Bed and breakfast

(6) Art gallery

(7) Child care center

(8) Co-work center

C. Permitted uses, up to a maximum of 3,000 square feet per establishment:

(1) Retail sales

(2) Ice cream shop, sandwich shop, candy shop, other specialty food service establishment serving walk-in customers (drive-through service is prohibited)

(3) Restaurant, with indoor seating and outdoor seating on an adjacent patio (drive-through service is prohibited)

(4) Personal services such as barber shop, hair salon, tailor, or shoe repair

D. Permitted uses by special permit from the Planning Board are as follows:

(1) Any use listed in Subsection **B** that exceeds a maximum floor area ratio of 0.35 or under Subsection C exceeding 2,000 sq. ft. per establishment

(2) Veterinarian, animal hospital, dog kennel.

(3) Medical or dental office

(4) Multifamily housing, up to eight units.

(5) Private garage or parking for more than three cars or more than one truck or other commercial vehicle.

(6) Indoor recreation, athletic or exercise facility.

E. Uses by special permit from the Zoning Board of Appeals are as follows:

(1) Accessory apartment.

(2) Conversion of a one-family house in existence for two years or longer to a two-family dwelling, on a lot with a minimum of 15,000 square feet.

(3) A mobile home or travel trailer used as a dwelling or business quarters for more than 30 days in a year.

F. Prohibited uses. All uses which are not listed above, legally nonconforming or otherwise allowable by the provisions of the zoning regulations are prohibited.

G. Development standards (Note: Also refer to § **174-10.1**, Village Business District plan review) are as follows:

(1) Minimum lot area: 5,000 square feet.

(2) Minimum frontage: 60 feet.

(3) Minimum setbacks:

(a) Front: 10 feet.

(b) Rear: 35 feet.

(c) Side: 10 feet; 25 feet if adjacent to a residential district.

(d) Other street: 10 feet

(4) Maximum front setback: 20 feet

(5) Minimum Façade Buildout (% Lot Width):

(a) With less than 50 feet of frontage: N/A

(b) 50-80 feet of frontage: 60%

(c) Over 81-100 feet of frontage: 70%

(d) 100 feet or more of frontage: 75%

(6) Height regulations:

(a) Maximum building height: 40 feet and three stories, except as provided in Section H below

(b) Minimum ground floor height: 12 feet

(c) Maximum ground floor height: 18 feet

(7) Residential dwellings. Single-family or two-family dwellings in the Downtown Business Village District shall comply with RB District standards.

H. Special Permit for Height Increase. The Planning Board may grant a special permit to increase the maximum building height to 45 feet and four stories, provided that the minimum rear setback shall be increased at a 1-to-1 ratio, e.g., an additional one foot of setback for every one additional foot in building height.

I. Additional Standards for Development in the DVB District.

(1) Building Regulations

(a) The principal entrance(s) to the building shall be on the front façade, which shall face the street.

(b) The maximum distance between street-level entrances shall be 35 feet unless waived by the Planning Board.

(c) The maximum depth of street-level commercial spaces shall be the lesser of 30 feet or 60 percent of the depth of the building.

(d) The maximum front setback in Section G(4) may be increased for purposes of amenities such as a plaza, square, courtyard, recessed entrance, sidewalk, multi-use path, raised terrace, façade offsets, or outdoor dining, but not for automobile use.

(2) On any lot with 10,000 square feet in more in area, at least 5% of the lot shall have landscaped open space or public amenities (such as an outdoor seating area with park benches) between the front building line and front lot line.

(3) Affordable housing. In any multifamily or mixed-use building with eight or more units, at least 12.5 percent of the units shall be affordable housing that is eligible for the Chapter 40B Subsidized Housing Inventory (SHI) in accordance with the Chapter 40B regulations and Guidelines of the Massachusetts Department of Housing and Community Development (DHCD). In consultation with the Southborough Housing Opportunity Partnership Committee (SHOPC), the Planning Board may adopt a guidance document interpreting the Chapter 40B Guidelines as they apply to development under this section.

J. The operation of any marijuana establishment as defined in MGL c. 94C, § 1, including

without limitation a marijuana cultivator, marijuana testing facility, marijuana product manufacturer, marijuana retailer or any other type of licensed marijuana facility is prohibited in all zoning districts of the Town. This prohibition shall not apply to the sale, distribution or cultivation of marijuana for medical purposes, licensed under Chapter 369 of the Acts of 2012 and currently permitted in the Town of Southborough. **[Added 4-25-2017 ATM by Art. 32]**

Part V. Amend **Section 174-10.1, Village Business District plan review**, as follows (amendments in the first paragraph shown in italics).

§ 174-10.1 Village Business District plan review.

Except as provided below in Subsection D, within the Village Business District, major site plan approval shall be by special permit from the Planning Board, subject to the procedural requirements and decision criteria of § **174-9**, Special permit requirements, and § **174-10**, Site plan approval, and the following in addition to the above …

D. In the Downtown Village Business District, major site plan approval shall be by special permit from the Planning Board for any use requiring a special permit. In such cases, the submission requirements, procedures, and decision criteria under Subsections A through C above shall apply. The Planning Board may adopt design guidelines and apply them to major site plan approval applications regardless of whether a special permit is required.

Part VI. § 174-12 **Parking and loading regulations**. Amend the parking and loading regulations, as follows. Note that existing Section F should be renumbered to Section G.

F. Exceptions in the Downtown Village Business District. Off-street parking requirements for development in the Downtown Village Business District shall comply with Section E above except for the following uses:

(1) Dwellings: two spaces for each dwelling unit, plus one space for each 80 square feet of floor area devoted to a customary home occupation or a professional use.

(2) Bed and breakfast: one space for each guest room plus two spaces for the owners and operators of the premises.

(3) Restaurants and other places serving food or beverages: one space for each four seats.

(4) Mixed-use development: one space per dwelling unit and one space per 300 square feet of nonresidential floor area.

(5) Professional or business office: one space per 300 square feet for ground floor offices and one space per 350 square feet for offices above the first floor.

COMMENTS RESOLUTION MATRIX: SOUTHBOROUGH TOWN CENTER ZONING

DOCUMENT: **VERSION 2**

	FOR REVIEWER'S USE	FOR CONSULTANT'S USE	
Sec.	**Comment**	**Response**	**Status[1]**

[1] A=accepted; AM=accepted, with modification; NA=not accepted.

TOWN OF SOUTHBOROUGH
FIRE DEPARTMENT
32 CORDAVILLE ROAD
SOUTHBOROUGH, MA 01772
(508) 485-3235 (508) 485-3887 (FAX)

Thursday, October 15, 2020

Board of Selectmen
Town of Southborough
17 Common Street
Southborough, MA 01772

Dear Town of Southborough Board of Selectmen,

Enclosed, please find the following donation made to the Town of Southborough for your acceptance.

RECEIVED FROM:	AMOUNT:	ACCOUNT SPECIFIED:
Susan & John Wood	$100	Ambulance Fund (2659-4-220-483-48310)

Thank you for your consideration in this request.

Sincerely,

Steven E. Achilles
Southborough Fire Chief

RECEIVED
By Town Clerk/rhc at 9:41 am, Dec 03, 2020

TOWN OF SOUTHBOROUGH

BOARD OF SELECTMEN Meeting Minutes

Meeting Date: Friday, October 30, 2020, 11:55 A.M.
Location: Virtual Meeting through Zoom
Present: Marty Healey, Lisa Braccio, Chelsea Malinowski, Brian Shea, Sam Stivers and Town Administrator Mark Purple

I. Chairman Healey called the meeting to order at 11:56 A.M. Chairman Healey read the following statement:

Pursuant to Governor Baker's March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, §18, and the Governor's March 15, 2020 Order imposing strict limitation on the number of people that may gather in one place, this meeting of the Southborough Board of Selectmen will be conducted via remote participation to the greatest extent possible. Specific information and the general guidelines for remote participation by members of the public and/or parties with a right and/or requirement to attend this meeting can be found on the Town of Southborough's website, at https://www.southboroughtown.com/. For this meeting, members of the public who wish to watch or participate in the meeting may do so in the following manner by finding the meeting at: https://www.southboroughtown.com/remotemeetings. No in-person attendance of members of the public will be permitted, but every effort will be made to ensure that the public can adequately access the proceedings in real time, via technological means. In the event that we are unable to do so, despite best efforts, we will post on Southborough's website an audio or video recording, transcript, or other comprehensive record of proceedings as soon as possible after the meeting.

Mr. Healey indicated that this statement will also cover the Affordable Housing Trust Fund Committee immediately following the Selectmen meeting.

II. **Consent Agenda**

a. Chairman Healey made a motion to accept the resignation of Dan Kolenda from the Affordable Housing Trust Fund Committee. Ms. Braccio seconded. The motion passed all in favor (5-0-0) by roll call vote, Braccio, aye; Malinowski, aye; Shea, aye; Stivers, aye; Healey, aye.
b. Chairman Healey made a motion to appoint Chelsea Malinowski to the Affordable Housing Trust Fund Committee. Ms. Braccio seconded. The motion passed all in favor (5-0-0) by roll call vote, Braccio, aye; Malinowski, aye; Shea, aye; Stivers, aye; Healey, aye.

III. On a motion made by Chairman Healey, seconded by Mr. Stivers and voted by roll call all in favor, Braccio, aye; Malinowski, aye; Shea, aye; Stivers, aye; Healey, aye, the meeting was adjourned at 11:59 A.M.

Upcoming Meetings
November 4, 2020
November 10, 2020

Respectfully submitted,

Mark J. Purple, Town Administrator

RECEIVED
By Town Clerk/rhc at 10:38 am, Dec 03, 2020

TOWN OF SOUTHBOROUGH

BOARD OF SELECTMEN Meeting Minutes

Meeting Date: Tuesday, November 4, 2020, 6:30 P.M.
Location: Virtual Meeting through Zoom
Present: Marty Healey, Lisa Braccio, Chelsea Malinowski, Brian Shea, Sam Stivers and Town Administrator Mark Purple

I. Chairman Healey called the meeting to order at 6:30 P.M. Chairman Healey read the following statement:

Pursuant to Governor Baker's March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, §18, and the Governor's March 15, 2020 Order imposing strict limitation on the number of people that may gather in one place, this meeting of the Southborough Board of Selectmen will be conducted via remote participation to the greatest extent possible. Specific information and the general guidelines for remote participation by members of the public and/or parties with a right and/or requirement to attend this meeting can be found on the Town of Southborough's website, at https://www.southboroughtown.com/. For this meeting, members of the public who wish to watch or participate in the meeting may do so in the following manner by finding the meeting at: https://www.southboroughtown.com/remotemeetings. No in-person attendance of members of the public will be permitted, but every effort will be made to ensure that the public can adequately access the proceedings in real time, via technological means. In the event that we are unable to do so, despite best efforts, we will post on Southborough's website an audio or video recording, transcript, or other comprehensive record of proceedings as soon as possible after the meeting.

II. Public Comment
None

III. Scheduled Appointments
Volunteer Interview – Angela Varner, Municipal Technology Committee: term 6/30/22
Chairman Healey welcomed Ms. Varner and stated that Mr. Probst had given her an enthusiastic endorsement. Ms. Varner gave background on her experience which included over twenty years in the technology field and she is the working on a hybrid-based cloud knowledge system for her current employer. Ms. Malinowski asked what she would be most interested in contributing to the Committee. Ms. Varner stated that she would like to work with the five-year strategy that included more input from citizens and a data driven approach for the Town. Mr. Shea stated he has known Ms. Varner for years and endorsed her for this role. Mr. Stivers made a motion to appoint Angela Varner to the Municipal Technology Committee: term 6/30/22. Mr. Shea seconded. The motion passed all in favor (5-0-0) by roll call vote, Braccio, aye; Malinowski, aye; Shea, aye; Stivers, aye; Healey, aye.

7:00 P.M. – Discussion with Board of Health – COVID-19 update
Ms. Woodford told the Board the pandemic has shined a light on public health in the community and the Board of Health members are identifying gaps and challenges in the services they are able to provide. Chairman Healey stated that he is looking forward to having that dialogue in the future. Ms. Amico summarized her experience with the pandemic since starting her position.

She explained case investigation, contact tracing, quarantining and color classifications as they relate to COVID-19. Chairman Healey asked if there were anything she would suggest residents do to improve the community's safety from COVID-19. Ms. Amico stated that following the State guidelines especially with mask wearing and social distancing is the greatest risk reducer. Ms. Braccio asked that seeing as schools are not a transmission point for COVID-19, where cases were coming from. Ms. Woodford stated that she does COVID-19 investigating in Framingham for work and they have found that outbreaks are occurring in sports teams, long-term and group homes, large businesses and stores. She added that because Southborough is smaller, there are less high transmission areas and less cases. Ms. Woodford explained what exposure means and the measures taken if a person has been exposed to someone who is positive for COVID-19. Ms. Braccio asked if school nurses are able to help with the caseload and Ms. Amico explained that school nurses are not helping as school is in session all week. Ms. Malinowski stated schools are looking to do more regular testing and asked how that would impact Ms. Amico's workload. Ms. Amico explained her responsibilities and those of the school nurses regarding positive COVID-19 cases. Mr. Stivers asked if she felt there are sufficient resources to execute the contract tracing needed. Ms. Amico stated that more nurse hours are needed. She elaborated on her workload and the additional hours she is working due to the pandemic. Ms. Woodford agreed that more resources are needed and explained her concern that once the CARES Act resources run out, there will not be enough funding to support the needs of the community. Chairman Healey stated he has hope that Congress will revisit the issue of funding for COVID-19 related expenses and asked for data regarding the amount of contract tracing being done. He asked Mr. Purple to follow up with Ms. Amico to find the data and assess needs. Ms. Woodford asked the Board to inform them on the type of data they are looking for and Chairman Healey agreed to do so.

Dr. Medina introduced himself and presented the PowerPoint slides included in the packet. He stressed the need for students to continue to go to school and gave examples of other countries who have full-time in-person school with little to no COVID-19 transmissions. He outlined the public health crisis in children due to the pandemic and less time in in-person learning. He outlined safe and unsafe activities. Dr. Medina described the mental health crisis and explained the resources available through Southborough Youth and Family Services. Ms. Malinowski asked what he felt the rest of the school year would look like. Dr. Medina stated the goal is to maintain hybrid learning and not revert back to full remote as it is detrimental to children. He added the goal is to also increase in-person learning as much as possible. He explained that testing and screening would be necessary to do this and the current process for quarantining when a positive case arises. Ms. Braccio thanked him for being and advocate for children and his work within the community.

Mr. Pisinski gave an overview of the status of the Davis Farm Dump and his proposed next steps. He stated that fifteen years ago a licensed site professional inspected the area and did not find any contamination of the site or wells. He added that there is an extensive amount of debris at the site and recommended that the Town appoint an oversight committee appointed by the Board that included a member from the DEP, Board of Health, Conservation Commission and one to two citizens. The proposed committee would immediately begin the process to have the site surveyed and get a bid for a company to remove the trash. Mr. Shea asked if an LSP has inspected the site recently. Mr. Pisinski said he believed the Conservation Commission is looking to hire an LSP to conduct deeper digs into the site. Mr. Shea stated he would like to have an LSP who is leading the effort for the Town to follow. Mr. Purple confirmed Ms. Danza was in the process of vetting a new LSP. Ms. Malinowski asked Mr. Pisinski if he is suggesting the $15,000 for the funding of the project be brought to Town Meeting and if he is suggesting the

remediation plan should go into effect next year. Mr. Pisinski replied in the affirmative and explained the proposed details of the project.

Karen Galligan – Chapter 90 project approvals

Ms. Galligan asked the Board to authorize the transfer of $145,000 of Chapter 90 funds to finish the design work for the Cordaville Road project. She also asked the Board to give Mr. Purple permission to sign the documents on behalf of the Board. Ms. Galligan described the work this would cover and stated it would start this winter. Mr. Stivers asked if this were an opportunity to bundle the work together and go to bid for a bulk contract to help decrease costs. Ms. Galligan explained and stated that the current engineering firm has been very good. Ms. Braccio asked about the $30,000 in the general fund from Legacy Farms. Ms. Galligan explained how this process works and stated the DPW was accurately accounting for this. Ms. Malinowski asked if moving forward that the appropriations will be used for sidewalk maintenance instead of road maintenance. Ms. Galligan replied in the affirmative. Ms. Malinowski asked if a hearing was required for this project and Ms. Galligan replied that for a project this size they usually meet with abutters and there will be hearings with the Conservation Commission as it is permitted through them. Mr. Shea made a motion to allocate $145,000 of Chapter 90 Funds to the Cordaville Road project. Chairman Healey seconded. The motion passed all in favor (5-0-0) by roll call vote, Braccio, aye; Malinowski, aye; Shea, aye; Stivers, aye; Healey, aye.

Ms. Galligan explained the funds needed to fix St. Mark's Street and the corner located there in addition to the creation of a shared parking lot with the Library. She added the project also includes finishing sidewalks from where it ends on Marlboro Street to St. Mark's. She stated that $105,000 is needed to make this shovel ready. Chairman Healey asked if the deterioration of the area at the intersection was due to work done by St. Mark's or otherwise. Ms. Galligan stated that it was from the stone wall work done at the intersection and explained that the water used to flow into that area and puddle up. She explained how drainage would be fixed to make the area more drivable. Ms. Braccio asked if it a dollar figure was known from the Safe Routes grant. Ms. Galligan said it was unknown at this time and the grant opens for submissions around January. Ms. Malinowski asked who had oversight of the spending on these projects and Ms. Galligan stated she signs off first, the engineer checks the numbers and the Town Accountant is then responsible to make sure everything is accurate. Mr. Shea urged discussions for a public/private partnership with St. Mark's for the intersection work at Route 85 and the school. Chairman Healey made a motion to allocate $105,000 of Chapter 90 funds for St. Mark's Street design. Mr. Stivers seconded. The motion passed all in favor (5-0-0) by roll call vote, Braccio, aye; Malinowski, aye; Shea, aye; Stivers, aye; Healey, aye.

Ms. Galligan described the proposed project for Route 85 and Framingham Road and stated a survey needed to be conducted. Ms. Malinowski asked if the survey could be done and then the project put on hold for three to four years to coincide with the TIP project. Ms. Galligan replied that the survey should stand with only minor updating needed. Mr. Stivers stated he is in support and suggested this process begin. He suggested communication with legislators a list of shovel ready projects. Chairman Healey requested an invitation for Representative Dykema and Senator Eldridge to attend a future meeting. Chairman Healey made a motion to allocate $130,000 of Chapter 90 funds for a Route 85 and Framing Road survey. Mr. Shea seconded. The motion passed all in favor (5-0-0) by roll call vote, Braccio, aye; Malinowski, aye; Shea, aye; Stivers, aye; Healey, aye.

Ms. Galligan explained that they are looking to replace the draining pipe under the CSX track in the downtown and CSX agreed to give the Town an easement to do so. She explained the

encroachments and their willingness to give only five feet of property with the easement. Chairman Healey stated that Mr. Lamy had resolved his issues with CSX and asked Mr. Purple for an update on how other landowners are situated with this issue. Mr. Purple agreed inquire with the business owners and update the Board. Mr. Stivers asked to compile a list of options that are typical for this type of situation to give to property owners. Mr. Purple agreed.

Discussion of process for receiving/assigning/tracking litigation

Chairman Healey asked Mr. Purple to outline the new tracking system to prevent the same issue with the Warfield litigation from reoccurring. Mr. Purple explained the process from first receiving notice of a lawsuit, informing the insurance company, and providing all documents, updates and legal filings to the Board. He explained the files available to the Board and how to access them. Mr. Purple stated there is redundancy in the process to ensure all parties are aware as quickly as possible of each step and correspondence with the legal cases. He asked the Board if they preferred to receive updates through email or to insert them into the case files. Ms. Braccio stated she was happy to have redundancy. Ms. Malinowski stated that she will leave it to the judgement of the Town Administrator whether the Board needs immediate notification of updates or if including it in a report is sufficient. She asked that the Board be made aware of any major milestones.

IV. Reports

Chairman's Report

Chairman Healey praised Sue Butka for assisting him with in-person voting. He also gave accolades to the Town Clerk's Office and Mr. Hegarty for managing in-person voting on election day. He also wished Mr. Hegarty well after he took a fall.

Chairman Healey informed the public that the Town House Receptionist was retiring. He congratulated Ms. Ostrech and wished her well.

Chairman Healey stated there will be an Executive Session held next Tuesday to discuss the process of receiving appraisals for the Art Center property with the Capital Committee.

Chairman Healey stated that numerous committees will be attending the November 17th meeting to talk about the Downtown Initiative.

Chairman Healey stated he assigned three departments or boards to each member to act as a liaison. He asked the Board to give him feedback as the process begins.

Chairman Healey stated he met with Mr. Purple and the Advisory Committee Chair and they are on the same page with the Board regarding challenges in fiscal year 2022.

i. Follow-up on 10/20 discussion with Personnel Board

Chairman Healey stated he met with Mr. Purple and Ms. Rosenbloom last week. They spoke and agreed that Mr. Purple will be making monthly reports at Personnel Board meetings about items related to SAP, policies adopted by the Personnel Board and any personnel matters that fall under that umbrella. He stated that they also agreed that the Personnel Board should be kept in a firmer loop on all SAP hiring in order to ensure consistency with SAP and their policies. He added that the Personnel Board will be notified anytime a decision is made in hiring or promotions especially with new conditions of employment. Mr. Stivers asked to hear from the Personnel Board quarterly regarding their view of the process and to receive input on Mr.

Purple's performance appraisal. Ms. Malinowski asked if the organizational chart was discussed and Chairman Healey said it was not as he had a hard stop after an hour.

ii. Advisory request on EOY payouts, leave time accruals

Chairman Healey stated that the Board received an update of end of year payouts. He stated there was concern about consistency and Mr. Purple and the Finance Team are creating an outline of the current payouts. He stated that the Board will be working individually and in conjunction with the Advisory Committee to review this information to see if there are any issues and to ensure that employees are treated as equitably and fairly as possible.

Members' Reports

Ms. Braccio stated that the Rent and Mortgage Program went live and thanked Mr. Laflamme, Ms. Esposito and Mr. Purple for their assistance.

Ms. Braccio stated there was a wonderful drive-through at the Senior Center for Halloween for Senior Center employees to interact with seniors.

Ms. Braccio said she is creating a process to facilitate Board member office hours. She will report back with next steps.

Ms. Malinowski stated she attended a ceremony to honor Sergeant DeLuca and other officers after the June 22nd event. She said the ceremony was led by Chief Paulhus and it was great to see Sergeant DeLuca back and other officers honored.

Mr. Stivers said the Master Plan Committee is making good progress and suggested they attend a future meeting to update the Board. Chairman Healey asked for a target date for the completion of a draft document. Mr. Stivers stated there is no firm date but their goal is to have a draft in early 2021.

Town Administrator Report

Mr. Purple stated that Tom Laflamme has given his notice and he will be leaving at the end of the month. He said that Mr. Laflamme was the first IT manager after outsourcing IT services for over twenty years. He commended Mr. Laflamme on his work with the Town and stated that position has been advertised. He added that the Board may want to review how the position is structured.

Mr. Purple stated that there are four cases of COVID-19 currently in isolation and eighty-seven have been discharged. He added that Ms. Amico has been the conduit to assist patients in and out of isolation.

Mr. Purple stated that the Shared Streets grant has helped to provide tents and heaters to loan out to businesses and there has been a liability agreement that Town Counsel has signed off on. He stated that businesses have to sign a waiver that relieves the Town from liability and ensures the loaned property is returned in good condition. He added the EDC is helping to facilitate this.

V. Consent Agenda

a. Chairman Healey made a motion to approve Open Session Minutes: October 20, 2020. Mr. Stivers seconded. The motion passed all in favor (5-0-0) by roll call vote, Braccio, aye; Malinowski, aye; Shea, aye; Stivers, aye; Healey, aye.

b. Ms. Malinowski asked to hold agenda item "b." Ms. Malinowski stated that only a cover sheet from Youth and Family Services was provided and the amount for the donation was not on the letter. She asked the Board review the policy as to how they handle donations to the Town and ensure they are receiving consistent information. She stated she is adding that policy to the list for the Board to review. Ms. Malinowski stated this donation was made by the Pilgrim Church for $500. Chairman Healey made a motion to accept the donation of $500.00 for Youth and Family Services donation account. Ms. Malinowski seconded. The motion passed all in favor (5-0-0) by roll call vote, Braccio, aye; Malinowski, aye; Shea, aye; Stivers, aye; Healey, aye.
c. Ms. Braccio asked to hold agenda item "c." Ms. Braccio wished Ms. Richards well on her resignation and new position. She added Ms. Richards was honored today as she was the dispatcher on duty when the incident with Sergeant Deluca occurred. Chairman Healey made a motion to accept the resignation from Full-Time Dispatcher Robyn Richards, effective November 1, 2020. Ms. Malinowski seconded. The motion passed all in favor (5-0-0) by roll call vote, Braccio, aye; Malinowski, aye; Shea, aye; Stivers, aye; Healey, aye.
d. Chairman Healey made a motion to appoint John Terranova as Full-Time Dispatcher for Police Department, effective November 5, 2020. Mr. Stivers seconded. The motion passed all in favor (5-0-0) by roll call vote, Braccio, aye; Malinowski, aye; Shea, aye; Stivers, aye; Healey, aye.
e. Chairman Healey made a motion to set Saturday, March 20, 2021 for Annual Town Meeting date. Mr. Stivers seconded. The motion passed all in favor (5-0-0) by roll call vote, Braccio, aye; Malinowski, aye; Shea, aye; Stivers, aye; Healey, aye.

VI. Other Matters Properly Before the Board

Discussion of performance evaluation documents policy

Chairman Healey explained the 2018 Wayland decision that impacted the way performance evaluations are treated in terms of public record. He stated that the legal opinion by Mr. Norris is included in the packet. He explained how the different ratings are categorized on a performance evaluation and that written comments are included. He explained that he reviewed Mr. Purple's performance evaluation as did Mr. Mulholland of the Personnel Board. He said the Attorney General has interpreted the public records statute to read that any items that go to the Board as part of personnel review automatically become public record. He asked the Board which parts of the performance evaluation they would like to include in part of the packet knowing it will become public record. He added that when he filled out the evaluation, it was not with the understanding that what he was writing would become public record.

Mr. Shea stated he leaned towards including the composite information in the packet and suggested if individuals have comments they would like to make that they could do so in a private conversation with Mr. Purple. Mr. Stivers stated that any evaluations the Board may have input on should be available to the public. He added that the overall grid and individual numerical ranking should be a public document. He added that he felt there should be a public discussion where details deemed appropriate could be discussed. Ms. Braccio asked if Mr. Norris was contacted regarding contract employees and what can and cannot be released. Chairman Healey stated he discussed this with Mr. Norris. He added that the opinion of the Supreme Judicial Court was clear that anything sent to the entire Board as part of consideration is public record. He stated he would follow up with Mr. Norris for clarification to report at the November 17th meeting.

VII. Public Comment

None

VIIII. At 9:43 P.M. Chairman Healey made a motion for the Board to enter into Executive Session per M.G.L. Chapter 30A, Section 21, and not returning to Open Session – to discuss strategy with respect to litigation (Exemption 3), John & Marjorie Warfield v. Town of Southborough, as the Chair declares that an open meeting may have a detrimental effect on the negotiating position of the public body. Mr. Stivers seconded. The motion passed all in favor (5-0-0) by roll call vote, Braccio, aye; Malinowski, aye; Shea, aye; Stivers, aye; Healey, aye.

Upcoming Meetings *November 10, 2020* *November 17, 2020*

Respectfully submitted,

Kathleen Barry, Recording Secretary

List of Documents referred to at the November 4, 2020 BOS Meeting:

- Norris Opinion re Boelter v Wayland 060628
- BOELTER vs. WAYLAND, 479 Mass. 233
- Selectmen goals_FY21.W.11.04
- Citizen Activity Form, Angela Varner
- Letter from Matthew Probst to Lori Esposito re: New Citizen Activity Form Submitted
- Memo from Karen Galligan to BOS re: Chapter 90, Cordaville Road Shovel Ready Projects
- Draft BOS Regular Session Minutes 10.20.20
- Letter from Youth and Family Services to BOS dated 10.20.20
- Letter from Chief Paulhus to BOS dated 10.27.20
- Letter of Resignation from Robyn Richards
- Presentation by Dr. Medina dated 11.4.20

MARY ALICE BOELTER & others [Note 1] vs. BOARD OF SELECTMEN OF WAYLAND.

479 Mass. 233

December 5, 2017 - April 5, 2018

Court Below: Superior Court, Middlesex County

Present: Gants, C.J., Lenk, Gaziano, Lowy, Budd, Cypher, & Kafker, JJ.

Records And Briefs:

- (1) SJC-12353 01 Appellant Wayland Brief
- (2) SJC-12353 02 Appellee Boelter Brief
- (3) SJC-12353 03 Amicus Attorney General Brief
- (4) SJC-12353 05 Amicus MA Gaming Commission Brief
- (5) SJC-12353 06 Amicus Newspaper Publichsers Association Brief
- (6) SJC-12353 07 Amicus Abrams And Silva Brief

SJC-12353

Open Meeting Law. Municipal Corporations, Open meetings, Selectmen. Moot Question. Attorney General.

In a civil action involving a question of the open meeting law arising from the performance review of a town administrator by the town's board of selectmen, the judge properly declined to dismiss the action as moot, where the situation presented was capable of repetition yet evading review, and where the matter was of substantial public importance. [237-238]

A town's board of selectmen (board) violated the open meeting law, G. L. c. 30A, § 20 (a), in its performance review of the town administrator, where individual and composite evaluations of the town administrator that the board's chair circulated to board members via electronic mail prior to the meeting expressed the opinions of a majority of board members to a quorum in advance of the public meeting, in effect constituting a deliberation or meeting to which the public did not have access. [238-244]

In a civil action brought by five registered voters in a town, challenging a certain action of the town's board of selectmen as a violation of the open meeting law, the judge erred in purporting to strike an opinion of the Attorney General on an administrative complaint regarding that action, where the administrative complaint was not before the judge. [244-245]

CIVIL ACTION commenced in the Superior Court Department on February 11, 2014.

The case was heard by Dennis J. Curran, J., on motions for summary judgment.

The Supreme Judicial Court on its own initiative transferred the case from the Appeals Court.

Mark J. Lanza, Special Town Counsel, for the defendant.

David S. Mackey, Special Assistant Attorney General (Christine M. Zaleski also present) for Massachusetts Gaming Commission.

George H. Harris for the plaintiffs.

Page 234

The following submitted briefs for amici curiae:

Maura Healey, Attorney General, & Jonathan Sclarsic & Kevin W. Manganaro, Assistant Attorneys General, for the Attorney General.

Robert J. Ambrogi & Peter J. Caruso for Massachusetts Newspaper Publishers Association.

Kenneth S. Leonetti, Christopher E. Hart, Michael Hoven, & Kelly Caiazzo for Hal Abrams & others.

LENK, J. The plaintiffs, all registered voters in the town of Wayland (town), brought this action in the Superior Court to challenge the procedure by which the board of selectmen of Wayland (board) conducted the 2012 performance review of the town administrator. The chair of the board had circulated to all board members, in advance of the public meeting where the town administrator's evaluation was to take place, board members' individual written evaluations, as well as a composite written evaluation, of the town administrator's performance. The board made public all written evaluations after the open meeting. The issue before us is whether the board violated the Massachusetts open meeting law, G. L. c. 30A, §§ 18 and 20 (a), which generally requires public bodies to make their meetings, including "deliberations," open to the public.

A judge of the Superior Court allowed the plaintiffs' motion for summary judgment, issued a permanent injunction, and declared "stricken" a contrary determination by the Attorney General that had issued the prior year, on essentially the same facts, in which the Attorney General had found that the board's conduct had not violated the open meeting law. The board appealed from the allowance of summary judgment, arguing that the matter is moot, its conduct did not violate the open meeting law, and the judge erred in "striking" the Attorney General's separate administrative decision.

We conclude that the judge did not err in declining to dismiss the case on mootness grounds, because the matter is capable of repetition and yet evading review, and is of substantial public importance. See, e.g., Seney v. Morhy, 467 Mass. 58, 61 (2014). We conclude further that the procedure the board followed in conducting the town administrator's evaluation did violate the open meeting law. In making this determination, we consider, for the first time, the meaning of the open meeting law's exemption to the definition of "[d]eliberation," which became effective in July, 2010, that permits members of public bodies to distribute to

Page 235

each other "reports or documents that may be discussed at a meeting, provided that no opinion of a member is expressed." See St. 2009, c. 28, § 18; G. L. c. 30A, § 18.

We conclude that this exemption was enacted to foster administrative efficiency, but only where such efficiency does not come at the expense of the open meeting law's overarching purpose, transparency in governmental decision-making. As the individual and composite evaluations of the town administrator by the board members contained opinions, the circulation of such documents among a quorum prior to the open meeting does not fall within the exemption, and thus constituted a deliberation to which the public did not have access, in violation of the open meeting law. We therefore affirm the judge's decision allowing summary judgment for the plaintiffs on this ground. We agree with the board, however, that the judge erred in "striking" the Attorney General's determination, and vacate that portion of the judge's decision. [Note 2]

1. Background. The material facts are not in dispute. On January 3, 2012, the five-member board held an open meeting during which it reviewed the procedures it intended to follow in conducting the annual performance evaluation of the town administrator. The board agreed that, by the end of the month, its members would submit individual evaluations to the chair, who would compile the evaluations and draft a composite evaluation. The composite evaluation was to be distributed to all board members in advance of the scheduled March 28, 2012, open meeting at which the board planned to discuss the town administrator's performance and issue a final written evaluation. The procedure the board chose to follow was largely consistent with the Attorney General's guidance to public bodies regarding performance evaluations, which was available on the Attorney General's Web site:

"May the individual evaluations of an employee be aggregated into a comprehensive evaluation?

"Yes. Members of a public body may individually create evaluations, and then submit them to an individual to aggregate into a master evaluation document to be discussed at an open meeting. Ideally, members of the public body should submit their evaluations for compilation to someone who is not a

Page 236

member of the public body, for example, an administrative assistant. If this is not a practical option, then the chair or other designated public body member may compile the evaluations. However, once the individual evaluations are submitted for aggregation there should be no

deliberation among members of the public body regarding the content of the evaluations outside of an open meeting, whether in person or over email."

In accordance with the plan developed at the open meeting, three of the board members submitted written evaluations to the chair. Two sent the evaluations by electronic mail (e-mail) message, and one hand-delivered her evaluation. The chair created a composite performance evaluation which included the opinions of those three board members, as well as his own. The reviews were predominantly positive. The chair then sent the composite document, along with the three individual performance evaluations, to each board member, by e-mail, as part of an agenda packet for the then-upcoming open meeting.

At the meeting, the board reviewed and discussed the composite evaluation and approved it as final. The minutes of the meeting simply state that the board "praised [the town administrator] for his availability and responsiveness to the public, his work ethic, his relationship with town staff, and his accessibility to board and committee members." The composite and individual evaluations subsequently were released to the public.

Approximately two months after the March 28, 2012, open meeting, George Harris, a registered voter in Wayland, filed a complaint with the office of the Attorney General, claiming that the board's procedure for conducting the town administrator's performance evaluation violated the open meeting law. See G. L. c. 30A, §§ 18, 20 (a). The open meeting law requires public bodies to make their meetings open to the public, and provide advance notice of such meetings, unless the meeting is an executive session, which can be conducted only for limited reasons. See G. L. c. 30A, §§ 18, 20.

In January, 2013, the Attorney General responded with a determination letter finding that the board's conduct had not violated the open meeting law; Harris's subsequent request for reconsideration was denied. As judicial review of an Attorney General's determination in such matters is available only to an aggrieved public body or member thereof, see G. L. c. 30A, § 23 (d), Harris did not appeal from the decision.

In February, 2014, the five plaintiffs in this action, who are also registered voters in Wayland (and who are represented by Harris) filed a complaint against the board in the Superior Court, concerning the same facts. The complaint sought a declaratory judgment and injunctive relief prohibiting the board from commencing a "private exchange of opinions in deliberating the professional competence of an individual prior to an open meeting." The parties filed cross motions for summary judgment. [Note 3]

The plaintiffs' motion was allowed after a hearing. The judge concluded that the board had violated the open meeting law and permanently enjoined it from "deliberating the town administrator's professional competence by private written messages before the commencement of a meeting open to the public." In his decision, although not in the judgment or amended judgment, [Note 4] the judge also declared that "[t]he opinion from the Attorney General

[d]ivision of [o]pen [g]overnment is stricken." The board appealed to the Appeals Court, and we transferred the case to this court on our own motion.

2. Discussion. a. Standard of review. We review a decision on a motion for summary judgment de novo, and thus "accord no deference to the decision of the motion judge" (citation omitted). Drakopoulos v. U.S. Bank Nat'l Ass'n, 465 Mass. 775, 777 (2013). "Summary judgment is appropriate where there are no genuine issues of material fact and the moving party is entitled to judgment as a matter of law." Boazova v. Safety Ins. Co., 462 Mass. 346, 350 (2012), citing Mass. R. Civ. P. 56 (c), as amended, 436 Mass. 1404 (2002).

b. Mootness. At first blush, the plaintiffs' claims appear moot, because the evaluation of the town administrator has been completed, and the plaintiffs are no longer able to affect the procedure the board implemented in 2012 in order to ensure compliance with the open meeting law. In addition, the typical remedy for such a violation is public release of the documents at issue, which the board effectuated after the asserted violation. [Note 5] See District

Page 238

Attorney for the N. Dist. v. School Comm. of Wayland, 455 Mass. 561, 572 (2009) (School Comm. of Wayland).

Nonetheless, dismissal for mootness may be inappropriate if the situation presented is "capable of repetition, yet evading review" (citation omitted). Seney, 467 Mass. at 61. See Globe Newspaper Co. v. Commissioner of Educ., 439 Mass. 124, 127 (2003). "In such circumstances, we do not hesitate to reach the merits of cases that no longer involve a live dispute so as to further the public interest" (citation omitted). Seney, supra. Here, the board's practice is likely to recur; regardless of who is serving as the town administrator, an evaluation must take place every year. Moreover, the practice that the board followed is endorsed by the posted information on the Attorney General's Web site, meaning that other public bodies might follow suit. [Note 6] At the same time, the issue likely would evade judicial review, because of the relatively short window involved in the annual review. See Wolf v. Commissioner of Pub. Welfare, 367 Mass. 293, 298 (1975) (matter capable of repetition and yet evading review "because the claim of any named plaintiff is likely to be mooted by the mere passage of time during the appeal process").

This matter is also of substantial public importance. By challenging the board's procedure, the plaintiffs seek to ensure that all of the town's constituents have access to the decision-making process of their local government whenever a town administrator is evaluated. See School Comm. of Wayland, 455 Mass. at 570 ("It is essential to a democratic form of government that the public have broad access to the decisions made by its elected officials *and to the way in which the decisions are reached*" [emphasis in original; citation omitted]). We conclude that the motion judge did not err in declining to dismiss the case for mootness.

c. Open meeting law. General Laws c. 30A, § 20 (a), provides

Page 239

that, with the exception of executive sessions, [Note 7] "all meetings of a public body shall be open to the public." [Note 8] The statute defines a "meeting" as "a deliberation by a public body with respect to any matter within the body's jurisdiction," subject to certain exclusions not relevant here. G. L. c. 30A, § 18. A "deliberation," in turn, is defined as "an oral or written communication through any medium, including [e-mail], between or among a quorum of a public body on any public business within its jurisdiction." Id.

The statute, however, provides an exemption: "'deliberation' shall not include the distribution of a meeting agenda, scheduling information or distribution of other procedural meeting or the distribution of reports or documents that may be discussed at a meeting, *provided that no opinion of a member is expressed*" (emphasis added). Id. The parties dispute whether, in circulating the individual and composite evaluations in advance of the public meeting, the board members' opinions were "expressed" within the meaning of this exemption.

To resolve this dispute, we must "effectuate the intent of the Legislature" (citation omitted). Koshy v. Sachdev, 477 Mass. 759, 765 (2017). "We begin with the canon of statutory construction that the primary source of insight into the intent of the Legislature is the language of the statute." Id. at 766, quoting International Fid. Ins. Co. v. Wilson, 387 Mass. 841, 853 (1983).

As an initial matter, the open meeting law does not provide a meaning for the word "opinion." In ordinary usage, an "opinion" is "a view, judgment, or appraisal formed in the mind about a particular matter." Webster's Third New International Dictionary 1582 (1993). See Boylston v. Commissioner of Revenue, 434 Mass. 398, 405 (2001) ("We usually determine the plain and ordinary meaning of a term by its dictionary definition" [quotation omitted]). The individual and composite evaluations prepared by the board members and shared with the quorum doubtless constituted "appraisals" of the town administrator's performance, and therefore contained

board members' opinions. The question, then, is whether the circulation of the individual and composite evaluations containing board members' opinions was permissible since the opinions were not expressed in the body of the chair's e-mail message circulating the evaluations but, rather, in the attachments themselves.

The phrase, "provided that no opinion of a member is expressed," specifically pertains to "reports or documents that may be discussed at a meeting." G. L. c. 30A, § 18. See Deerskin Trading Post, Inc. v. Spencer Press, Inc., 398 Mass. 118, 123 (1986) (general rule of grammatical construction is that "a modifying clause is confined to the last antecedent" [citation omitted]). The natural reading of the statute is that two categories are carved out of the definition of "deliberation." It is not "deliberation" when the materials distributed to the quorum fall into one of two categories: first, purely procedural or administrative materials (such as agendas) and, second, reports or documents to be discussed at a later meeting, so long as such materials do not express the opinion of a board member.

The board argues that the phrase, "provided that no opinion of a member is expressed," only pertains to the distribution of reports or documents, and not to the reports or documents

themselves. In other words, the board believes that the statute permits board members to share their opinions with a quorum provided that the opinions are not expressed in, for example, the body of an e-mail message or in a cover letter, but only in attachments to e-mail messages or documents referred to in a cover letter. This reading would create a loophole that would render the open meeting law toothless. See ENGIE Gas & LNG LLC v. Department of Pub. Utils., 475 Mass. 191, 199 (2016) ("The court does not determine the plain meaning of a statute in isolation but, rather, . . . [considers] the surrounding text, structure, and purpose of the Massachusetts act . . ." [citation and quotations omitted]); Champigny v. Commonwealth, 422 Mass. 249, 251 (1996) (reading of statute that causes it to have "no practical effect" is absurd result, and we "assume the Legislature intended to act reasonably"). If we were to adopt the board's view, the board members permissibly could have conducted an extended communication on any topic without public participation, so long as they styled their opinions as separate reports or documents and delivered them without substantive comment by hand, United States mail, or e-mail messages. This plainly cannot be what the Legislature intended in adopting the exemption. See Worcester v. College

Hill Props., LLC, 465 Mass. 134, 145 (2013), quoting North Shore Realty Trust v. Commonwealth, 434 Mass. 109, 112 (2001) (statute "should not be so interpreted as to cause absurd or unreasonable results when the language is susceptible of a sensible meaning").

Our reading is consistent with the statute's history. Previously, the open meeting law defined "deliberation" as "a verbal exchange between a quorum of members of a governmental body attempting to arrive at a decision on any public business within its jurisdiction." See G. L. c. 39, § 23A, as appearing in St. 1975, c. 303, § 3. In School Comm. of Wayland, 455 Mass. at 570-571, this court clarified that a "private e-mail exchange in order to deliberate the superintendent's professional competence" among Wayland school committee members "violated the letter and spirit of the open meeting law," because "[g]overnmental bodies may not circumvent the requirements of the open meeting law by conducting deliberations via private messages, whether electronically, in person, over the telephone, or in any other form." We reasoned that the e-mail communications at issue were not protected, "as we must presume the substance of the written comments would have been stated orally at an open meeting in which the superintendent's professional competence was discussed." Id. at 571-572.

In the same year that School Comm. of Wayland, supra, was decided, the Legislature broadened the open meeting law's definition of "deliberation," and affirmed that a "deliberation" could encompass "any medium," not just verbal communication. See St. 2009, c. 28, §§ 18, 20, 106 (effective July 1, 2010). At the same time, however, the Legislature amended the open meeting law expressly to allow public bodies to distribute some materials internally in advance of open meetings without triggering the definition of "deliberation"; this change seems to have been a response to the practical realities of local governmental service. By permitting officials to review certain administrative materials and reports in advance of an open meeting, the Legislature took steps to ensure that the work of those officials at the meetings could be focused and efficient. At the same time, in recognition that the overarching purpose of the open meeting law is to ensure transparency in governmental decision-making, the Legislature specified that no opinion of a

board member could be expressed in any documents circulated to a quorum prior to an open meeting. See Revere v. Massachusetts Gaming Comm'n, 476 Mass. 591, 610 (2017) ("the new version of the open meeting law does not alter our belief that '[i]t is essential to a democratic form of government that the public

Page 242

have broad access to the decisions made by its elected officials and to the way in which the decisions are reached'" [citation omitted]). However inefficient this may prove for local bodies in certain circumstances, this is the balance that the Legislature has struck.

The board argues that the Attorney General's interpretation of the open meeting law is entitled to deference and should prevail. In the determination letter dismissing Harris's complaint, the Attorney General found that the board did not violate the open meeting law because "the [c]hair performed an administrative task exempt from the law's definition of deliberation." She explained that the chair's "email did no more than distribute a document to be discussed at the [b]oard's meeting that night. The email did not contain any advocacy by [the chair], and it did not invite comment from other [b]oard members, nor was any comment provided." She went on to explain that "[a]lthough the document itself may have contained the opinions of [b]oard members, we find compiling evaluations to be a permissible and necessary function for public bodies to conduct ahead of meetings, so long as discussion of the evaluations occurs during an open meeting." The Attorney General conceded, however, that because e-mail communication among a quorum of public body members, "however innocent[,] creates at least the appearance of a potential open meeting law violation . . . our best advice continues to be that public bodies not communicate over email at all except for distributing meeting agendas, scheduling meetings and distributing documents created by non-members to be discussed at meetings, which are administrative tasks specifically sanctioned under the open meeting law."

Where, as here, the Attorney General is authorized to interpret a statute, her interpretation is entitled to substantial deference, unless it is inconsistent with the plain language of the statute. Smith v. Winter Place LLC, 447 Mass. 363, 367-368 (2006). In this case, the Attorney General's characterization is not supported by the plain meaning of the statute, and therefore is not accorded such deference. While the Attorney General correctly notes that the e-mail message to the board to which the evaluations were attached did not itself contain advocacy or invite comment, this does not alter the fact that the evaluations themselves contained board members' opinions. The Attorney General dismisses the fact that the composite evaluation contained board members' opinions by stating that "compiling evaluations" is a "permissible and necessary function for public bodies," but the chair did not

Page 243

simply compile the evaluations in this case -- he circulated the compiled evaluations to a quorum. We note also that the Attorney General's determination letter fails to recognize that the chair sent not only the composite evaluation, but also the three individual evaluations, to all board members.

We conclude that the board's conduct violated the open meeting law. The circulated individual and composite evaluations expressed the opinions of the board members to a quorum in advance of the public meeting. As the plaintiffs note, the effect of the circulation of the individual and composite evaluations was that all five board members were aware of the opinions of four of the members in advance of the open meeting; thus, the circulation, in effect, constituted a deliberation, or a meeting, to which the public did not have access. Indeed, the motion judge noted that, after the circulation, and before the open meeting, "it was rather obvious that the die had been cast as to whether the town administrator should be continued in his position." The open meeting law was intended to ensure that the public is able to see for themselves how such decisions are made. See Revere, 476 Mass. at 610. The distribution of the individual and composite opinions to the quorum, prior to the meeting, was thus a violation of the open meeting law. See G. L. c. 30A, § 18. Compare School Comm. of Wayland, 455 Mass. at 570 ("Open meetings provide an opportunity for each member of the governmental body to debate the issues and disclose their personal viewpoints *before* the governmental body reaches its decision on a matter of public policy" [emphasis added]); McCrea v. Flaherty, 71 Mass. App. Ct. 637, 641 (2008) (open meeting law "provides for public access to the decision-making process when it is in a formative stage, several steps removed from the eventual result").

The result here would have been different if the board had made the individual and composite evaluations publicly available before the open meeting. For example, the board could have posted the evaluations on its Web site and made paper copies available for inspection at or about the time that the evaluations were circulated among a quorum of board members. Ordinarily, the board is required only to make the minutes of open meetings, along with "the notes, recordings or other materials used in the preparation of such minutes and all documents and exhibits used at the session," available to the public, upon request, within ten days after an open meeting has taken place. G. L. c. 30A, § 22 (c), (e). Nothing in the open meeting law or the public records statute, however, precludes the board from prior disclosure, at least in

these circumstances. [Note 9] See G. L. c. 4, § 7; G. L. c. 30A, §§ 18-25; G. L. c. 66, §§ 1 et seq. If board members wish to circulate documents containing board member opinions among a quorum in advance of an open meeting, as here, prior and relatively contemporaneous public disclosure of those documents, where permissible, is necessary in order to comply with the open meeting law and to advance the statute's over-all goal of promoting transparency in governmental decision-making.

d. Striking the Attorney General's decision. The board argues that, in his decision granting the plaintiffs' motion for summary judgment, the judge erred in ruling that "[t]he opinion from the Attorney General [d]ivision of [o]pen [g]overnment is stricken." [Note 10] We agree. The open meeting law establishes two separate means by which a party may complain of a violation: an aggrieved party may seek administrative remedies, for which judicial review is available only to a government entity that is party to the ruling, or file a registered-voter complaint in the Superior Court, as here. See G. L. c. 30A, § 23 (b), (d), (f). To the extent that the judge was attempting to reverse the Attorney General's decision on Harris's administrative complaint, he had no authority to do so. [Note 11] While Harris's administrative complaint and this action concern the same

facts, Harris's complaint was not before the judge. Nor could it have been, as Harris was not a member of a public body at the time that the complaint was filed. See G. L. c. 30A, § 23 (d) ("A public body or any member of a body aggrieved by any order issued pursuant to this section [by the Attorney General] may, notwithstanding any general or special law to the contrary, obtain judicial review of the order only

Page 245

through an action in [S]uperior [C]ourt seeking relief in the nature of certiorari").

3. Conclusion. The judgment is affirmed. The purported "striking" of the Attorney General's determination at the administrative proceeding is vacated. The matter is remanded to the Superior Court for such further proceedings as are required.

So ordered.

FOOTNOTES

[Note 1] Dorothy J. Dunlay; Kent E. George; Stanley U. Robinson, III; and Lois Voltmer.

[Note 2] We acknowledge the amicus briefs submitted by the Attorney General; the Massachusetts Gaming Commission; the Massachusetts Newspaper Publishers Association; and Hal Abrams, Kim Abrams, and Karen Silva.

[Note 3] In civil actions to enforce the open meeting law, "the burden shall be on the respondent to show by a preponderance of the evidence that the action complained of in such complaint was in accordance with and authorized by the open meeting law." G. L. c. 30A, § 23 (f).

[Note 4] The initial judgment was amended to correct an erroneous statutory reference.

[Note 5] The board's mootness argument focuses on the fact that the town administrator, whose performance evaluation was the subject of this action, was terminated in August, 2013. The record is silent as to the reasons for the termination or the outcome of the administrator's other performance evaluations, if any. The plaintiffs, however, are not challenging the outcome of this particular town administrator's performance evaluation, which was in fact positive. The town administrator's subsequent termination thus is irrelevant to the mootness determination.

[Note 6] The Attorney General is authorized to interpret and enforce the open meeting law. See G. L. c. 30A, § 23 (a). She also may "promulgate rules and regulations to carry out enforcement of the open meeting law," and "issue written letter rulings or advisory opinions." G. L. c. 30A, § 25.

[Note 7] General Laws c. 30A, § 21 (a), permits a public body to meet in an executive session in ten limited circumstances, none of which is applicable here. Notably, these circumstances

include discussion of "the reputation, character, physical condition or mental health, *rather than professional competence*, of an individual" (emphasis added). See G. L. c. 30A, § 21 (a) (1).

[Note 8] "Except in an emergency, in addition to any notice otherwise required by law, a public body shall post notice of every meeting at least [forty-eight] hours prior to the meeting, excluding Saturdays, Sundays and legal holidays. In an emergency, a public body shall post notice as soon as reasonably possible prior to the meeting." G. L. c. 30A, § 20 (b).

[Note 9] Under the open meeting law, only the following materials used in open meetings are "exempt from disclosure to the public as personnel information: (1) materials used in a performance evaluation of an individual bearing on his professional competence, *provided they were not created by the members of the body for the purposes of the evaluation*; and (2) materials used in deliberations about employment or appointment of individuals, including applications and supporting materials; provided, however, that any resume submitted by an applicant shall not be exempt" (emphasis added). G. L. c. 30A, § 22 (e).

[Note 10] While the judge's decision does not specify which opinion it purports to strike, in context, it can refer only to the 2013 determination letter dismissing Harris's complaint. The plaintiffs do not dispute that the decision to strike was improper.

[Note 11] The purported striking was not necessary to ensure uniform resolution of future open meeting law challenges. The Attorney General has represented that if we affirm the judge's decision, she will amend her guidance and adjust her interpretation of the open meeting law when resolving complaints.

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Citizen Activity Form

Good Government Starts with You

Date Submitted:	October 13, 2020
Name:	Angela K Varner
Home Address:	9 Sadie Hutt Lane Southborough
Mailing Address:	9 Sadie Hutt Lane Southborough
Phone Number(s):	
Email Address:	
Current Occupation/Employer:	Vice President, Bain & Company
Narrative:	I would be available for the monthly meetings, plus some additional hours on the weekends or evenings. I have been in the technology industry for over 20 years, serving in a variety of positions including Technology Officer for a $10B consulting business, Global Infrastructure lead and Knowledge Leader.
Board(s) / Committee(s):	___MUNICIPAL TECHNOLOGY COMMITTEE

TOWN OF SOUTHBOROUGH

BOARD OF SELECTMEN Meeting Minutes

Meeting Date: Tuesday, October 20, 2020, 6:30 P.M.
Location: Virtual Meeting through Zoom
Present: Marty Healey, Lisa Braccio, Chelsea Malinowski, Brian Shea, Sam Stivers and Town Administrator Mark Purple

Executive Session

At 5:30 P.M. the Board entered into Executive Session per M.G.L. Chapter 30A, Section 21, and returning to Open Session —to discuss strategy with respect to litigation (Exemption 3), as the Chair declares that an open meeting may have a detrimental effect on the negotiating position of the public body. The matters to be discussed are; (1) Cell tower/flagpole on Town Common; (2) John & Marjorie Warfield v. Town of Southborough; and (3) Louise Barron, Jack Barron, and Arthur St. Andre v. Board of Selectmen and the Town of Southborough. Chairman Healey made a motion to exit Executive Session at 6:35 P.M. Mr. Shea seconded. The motion passed all in favor by roll call vote (5-0-0), Braccio, aye; Malinowski, aye; Shea, aye; Stivers, aye; Healey, aye.

I. Chairman Healey summarized that the Board is proceeding to public session at 6:37 P.M. from Executive Session. Chairman Healey read the following statement:

Pursuant to Governor Baker's March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, §18, and the Governor's March 15, 2020 Order imposing strict limitation on the number of people that may gather in one place, this meeting of the Southborough Board of Selectmen will be conducted via remote participation to the greatest extent possible. Specific information and the general guidelines for remote participation by members of the public and/or parties with a right and/or requirement to attend this meeting can be found on the Town of Southborough's website, at https://www.southboroughtown.com/. For this meeting, members of the public who wish to watch or participate in the meeting may do so in the following manner by finding the meeting at: https://www.southboroughtown.com/remotemeetings. No in-person attendance of members of the public will be permitted, but every effort will be made to ensure that the public can adequately access the proceedings in real time, via technological means. In the event that we are unable to do so, despite best efforts, we will post on Southborough's website an audio or video recording, transcript, or other comprehensive record of proceedings as soon as possible after the meeting.

II. **Public Comment**

Cynthia Cram (44 Bigelow Road) updated the Board about a proposed trails project for property owned by SOLF currently before the Conservation Commission. She described the project which included three proposed parking spots and a viewing platform. She expressed her concerns regarding traffic and parking. Chairman Healey asked if she has been in contact with the Trails Committee and Ms. Cram replied that she did not believe this was their project but felt the Planning Board should be included in the decision-making process.

Donna and Rob Sergi (42 Bigelow Road) further explained the project and their concerns. Mr. Sergi stated that this will be in front of the Conservation Commission and stated he will be

sending more information to the Board. Chairman Healey replied that he appreciated the information and will work to understand where jurisdiction lies.

III. Scheduled Appointments

6:30PM: Tax Classification Hearing; joint meeting with Board of Assessors

Mr. Cibelli stated he was presenting the annual tax classification hearing on behalf of the Board of Assessors. He told the Board there had been a $50,000 reduction in revenue and as a result the tax rate has increased by two cents with the average tax bill increasing by approximately $13. He added that the Commonwealth's budget is usually voted and approved of by this time of the year but because of the pandemic they have not done either. He stated that additional changes to local aide that result in a loss of funds could change the projected budget. Mr. Purple read the public hearing notice into the record. Chairman Healey made a motion to open the public hearing at 6:52 PM. Mr. Shea seconded. The motion passed all in favor (5-0-0) by roll call vote, Braccio, aye; Malinowski, aye; Shea, aye; Stivers, aye; Healey, aye.

Chairman Healey asked if there was a timeframe for receiving the final budget information and Mr. Cibelli replied that after speaking with the Department of Revenue and the Bureau of Local Assessment, there is no timetable. Mr. Cibelli walked the Board through the presentation provided in the packet. Mr. Stivers stated that at this point in time, the single tax rate makes sense and he is in support of the recommendations from the Board of Assessors. Chairman Healey opened the discussion to public comment and there was none. Mr. Shea made a motion to close the public hearing at 7:13 P.M. Chairman Healey seconded. The motion passed all in favor (5-0-0) by roll call vote, Braccio, aye; Malinowski, aye; Shea, aye; Stivers, aye; Healey, aye.

Chairman Healey made a motion to continue with the single tax rate for fiscal year 2021. Ms. Braccio seconded. The motion passed all in favor (5-0-0) by roll call vote, Braccio, aye; Malinowski, aye; Shea, aye; Stivers, aye; Healey, aye. Chairman Healey made a motion to not adopt the small commercial exemption for fiscal year 2021. Mr. Stivers seconded. The motion passed all in favor (5-0-0) by roll call vote, Braccio, aye; Malinowski, aye; Shea, aye; Stivers, aye; Healey, aye. Chairman Healey made a motion to not adopt the small commercial exemption for fiscal year 2021. Mr. Stivers seconded. The motion passed all in favor (5-0-0) by roll call vote, Braccio, aye; Malinowski, aye; Shea, aye; Stivers, aye; Healey, aye. Mr. Cibelli told the Board that he will have Mr. Purple update them with any changes to local aid that affects the tax rate and will move forward with the finance team to make the approved adjustments going forward. He added that if there is no update from the State, the tax rate will be set using estimates.

Volunteer interviews

i. Sue Luh — ADA Committee, expiration 6/30/2021

Chairman Healey thanked Ms. Luh for her volunteerism and stated he felt would be a terrific fit for the ADA Committee. Mr. Stivers agreed and asked if she had attended any ADA Committee meetings. Ms. Luh stated she had not but has had a conversation with the Chair of the Committee and is up to speed. She gave background on her work in architectural and informational accessibility. Ms. Malinowski asked if there were anything specific she was looking to accomplish with the ADA Committee. Ms. Luh responded that after speaking with the Chair, she would like to continue the context of connecting volunteers with the Southborough community. She mentioned Meals on Wheels and social and emotional support during the pandemic. Mr. Stivers made a motion to appoint Sue Luh to the ADA Committee, expiration

6/30/2021. Ms. Malinowski seconded. The motion passed all in favor (5-0-0) by roll call vote, Braccio, aye; Malinowski, aye; Shea, aye; Stivers, aye; Healey, aye.

ii. David Joyner — CPC At-Large position, expiration 6/30/23

Chairman Healey asked Mr. Joyner what garnered his interest in CPC and what he hopes to bring the Committee. Mr. Joyner explained his interest in the Breakneck Hill and Chestnut Hill Farms and explained his background in affordable housing. Ms. Braccio asked Mr. Joyner to elaborate on his experience in affordable housing and how he can apply that to the CPC. Mr. Joyner described his experience which included working in the field for over thirty years, property and asset management, market rate housing experience and advocating at the State level promote preservation and continued funding of affordable housing. The Board agreed that affordable housing is a focus and supported his appointment. Ms. Braccio made a motion to appoint David Joyner as the CPC At-Large position, expiration 6/30/2023. Mr. Shea seconded. The motion passed all in favor (5-0-0) by roll call vote, Braccio, aye; Malinowski, aye; Shea, aye; Stivers, aye; Healey, aye.

<u>7:00PM: Steve Achilles, Fire Chief— Update on hiring, training and reporting for F ire Dept. operations</u>

Chairman Healey explained that a Board initiative was to focus on public safety and the public service area to ensure they are doing everything from a hiring perspective to have as broad a reach and be inclusive as possible. He stated the second goal was in the mechanics of reporting incidents and issues raised from the public through the ranks of the Fire Department and the Board. He explained the last goal to review is training.

Chief Achilles gave a brief overview of the Department's activity to date which included that calls are down 5% compared to last year with 1025 calls compared to last year at this time with 1075 calls. He added that they are seeing a decline in ambulance use over the last three-to-four months and he believes this is due to the pandemic. He added there are twenty-two full-time department members including him and seven call members. Chief Achilles stated that they have updated their policies and procedures and are dedicated to increase the number of call members. He stated there have been challenges with outreach programs and training due to the pandemic and are looking to start an internal training program and developing within the department. He described recent physician feedback programs to enhance their ability to provide medical care. Chief Achilles described the department's commitment to diversity and stated there are female firefighters, paramedics and on the on-call force. He stated they are collaborating with the Police Department and Youth and Family Services to become more sensitive to behavior health. Chief Achilles described his current procedure for responding to feedback from the community and his goals for a customer feedback survey in the future.

Chairman Healey thanked him for his report and urged him to find ways to bring mental health experts to their service. He asked for a report twice a year of complaints from the public and any recording keeping associated to be sent to the Board. Ms. Malinowski asked if the physician feedback is a contracted service that is paid for or are they evaluating care for the transport to the hospital. Chief Achilles explained that there are agreements with UMass Medical. Chairman Healey suggested Chief Achilles to reach out to Ms. Hale for creative ways to enhance outreach and diversity for potential applicants. Chief Achilles agreed to do so.

7:40PM: Discussion with Personnel Board: duties of the Board and Personnel Director; proposed SAP increases in FY22; employee training.

Ms. Rosenbloom called the meting of the Personnel Board to order at 8:14 P.M. She thanked Mr. Ballantine and Ms. Hale for their assistance in creating the annual adjustment and told the Board the Personnel Board provided them with the same information as requested last year. Chairman Healey stated that the information provided in the packet made sense to him and asked the Board for questions and there were none. Ms. Rosenbloom noted a new item on page ten with regards to COVID-19. She asked Mr. Purple to inform the Personnel Board of any proposed changes to salaries having to do with the pandemic. Mr. Purple agreed and said there were none at this time. Ms. Malinowski asked if section 3B which describes an example 2.5% increase to SAP salaries resulting in a 1% overall budget increase would negate a level funded budget. Ms. Rosenbloom stated it did not and explained that she asked Mr. Ballantine to show what each 1% increase in SAP salaries would cost the Town in dollars.

Chairman Healey asked for their ideas for training regarding equity and inclusivity. Ms. Rosenbloom stated she was just made aware of this focus and would refer to DEI training. She stated the Personnel Board does not have the capacity to be DEI professionals but they do have funds for personnel training. Mr. Rubenstein said they would need to identify what the Town is seeking to accomplish with training in terms of procedure. Ms. Rosenbloom suggested partnering with other towns to regionalize DEI training. Ms. Braccio asked about the four-year review of equity in the payroll and Ms. Rosenbloom explained what it entails under section 16E. She added she did not think the Town had any equity issues with payroll but they will gather and send the information to Attorney Norris who would confidentially respond with any perceived issues. There was discussion regarding funding employee training and Mr. Purple explained Ms. Hale reached out to the insurance company to inquire about their training. He said diversity is dominating the conversations but they do not have any trainings available at this time. Ms. Hale stated that the insurance company offers many free training classes and the Town receives credits in the form of discounts on premiums for sending employees to their seminars. She said they are not ready for a virtual training format but will be monitoring their offerings.

Ms. Rosenbloom stated that the topic of roles and responsibilities of the Personnel Director and Personnel Board have been discussed at length for two years with no resolution. She explained part of the Town Administrator Bylaw and the SAP bylaw. She offered to submit a list of grievances to Board members. Chairman Healey stated there is real tension between the documents and suggested a conversation. Mr. Rubenstein stated Ms. Rosenbloom gave an accurate description of the issues and felt the areas of overlap should be rectified. He suggested an open conversation to resolve these issues. Ms. Malinowski agreed that if there are issues, it is the Board's responsibility to listen and address them. Mr. Shea stated that as one of several that served on the committee to form the current Town Administrator Bylaw, there was never an intention to create conflict between the two entities. He encouraged the two parties to have a conversation to clarify any discrepancies. Mr. Stivers stated that it is within their abilities to collectively decide what the correct relationship should be and if it is not in line with the current bylaw, they should rewrite it. He stated he was in support of a conversation in a smaller group to work through structure issues. Ms. Rosenbloom explained the need for an organizational chart and asked the Board to review her draft version. Ms. Braccio said she hoped there would be a conversation between the two parties between now and November 4th. Ms. Rosenbloom adjourned the Personnel Board meeting at 9:12 P.M.

8:00PM: Atty. Tim Norris — Responding to Public Records requests
At the Chairman Healey's request Attorney Norris will be rescheduled to a later date.

IV. Reports

Chairman's Report

Chairman Healey stated the position of the Board regarding Halloween is if people feel comfortable celebrating, that they follow the guidance from the State outlined on the Town website.

Chairman Healey stated Mr. Sines, Chair of the ADA Committee sent a response to his initial letter raising three questions regarding requirements with the Public Safety Complex. He said he would send the letter to the Board members and suggested the topic be put on a future agenda for discussion.

Chairman Healey stated that Ms. Galligan brought to his attention the communication from Chief Achilles regarding trees he thought were threatening from a public safety perspective on Overlook Drive. He said Ms. Galligan noted that all the trees outlined could potentially damage some powerlines and cable lines on private property. She stated to him that she is going to reach out to the land owners of the private properties to try and come to a safe solution.

Chairman Healey asked Mr. Stivers for an update on the tree removal policy. Mr. Stivers stated they are close to a resolution that works with the Planning Board and DPW. He added that the Board could provide guidance regarding the inclusion of the Planning Board on joint hearings with the Tree Warden and DPW. Chairman Healey stated he would like to see the policy in writing before providing any guidance.

Members' Reports

Ms. Malinowski stated she had a preliminary conversation with the Chief of Police and the Fire Chief regarding regional dispatch. She said the next steps are to collect data from other towns who have regional dispatch and possibly create a subcommittee as Chief Paulhus suggested. The Board agreed to have Ms. Malinowski collect data to bring to the Board.

Ms. Malinowski told the Board the schools are doing a good job notifying families in schools impacted by COVID-19 as new cases arise. Ms. Malinowski suggested the Board be added to the email list and Mr. Purple agreed to include them for informational purposes.

Mr. Shea thanked the community for their support at the ALS One Golf Tournament at the Southborough Golf Course last weekend. He said between contributions made at the clubhouse and online, almost $4,500 was raised.

Mr. Shea stated he received a report for Pare Engineering regarding Deerfoot Road. He updated the Board and stated Pare will be working with Ms. Galligan on a grading plan to divert water from the south end of the road into an infrastructure to ensure less water flows towards 122 Deerfoot. Mr. Shea added that the recommendation was to move forward with paving and no additional structures were needed. Chairman Healey agreed and said after a conversation with Ms. Galligan he advised the Board to support a plan to move forward with paving before the end of the season. Mr. Stivers

asked if the grading could be adjusted during the paving process to ensure the correct level along the road. Mr. Shea stated Pare Engineering is preparing a plan with guidance on where the material should go. Ms. Malinowski asked if the residents were aware of the next steps. Chairman Healey stated Ms. Galligan is making sure the residents are told of the next steps and he is in support of this plan. Mr. Shea stated the residents with drainage issues associated with the development on Deerfoot Road hired their own engineer who provided a number of recommendations for private property. He said that was outside of the scope of the Board but that report recommended an engineering study on the road which has been done and the Board has followed through on. He added that Ms. Galligan will be reaching out to that engineer to discuss one of his recommended solutions that included a drain structure in the roadway that is no longer there. Mr. Shea stated the Town has done their due diligence and Pare Engineering reported that the developer has followed through with their sedimentation control.

Chairman Healey stated that the Board put off a ceremony for the naming of Shifrin Field with the idea that it could be done in November to coincide with the one-year anniversary of Mr. Shifrin's passing. He stated that for a variety of reasons it has been agreed that the best time to hold this ceremony would be in the spring to tie in to the begging of little league season.

Mr. Stivers stated Ms. Galligan will be doing an informal investigation into tying in with MWRA at Pine Hill Road for firefighter water instead of buying an additional pumper truck. He stated he will continue to look into this and update the Board.

Mr. Stivers stated he attended the Board of Health meeting and raised the issue regarding licensing trash haulers. He said they were unaware of Mr. Butler's presentation and he had forwarded it to them. He said the Board of Health was interested in this but are very busy due to the pandemic. He felt there was opportunity for the Board to support them administratively and to inquire with Town Counsel if a vote would be needed from the Board of Health to move forward with the licensing.

Mr. Stivers stated that revenue at the Golf Course is almost up 70% and are aiming to hit the greatest number of rounds in recorded history.

Town Administrator Report

Mr. Purple stated that the Golf Course has not seen revenue and round numbers as they are now in about a decade. He stated the pandemic has probably attributed to its success and he hopes the numbers will continue beyond the end of the pandemic.

Mr. Purple stated he would assist the Board moving forward with the conversation with MWRA and Pine Hill Road.

Mr. Purple explained the CMRPC funding of the ADA Self Evaluation Transition Plan. He stated there are funds to support the plan but hopes the grant from CRMPC will fully fund the work . He added that the work needs to be done by June and they will be working with CRMPC consultants. He thanked Ms. Hale, Mr. Parent and Mr. Davis for their assistance in the grant application process.

V. Consent Agenda

a. Mr. Shea held consent agenda item "a." Mr. Shea stated that under Members' Reports on page six it is written that he and Ms. Galligan visited Deerfoot Road and it should say "Pare

Engineering" as he and Ms. Galligan did not visit the site. Mr. Stivers stated Ms. Barrett's name was misspelled and asked for a correction. Chairman Healey made a motion to approve Open Session Minutes: October 6, 2020 with the mentioned revisions. Mr. Shea seconded. The motion passed all in favor (5-0-0) by roll call, Braccio, aye; Malinowski, aye; Shea, aye; Stivers, aye; Healey, aye.

b. Mr. Stivers held agenda item "e." Mr. Stivers stated that this date coincides with Passover and Palm Sunday. Mr. Purple stated he thought he avoided the holidays when scheduling this date and the Finance Department would like the date as late in March as possible. Mr. Purple stated he will bring "Establish date for Annual Town Meeting (Saturday, March 27, 2021 @ 1PM)" back for discussion at the next meeting.

c. Ms. Malinowski asked to hold consent agenda item "c." She asked why the Board needed to approve to release the minutes from April 9, 2020 as they are already posted on the website. Mr. Purple stated there is no record that the Board voted to release them. Ms. Malinowski asked for clarity on the process for approving and releasing Executive Session minutes. Chairman Healey made a motion to approve consent agenda item "c" to release Executive Session minutes: April 9, 2018; January 7, 2020; January 21, 2020; February 4, 2020; February 25, 2020; May 19, 2020 (redacted). Mr. Shea seconded. The motion passed all in favor (5-0-0) by roll call, Braccio, aye; Malinowski, aye; Shea, aye; Stivers, aye; Healey, aye. Ms. Malinowski volunteered to review the Executive Session minutes and how they are being recorded.

d. Chairman Healey made a motion to approve the extension of outdoor dining for any period up to sixty (60) days after the end of the state of emergency. Mr. Shea seconded. The motion passed all in favor (5-0-0) by roll call, Braccio, aye; Malinowski, aye; Shea, aye; Stivers, aye; Healey, aye.

e. Chairman Healey made a motion to appoint Jen Hansen to Community Preservation Committee/Recreation Comm. Rep., term 6/30/21. Mr. Shea seconded. The motion passed all in favor (5-0-0) by roll call, Braccio, aye; Malinowski, aye; Shea, aye; Stivers, aye; Healey, aye.

f. Ms. Braccio asked to hold agenda item "f." Ms. Braccio stated the amount in the contract needs to be adjusted for an additional twelve hours to an amount of $7,087.50. Ms. Braccio and Ms. Connelly explained the reason for the adjustment. Chairman Healey made a motion to approve the revised contract for Judy Barrett as described by Ms. Braccio, Barrett Planning Group LLC, RE: Downtown Initiative. Mr. Stivers seconded. The motion passed all in favor (5-0-0) by roll call, Braccio, aye; Malinowski, aye; Shea, aye; Stivers, aye; Healey, aye.

VI. Other Matters Properly Before the Board

Review of cemetery police and procedures re: damaged headstones

Ms. Braccio stated that after hearing concerns regarding headstones in the cemetery, she met with Ms. Galligan and Mr. Purple. She stated that an Eagle Scout project to catalogue the headstones and find a path to fix or restore some was proposed. Mr. Stivers asked if the cemetery was in the National Register. Ms. Braccio stated she did not know. Mr. Stivers stated if someone were to catalogue the headstones, that information could be sent to the National Register.

Proposal to establish Rent/Mortgage Relief under CARES Act

Ms. Braccio stated she met with Ms. McAuliffe and is working with Ms. Esposito to move forward to create a draft proposal for the October 27th meeting. She said she hopes that the application process for residents will be November 1st – December 1st. Ms. Braccio added that if the funding sources falls through from the CARES Act, she hopes they could be provided through the Affordable Housing Trust Fund. She stated she will be speaking with Ms. Cassell of Youth and

Family Services and may need to push her update to November 4th if they need more time to review.

Consideration of Trails Committee Letter of Support for DCR Public Access Plan
Chairman Healey stated he reviewed the access plan and felt it was a great idea to have the ability to walk a loop around Southborough without leaving one of their trails. Mr. Shea asked if there will be parking proposed near the new loop. Ms. McKee described various options for parking and stated they wanted to be respectful of abutters. Mr. Shea asked the Committee to keep in mind that additional areas for public parking will need to supplied for the public to access the trails effectively. Ms. Malinowski asked if the Board was going to vote on just the letter or also on the MOA. Chairman Healey asked Ms. McKee if the MOA was informational only and if she is asking to move forward with the Public Access Plan. Ms. McKee stated that the Trails Committee suggests removing the language about White Bagley Road. Ms. Malinowski stated that she will need to recuse herself as she is an abutter to White Bagley Road. Chairman Healey made a motion to approve the letter proposed by the Trails Committee. Mr. Stivers seconded. The motion passed (4-0-1) by roll call vote, Braccio, aye; Shea, aye; Stivers, aye; Healey, aye. Ms. Malinowski recused.

VII. Public Comment
None

VIII. On a motion made by Sam Stivers, seconded by Brian Shea and voted all in favor, the meeting was adjourned at 10:21 P.M.

Upcoming Meetings
October 27, 2020
November 4, 2020

Respectfully submitted,

Kathleen Barry, Recording Secretary

List of Documents referred to at the October 20, 2020 BOS Meeting:

- Selectmen's 10-20-20 Agenda Packet UPDATED BOA presentation
- FY 21 Goals - Boards and Committees
- Legal Advertising Proof - GateHouse Media
- Town Volunteer Form, Sue Luh
- Citizen Activity Form, David Joyner
- Community Risk Assessment and Standards of Cover
- Annual Adjustment - Factors Considered
- Town Administrator - Statement of Duties
- Chapter 27, Article 4 of Southborough Town Code
- Draft Employee Organizational Chart
- Draft Open Session Minutes, October 6, 2020
- Extension of Outdoor Dining and Expanded Alcohol License

KENNETH M. PAULHUS
CHIEF OF POLICE

TOWN OF SOUTHBOROUGH
POLICE DEPARTMENT

32 Cordaville Road
Southborough, Massachusetts 01772

Emergency: 9-1-1
All Other: (508)485-2121
Business: (508)485-2147
Fax: (508)485-4634
kpaulhus@southboroughma.com

To: Southborough Board of Selectmen

From: Police Chief Kenneth Paulhus

Subject: Full-Time Telecommunications Officer

Date: October 27, 2020

Dear Board of Selectmen:

Please consider my recommendation to elevate Mr. John Terranova as a Full-Time Telecommunications Officer, effective on November 5, 2020. He is currently a Part-Time T/C Officer for the Department. The opening becomes available when T/C Officer Robyn Richards officially resigns from her position on November 1st to pursue other employment.

The recommended pay rate for the position would be **Step 1 of the Local 44 Contract, $21.97 per hour,** based on his past training and experience.

Please feel free to contact me with any questions you might have.

Kenneth M. Paulhus
Chief of Police

Protecting Our Community...Together!

Lori Esposito

From: MATTHEW PROBST
Sent: Tuesday, October 13, 2020 10:40 PM
To: Lori Esposito
Cc: Carol Ostresh
Subject: Re: New Citizen Activity Form Submitted

Hi Lori,
I'm very supportive of Angela Varner's potential appointment to the MTC.

Thanks and regards,

-Matt Probst
Chair, MTC

On 10/13/20, 4:54 PM, "Carol Ostresh" <costresh@southboroughma.com> wrote:

Hi Matthew,

If you have any comments in reference to this applicant before the Board of Selectmen consider her for the appointment to your committee, please email them to Lori Esposito.
Thanks in advance.
Carol

-----Original Message-----
From: VTS_BoardCommitteeApp <VTS_BoardCommitteeApp@virtualtownhall.net>
Sent: Tuesday, October 13, 2020 4:12 PM
Subject: New Citizen Activity Form Submitted

[EXTERNAL]

A new Citizen Activity form was submitted on Oct 13, 2020 with the following information:

Name: Angela K Varner
Home Address: 9 Sadie Hutt Lane
Southborough
Mail Address: 9 Sadie Hutt Lane
Southborough
Phone Number(2):
Email Address:
Current Occupation: Vice President, Bain & Company
Narrative:
****

I would be available for the monthly meetings, plus some additional hours on the weekends or evenings. I have been in the technology industry for over 20 years, serving in a variety of positions including Technology Officer for a $10B consulting business, Global Infrastructure lead and Knowledge Leader.

SOUTHBOROUGH YOUTH AND FAMILY SERVICES

STRENGTHENING OUR COMMUNITY BY SUPPORTING ITS FAMILIES

October 20, 2020

Town of Southborough
Board of Selectmen
17 Common Street
Southborough, MA. 01772

Dear Board of Selectmen:

We request that you accept the attached donations into our donation account. These will be used to pay for items not covered by our Town budget.

Thank you.

Sincerely,

Sarah Cassell

Sarah Cassell
Director
Southborough Youth and Family Services

Mail: 17 Common Street, Southborough, MA 01772
Office: Fayville Hall, 42 Central Street, Southborough
Phone: (508) 481-5676 Fax: (508) 229-4469

Robyn Richards

Communications Officer, Town of Southborough

32 Cordaville Rd

Southborough MA 01772

Chief Paulhus

Chief of Police, Town of Southborough

32 Cordaville Rd

Southborough MA 01772

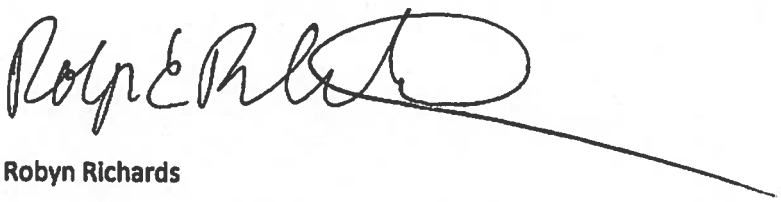
From: Robyn Richards, T/C, Town of Southborough

Date: October 23, 2020

Dear Chief Paulhus,

I am writing to inform you of my decision to respectfully resign from my position as a full-time communications officer for the Town of Southborough. It has been an honor and privilege to work with so many great people over the past few years. My last day of work will be Sunday, November 1, 2020 as I start for Natick Police the following day. As it has been a year in the making, I do wish I was able to give more notice of an exact start date. If there is anything I can do to assist with the transfer of my responsibilities, please let me know.

Sincerely,



Robyn Richards

TOWN OF SOUTHBOROUGH
DEPARTMENT OF PUBLIC WORKS

147 Cordaville Road
Southborough, MA 01772

Tel: 508-485-1210
Fax: 508-229-4444

DATE: October 29, 2020

MEMORANDUM

TO: **Town of Southborough, Board of Selectmen**
CC: **Mark Purple, Town Administrator**
FROM: **Karen Galligan, DPW Superintendent**
SUBJECT: **Chapter 90, Cordaville Road and Shovel Ready Projects**

As you are already aware the Town of Southborough has two large road projects in design, Downtown Main Street and Cordaville Road. Also, the Town has asked the DPW to have some "shovel ready" projects in queue in the event that some new infrastructure grants become available in 2021. In order to continue design and specification work on the existing projects as well as to have some smaller projects in queue, the DPW would like the Selectmen to allocate some Chapter 90 funds for survey and design work for projects. The Town currently has $869,500 in un-allocated Chapter 90 funds. An explanation of the projects, existing funding and further funding requests are below:

Cordaville Road – Project cost estimate $2,900,000:
This project consists of reconstructing sidewalks, installing granite curbing, installing drainage, building road shoulders and paving Route 85 from its intersection at Southville Road to the DPW driveway. Permitting is required for this project.

- Initial design for this project was funded by $160,000 in Chapter 90 money. This money covered survey costs, preliminary design, public input and final conceptual design.
- The DPW is requesting an additional $145,000 of Chapter 90 funds be allocated to this project for permitting, final detailed design, bid plans and specifications as well as bid and construction phase engineering assistance and oversight.
- There is $30,000 in the General Fund from Legacy Farms, in Hopkinton, to help fund this project.
- The Town is hoping to be able to use $400,000 in Complete Streets Grant money to perform some of the sidewalk and shoulder improvements on this road.
- The Town has not received the fully executed grant contract from MassDOT for the funds to develop the Complete Streets Priority Project List. When the grant contract is received the Town can develop that list and then apply for the Complete Streets Grant for Cordaville Road.
- It is not likely that the Town will have the Complete Streets Grant for Cordaville Road by January, however, the project could be shovel ready for alternate funding.

Downtown Main Street – Project cost estimate $1,700,000:
This project consists of replacing the water main in downtown, improving drainage downtown, installing sidewalks and drainage, as needed, on Newton Street from East Main Street to the Medical Center, improving sidewalks from the southern end of the Main Street Project southward on Cordaville Road to the northern entrance of Rural Cemetery and paving the entire project area. Recently we have worked to add installing sidewalks from the northern end of the Main Street Project northward on Marlboro Road to St. Mark's Street and fixing the layout and drainage of the St. Mark's Street intersection, to this project. The intersection work at Deerfoot and Flagg Roads will also be part of this construction contract. This project, as one whole contract, is dependent on the Town receiving an easement from CSX, and therefore adjusting the design at CSX's property according to CSX's

requests. As part of this project CSX is supposed to reconstruct the railroad crossing at both Main Street and Central Street.

- The water main work for this project is funded by the Main Street Water Article (Article 10 – 2016ATM).
- Initial roadway design has been through Chapter 90 money allocated to Main Street Improvements.
- There is currently about $1,400,000 of Chapter 90 funds allocated to this project.
- The Town is hoping to use money from Safe Routes to School to fund some of the sidewalk work on Route 85, however, it is not clear when this grant application will open, or how much the grant will fund.
- The DPW is requesting that the Selectmen allocate $105,000 of Chapter 90 funds toward design, specifications and bid and construction phase assistance for work at the St. Mark's Street Route 85 intersection.
- This project could be broken up into several shovel ready projects if money becomes available in January and the CSX issue is not settled, or the funding is limited in size.

It is important to note that continuing the sidewalk north on Marlborough Road to the railroad bridge, improving the Acre Bridge Road intersection and building Marlboro Road from the Marlboro Town Line to the traffic lights and Framingham Road from the traffic lights to Boston Road into complete streets, are other worthy projects. Survey is needed to get these projects started, and, since little changes in the right-of-way, allocating Chapter 90 money to fund surveys of these areas would give the Town information to develop shovel ready projects in the future, or it gives the Town a base for design work for a new TIP Project. Surveying all of these streets would cost approximately $130,000.

If the Selectmen agree to allocating the above requested funds, re-listed below:
$145,000 to Cordaville Road design
$105,000 to St. Mark's Street design
$130,000 to Route 85 and Framingham Road survey
The Town would still have $489,500 of Chapter 90 money, as well as about $550,000 in Road Maintenance money to put toward construction of these projects, or toward a new road maintenance contract.

BOELTER

LEGAL
06-13-18

COLLINS, LOUGHRAN & PELOQUIN, P.C.
Attorneys at Law
220 Norwood Park South, Suite 1D
Norwood, Massachusetts 02062

Tel. (781) 762-2229 • Fax (781) 762-1803

www.collinslabor.com

Philip Collins
Leo J. Peloquin
Tim D. Norris
Melissa R. Murray

Michael C. Loughran
Retired

June 6, 2018

Via Email & First Class Mail

Vanessa Hale
Assistant Town Administrator
Southborough Town House
17 Common Street
Southborough, MA 01772

Re: Open Meeting Law, Evaluations, and Composite Evaluations

Dear Vanessa:

You have requested our advice regarding several aspects of the Town's performance evaluation process considering a recent Supreme Judicial Court decision in *Boelter, et al. v. Board of Selectmen of Wayland*, 479 Mass. 233 (2018), and resulting guidance from the Attorney General's Office ("AGO"). Specifically, it is our understanding that the Town Personnel Board typically reviews employee performance evaluations in the process of determining pay increases. Those evaluations may be produced by supervisors, or members of other public bodies. When evaluations are produced by a public body, the chair of that other public body compiles individual evaluations into a composite assessment which is then transmitted to the Personnel Board.

You have asked us to opine as to: (1) the role of an employee or board member in creating a composite evaluation in terms of the level of detail supplied or editorial judgment exercised; (2) whether composite evaluations may still be included in the Personnel Board packet; (3) the circumstances under which composite evaluations or other evaluations become a public record that must be placed on a website or at the Clerk's office; and (4) whether leaving materials at the Clerk's office is a requirement of the law in cases where internet posting of the documents has been accomplished.

Relevant Legal Principles

A quorum of a public body may not deliberate outside of a public meeting about a matter that could come before them; deliberate for these purposes means communicate their opinions on a matter using any medium of communication. M.G.L. c. 30A §§18, 20.

Documents used in a public meeting become public records, except for "(1) materials used in a performance evaluation of an individual bearing on his professional competence, provided they were not created by the members of the body for the purposes of the evaluation; and (2) materials used in deliberations about employment or appointment of individuals, including applications and supporting materials; provided, however, that any resume submitted by an applicant shall not be exempt." M.G.L. c. 30A §22(e). This means performance evaluations done by members of a board and used in deliberations of that board are ultimately public records, while performance evaluations done by appointed officials (supervisors) are the personnel records of the employee and are not public records. M.G.L. c. 66, § 10; M.G.L. c. 4, § 7, Twenty-sixth (c). Although less clear, I also assume that this means that an evaluation created by a member of a different board, which has not been used by that other board in a meeting, or shared with a quorum of that board, will retain its character as a non-public personnel record.

Evaluations may not be performed by a public body in executive session. M.G.L. c. 30A §21 (a)(1). If an evaluation is performed in open session, the evaluation materials created by board members and used during the meeting become public records. M.G.L. c. 30A §22(e). As indicated in §22(e), evaluation documents written by non-members of the board do not automatically become public records. We spoke to the AGO about this and the attorney we spoke to said that such an evaluation could become a public record if too much information was shared about it in open session. This further suggests, as indicated above, that evaluation materials that are not used in a public meeting might not be public records even if they are created by a member of public body, as long as they have not been shared with a quorum of the body.

Pursuant to *Boelter*, an evaluation or composite cannot be shared with a quorum of the body in advance of a meeting to discuss the evaluation, unless the document(s) are made public at the same time they are shared. This means that either the documents must be first distributed at a public meeting, or the documents must be shared publicly (posted online or otherwise made publicly available) when they are sent to the members of the board. The reason for this is that the evaluation documents contain the opinions of the board members, and it would constitute improper deliberation to permit the private sharing of these opinions outside of a public meeting.

Discussions of whether employees should receive salary increases based on merit are also conducted in open session, unless the employee is under a contract either individually or pursuant to collective bargaining, in which case the negotiations and preparation for negotiations may be conducted in executive session. The resulting contracts are of course public records.

Answers to Questions

With these principles in mind, I answer the questions posed above as follows:

(1) Creating composite evaluations. The Open Meeting Law does not specifically address how a composite evaluation document should be created from individual evaluations given the situation where multiple individual evaluators assess the same employee. The AGO in its guidance suggests "as a best practice" that someone who is not an elected member of a public body compile the composite evaluation, but it could be a board member. If the authors of the evaluations being compiled are not board members, then using a board member to compile them converts the composite into a public record where using a non-member employee to compile would not have this result. If the authors of the source evaluations are members of the board that will be discussing the evaluation, then it does not matter since the resulting document will be public in any case (since it contains the opinions of the board member) but using a board member could run into deliberation issues if the board is small enough to run the risk that a quorum will be privy to the individual evaluations by following this process (i.e., 3-member board). The use of editorial license is a judgment call. The resulting document should not be misleading, so it should capture the essence of the evaluations submitted. In my view, it would be permissible to leave out the names of other employees or "civilians," if included in the source evaluation, and likewise tone down inflammatory language as long as the essential meaning is not changed.

(2) Inclusion of composites in the Personnel Board packet. Composite evaluations may still be included in the Personnel Board packet. They need not be disclosed publicly unless the composite or one or more source evaluations was created by a member of the Personnel Board, or was created by another board and used at a meeting or shared with a quorum of that board.

(3) Circumstances under which evaluations or composites become a public record. This is addressed to some degree in (1) and (2) above, but to recap, an evaluation document created by a member of the board to be used at a meeting of the board must be shared publicly at the time it is shared with a quorum of that board. In other cases, the evaluation will not become a public record, except that if an entire board engages in a detailed discussion of an otherwise non-public evaluation some or all of the evaluation may become a public record.

(4) Is leaving materials at the Clerk's office a requirement when disclosing evaluation documents as a result of *Boelter*? The AGO guidance certainly indicates that the composite may not be emailed to board members, and may only be disseminated by website posting combined with making paper copies available at the Clerk's office, and it attributes these requirements to *Boelter*. The AGO guidance reads:

> In either event, once compiled, the aggregated evaluation may not be circulated to a quorum the members prior to a meeting, for example by e-mail. The aggregated evaluation may only be distributed to a quorum of the members in one of two ways: (i) at a properly noticed open meeting, or (ii) via public posting to a municipal website in a manner that is also available to members of the public, as long as paper copies are also made available in the city or town clerk's office. See Boelter v. Board of Selectmen of Wayland, SJC-12353, slip op. at 19-20 (Mass. April 5, 2018). Even if the body posts the aggregated evaluation to a publicly available municipal website, a quorum of the members of the body may not discuss it outside of a properly noticed public meeting.

https://www.mass.gov/service-details/frequently-asked-questions-about-the-open-meeting-law-public-bodies-quorum-and (emphasis supplied). Having read the case that supposedly supplies the basis for this guidance, I disagree that the case prohibits emailing and that it requires leaving hard copies with the clerk. This is what the SJC held in *Boelter:*

> The result here would have been different if the board had made the individual and composite evaluations publicly available before the open meeting. For example, the board could have posted the evaluations on its Web site and made paper copies available for inspection at or about the time that the evaluations were circulated among a quorum of board members. Ordinarily, the board is required only to make the minutes of open meetings, along with "the notes, recordings or other materials used in the preparation of such minutes and all documents and exhibits used at the session," available to the public, upon request, within ten days after an open meeting has taken place. G. L. c. 30A, § 22 (c), (e). Nothing in the open meeting law or the public records statute, however, precludes the board from prior disclosure, at least in these circumstances. See G. L. c. 4, § 7; G. L. c. 30A, §§ 18–25; G. L. c. 66, §§ 1 et seq. If board members wish to circulate documents containing board member opinions among a quorum in advance of an open meeting, as here, prior and relatively contemporaneous public disclosure of those documents, where permissible, is necessary in order to comply with the open meeting law and to advance the statute's over-all goal of promoting transparency in governmental decisionmaking.

Boelter, 479 Mass. at 243-244 (emphasis supplied). In this language from the SJC decision, the Court seems to acknowledge that public dissemination through posting might not be exactly simultaneous with the circulation of the materials among the board (e.g., "at or about the time", "relatively contemporaneous"). Moreover, the use of web posting along with making available paper copies was given as an "example" of how "the board could have" accomplished the purposes of the law, not decreed as the sole means of compliance. The word "clerk" does not appear anywhere in the decision. Obviously, the "safest" approach will be to follow the AGO guidance, but the guidance is not always the same as the law. The answer to the question is: this is not a requirement of *Boelter*.

If you have any additional questions about this matter, please do not hesitate to telephone me.

Very Truly Yours,

Tim D. Norris

TDN/jfp

cc: Mark Purple, Town Administrator (*via email*)

FY 2021 Goals - Boards and Committees.	In Progress	Recent Steps	Completed
OML training and support/training for running Open Meetings.	XX	XX	
Promote and enforce Town Email Use Policy.	XX		
Update, consolidate and promote compliance with general policies.	XX		
Encourage and provide support for televising meetings.			
Encourage and provide support for composite agendas and packets.			
Enhance informational outreach and recruiting for volunteers (forum).	XX		
Conduct public comment at beginning & end of meetings			XX
Review and update descriptions and charges.	XX	XX	
FY 2021 Goals - Community Initiatives			
Coordinate and oversee Downtown Initiative.	XX	XX	
Coordiate communication/roundtables with local businesses.	XX	XX	
Pursue PILOT initiatives, including community center and projects.	XX		
Pursue "bike friendly" policies and explore Biking Committee.			
300th Anniversary planning, including Committee creation.	XX		
FY 2021 Goals - Employees			
Create Employee Handbook.			
Update job descriptions for BoS staff.	XX	XX	
BoS review of annual staff performance reviews.	XX	XX	
Review staffing and BoS office organization.	XX	XX	
Analyze Personnel Board/Town Administrator authority.	XX	XX	
FY 2021 Goals - Infrastructure			
Explore municipal electric plant.			
Natl Grid parcel 54-40	XX		
Assimilate Pine Hill Rd into Town Water re: Fire (via MWRA)	XX	XX	
FY 2021 Goals - Long Range/Strategic Planning			
Explore establishing grant writing position(s).	XX	XX	
BoS training, reporting and hiring initiatives re: diversity and inclusion.	XX	XX	
FY 2021 Goals - Municipal Finance			
Additional approval/oversight on appropriation line items.	XX	XX	
Schedule quarterly budget updates (Finance Director).			XX
Establish budget narratives, including long-term impacts.			
Establish BoS budget liaisons.	XX	XX	
Communicate BoS position to departments re: new FTEs.			XX
Establish long-term capital plans (with Capital Committee).	XX	XX	
Explore generating additional commercial tax revenue.			
Identify and establish a roster of Town service contracts.	XX	XX	
Review contracted services and explore re-bidding.	XX		
Maximize potential Covid-19 reimbursements and grants.	XX		
Coordinated budget discussions with Advisory, Capital and Schools.	XX	XX	
FY 2021 Goals - Organizational			
Quarterly newsletter.	XX		
Explore public safety regional dispatch.	XX	XX	
Evaluate organizational processes: postage; mailings; data exchanges.			
Budget software implementation.	XX	XX	

Pursue policies and projects for 40B threshold.	XX	XX	
Customer service survey re: Town departments.			

RECEIVED
By OB at 12:43 pm, Apr 02, 2021

Board of Selectmen
Executive Session Meeting Minutes
Tuesday, November 10, 2020
Virtual Meeting through Zoom

Present: Marty Healey, Chelsea Malinowski, Brian Shea, Sam Stivers, Town Administrator Mark Purple, Jason Malinowski, Kathryn Cook and Joseph Palmer
Absent: Lisa Braccio

At 6:06 P.M. Chairman Healey made a motion for the Board to enter into Executive Session per M.G.L. Chapter 30A, Section 21, and returning to Open Session – to discuss the disposition of real property (Exemption 6) concerning the Arts Center, as the Chair declares that an open meeting may have a detrimental effect on the negotiating position of the public body. Mr. Stivers seconded. The motion passed all in favor (4-0-0) by roll call vote, Malinowski, aye; Shea, aye; Stivers, aye; Healey, aye.

Disposition of Real Property, Arts Center [Exemption 6]
Mr. Malinowski stated that there is no quorum for the Capital Committee and explained that he will be walking the Board through remarks from the appraiser after completing the appraisal of the South Union School. He stated he spoke with the appraiser and Town Planner Karina Quinn regarding options for the land on the property. He added that he also spoke with Director of Facilities, John Parent and the Building Commissioner, Laurie Livoli for a facilities and zoning perspective regarding the value of the land and building. Mr. Malinowski went through potential options from a buyer perspective including whether the lot can be broken up into multiple parcels, the condition of the building, maintaining the façade and the status of the land underneath the building. He stated that if someone were looking to demolish the building they would be subject to the Demo Delay Bylaw. He asked the Board what restrictions they would want to put on the property and any options or list of conditions they would want applied to the sale.

Chairman Healey stated he would like as few restrictions as possible and noted that those put on Fayville Hall were obstructive and the Town did not benefit as much as it may have with a different approach. Ms. Malinowski stated that the only restriction she may be interested in applying would be an affordable housing component. Mr. Shea stated that he was on the Board and part of the decision to sell Fayville Hall. He stated that the thought from that Board was to put as few restrictions as possible and he believed Town Meeting floor supplied the restrictions. He said that the Board would need to get a sense for what those in attendance at Town Meeting may want and if it differs from the Board. There was discussion if the restrictions put on Fayville Hall were from Town Meeting or the Board itself. Ms. Cook, Mr. Stivers and Mr. Shea agreed the restrictions were applied at the Town Meeting Floor. Mr. Stivers stated he agreed that there should be as few restrictions as possible.

Mr. Malinowski outlined two approaches which were to put the South Union School up for sale and accept an offer contingent on Town Meeting or wait for Town Meeting authorization and put the property up for sale with any restrictions applied there. He added that if the property were put up for bid prior to Town Meeting, they could bring an actual number which could quell other issues and provide a story. Mr. Malinowski described the potential process for waiting to put this property for sale until after Town Meeting and the impending costs of running an inefficient building for the two

departments currently residing there. Chairman Healey stated the Board would not be deciding tonight as they will wait for Ms. Braccio to attend. He said this topic will be on the November 17th agenda.

Ms. Cook explained the Fayville Hall sale and the challenges that arose from Town Meeting. She added that there may be more appeal for buyers of the South Union School due to proximity to the train station but she added there will most likely be a desire to protect the historic building. She asked the Board to consider moving forward with this as the building is old and costly to maintain and the Town will benefit from removing it from the inventory. Mr. Purple told the Board that they can put this property on the market prior to Town Meeting approval but procurement rules will need to be followed. Ms. Malinowski stated it was an advantage to bring this to Town Meeting knowing the details of a potential sale.

At 6:28 P.M. Mr. Shea made a motion to adjourn Executive Session and return to Open Session. Mr. Stivers seconded. The motion passed all in favor (4-0-0) by roll call vote, Malinowski, aye; Shea, aye; Stivers, aye; Healey, aye.

RECEIVED
By Town Clerk/rhc at 10:07 am, Dec 03, 2020

TOWN OF SOUTHBOROUGH

BOARD OF SELECTMEN Meeting Minutes

Meeting Date: Tuesday, November 10, 2020, 6:00 P.M.
Location: Virtual Meeting through Zoom
Present: Marty Healey, Lisa Braccio, Chelsea Malinowski, Brian Shea, Sam Stivers and Town Administrator Mark Purple

I. At 6:06 P.M. Chairman Healey made a motion for the Board to enter into Executive Session per M.G.L. Chapter 30A, Section 21, and returning to Open Session – to discuss the disposition of real property (Exemption 6) concerning the Arts Center, as the Chair declares that an open meeting may have a detrimental effect on the negotiating position of the public body. Mr. Stivers seconded. The motion passed all in favor (5-0-0) by roll call vote, Braccio, aye; Malinowski, aye; Shea, aye; Stivers, aye; Healey, aye.

II. Chairman Healey called the meeting to Open Session at 6:30 P.M. Chairman Healey read the following statement:

Pursuant to Governor Baker's March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, §18, and the Governor's March 15, 2020 Order imposing strict limitation on the number of people that may gather in one place, this meeting of the Southborough Board of Selectmen will be conducted via remote participation to the greatest extent possible. Specific information and the general guidelines for remote participation by members of the public and/or parties with a right and/or requirement to attend this meeting can be found on the Town of Southborough's website, at https://www.southboroughtown.com/. For this meeting, members of the public who wish to watch or participate in the meeting may do so in the following manner by finding the meeting at: https://www.southboroughtown.com/remotemeetings. No in-person attendance of members of the public will be permitted, but every effort will be made to ensure that the public can adequately access the proceedings in real time, via technological means. In the event that we are unable to do so, despite best efforts, we will post on Southborough's website an audio or video recording, transcript, or other comprehensive record of proceedings as soon as possible after the meeting.

III. **Public Comment**
None

IV. **Scheduled Appointments**
6:30 P.M. – Discussion and review of latest VMUD draft and comments for Downtown Initiative
Chairman Healey laid out the format and intention for the discussion. He opened the discussion to attendees. Ms. Luttrell, a member of the Planning Board, explained her concerns that the document looked to allow for a bigger more urban style downtown instead of a small walkable village style downtown. She noted the building heights and ceiling heights as examples of such. Ms. Connelly, a member of the EDC, stated that Ms. Barrett of Barrett Planning Group could not attend tonight to explain why she proposed the draft bylaw in the way it is written. She added that the EDC would like open space and greenspaces in addition to building for the downtown. She explained that open space and greenspace items may not be appropriate for the zoning bylaw and suggested creating a separate design guideline document. Ms. Malinowski spoke on

behalf of SHOPC and stated there is concern that the language in the first draft did not accommodate for affordable housing. She explained the details written in the draft bylaw and how it made it a challenge to achieve any affordable housing in this district. Mr. Wood, a member of the EDC, explained the changes they made to support more affordable housing and Chairman Healey stated that SHOPC made a compelling case that decisions regarding the drafting of the document should be very mindful of the affordable housing element. Mr. Wood addressed the suggestion to remove the ability to keep a trailer on a property and felt it should be kept with the clarification that a trailer would be temporarily allowed in the case of misplacement due to fire only. Ms. Hoolahan from the Planning Board agreed and stated that she would not want to see a trailer allowed as a permanent staple. Chairman Healey stated he would like clarity on the max floor ratio of .35. Ms. Braccio stated that Ms. Barrett offered multiple dates for a robust conversation regarding any questions and feedback. She asked the Board and other board and committee members which day they preferred and it was agreed to meet on November 24, 2020 at 6:30 P.M. Mr. Wood asked when to expect an updated document from Ms. Barrett that addressed the feedback from the various boards and committees. Ms. Braccio stated she felt that would be available this week.

Mr. Blaschke, a member of the Historical Commission, stated that he wants the walkability, greenspace and sidewalk component to be kept in mind when revising the zoning bylaw. He stated that the Historical Commission has not reviewed the draft document but that he had concerns with the height requirements and the ability for multiunit dwellings. Chairman Healey stated that Ms. Barret could address those items and her reasoning for including them at the next meeting. He said that continuing the sidewalk effort is in the forefront of their minds. Mr. Bhistitkul from SHOPC stated they want an affordable housing component included in this bylaw. He suggested making the requirement project specific as opposed to building specific and asked the Board to consider more density incentive bonuses to support affordable housing. Mr. Stivers stated this is a challenging problem as there is not a lot of space or money to invest in this area but also acknowledged the need to make it attractive for business investment. He asked Ms. Braccio and Ms. Connelly to work with Ms. Barret to use her experience in these cases to make suggestions as to how to incentivize people to invest and bring capital while balancing housing issues. Ms. Connelly stated she will convey this and all feedback to Ms. Barrett. There was discussion as to whether sidewalks should be included in a zoning bylaw or another section of the code. Mr. Morris of the Planning Board explained that the Board of Selectmen have jurisdiction over existing ways which include sidewalks. Ms. Braccio informed the public that comments and feedback for this document will be received through November 18th. The EDC adjourned their meeting at 7:29 P.M. and the Planning Board adjourned their meeting at 7:30 P.M.

Chairman Healey asked if there will be a revised document from Ms. Barrett before the meeting on November 24th. Ms. Braccio stated that Ms. Barrett had sent a response to multiple comments and answers to some of the questions in the feedback document. She added that these responses from Ms. Barrett should provide more clarity and she would be speaking with her tomorrow regarding next steps.

V. Public Comment

Cynthia Cram (44 Bigelow Road) asked for confirmation that the Board was in receipt of a letter sent to them regarding the proposed trail in the Bigelow Wildlife Refuge. She stated the letter is a follow up from public comment from weeks prior to address next steps. She also asked if the Board were in receipt of a petition from a neighbor. Chairman Healey stated he was familiar with the letter and not a petition. Mr. Purple added he did not receive a petition. Chairman Healey

stated that he understood the issue was before the Conservation Commission and the Board does not want to interject on their jurisdiction. He stated that the Conservation Commission process should continue and conclude before the Board would decide to become involved. The Board agreed. Ms. Cram explained the timeline for an opinion from the Commission. Mr. Purple stated that Ms. Danza has not asked for input from the Board. Ms. Braccio suggested the neighbors speak with SOLF directly as they have control of the land. Ms. Cram agreed to do so. Chairman Healey asked Mr. Purple to follow up with the Commission to make sure they are not waiting to hear from the Board. Mr. Purple agreed.

Marnie Hoolahan (26 Clifford Road) stated she was speaking as an elected official from the Planning Board. She asked the Board if they received her email regarding the two conflicting opinions for interpretation of a zoning bylaw. Chairman Healey stated the Board received the email. He stated Mr. Purple had a conversation with the Building Inspector and the posture procedure is that the Building Commissioner has made a judgement within her jurisdiction and the appeal of that determination is appealed to the Zoning Board of Appeals and not the Board of Selectmen. He added that the procedure is being followed for the Building Inspector to make her determination which is within her jurisdiction. He added that he reviewed her opinion of the bylaw and that of Town Counsel and understood how both could come to differing opinions. He added that the jurisdiction for making this determination is with the Building Inspector and the appellate right is through the Zoning Board of Appeals. Chairman Healey stated he would like to see that process play out. Ms. Hoolahan asked for the Zoning Board of Appeals application fee to be waived. Chairman Healey stated he is not inclined to inject himself as a member of the Board into a process already in place. Chairman Healey explained his interpretation of the opinions of both the Building Inspector and Town Counsel and reiterated that the applicable decision lies with the Building Inspector and she has made her determination. He added that the public is able to disagree and appeal that determination and suggested the process play out without the Board's interjection.

Ms. Braccio asked that the topic of waiving of the application fee be a topic of discussion. Chairman Healey agreed to adding it to the next agenda. Mr. Stivers stated he was sympathetic with Ms. Hoolahan and it would be helpful to provide clarity around this bylaw. Chairman Healey stated he does not disagree and the biggest problem with the existing bylaw is the language leads to multiple interpretations and there is no enforcement. He added that he understood how the Building Inspector as the person charged with the responsibility for interpreting and enforcing the bylaw came to her conclusion.

VI. Reports

Chairman's Report

Chairman Healey stated that in his last report he praised Mr. Hegarty's effort on Election Day. He said the poll workers should also be commended for their work to put in effect the controls of in-person voting during the COVID-19 pandemic. He thanked all the poll workers for their ability to ensure in-person voting was available last Tuesday. He suggested the Board send a letter of appreciation to them. Mr. Purple stated that this was Assistant Town Clerk Amy Berry's first election and she did an excellent job executing Mr. Hegarty's plan for a smooth Election Day.

Chairman Healey asked for a volunteer from the Board for the MWRTA Board. He added if there is no interest from the Board, he will reach out to other boards.

Chairman Healey stated that MASS DOT is scheduling public forums for input on transit services they are looking to stop offering. He stated they are looking to curtail weekend service and service after 9:30 P.M. on weeknights.

Chairman Healey said there are issues related to the 45 Highland Street property. He said some email traffic by Town committee members was not conducted on Town email which created problems. He stated that all Town volunteers and employees must use Town email to conduct business. He stated that 45 Highland Street will be on the Executive Session agenda for next week and Mr. Purple is setting up a folder for this possible litigation.

Members' Reports

Ms. Braccio stated that rent and mortgage assistance is available and residents can find information on the Town website. She added there have been applications and urged those in need to apply.

Ms. Malinowski stated she watched the School Committee meeting the previous evening and they are looking to use $100,000 out of the CARES Act funding for testing for COVID-19. She stated that Mr. Ballantine and Ms. McAuliffe will be attending the meeting next week and they will speak about this in their report. Mr. Purple stated the schools are also looking to purchase additional Chrome Books with CARES Act funds.

Mr. Shea stated he is looking forward to participating with the veterans at the Veteran's Day ceremony tomorrow morning. He stated he will give a brief report regarding the event next week.

Mr. Stivers stated he is working with the Board of Health regrading trash hauling licensing.

Chairman Healey stated that he heard feedback regarding Ms. Malinowski acting as the liaison for SHOPC as she is a member. He stated that he is in support of her being both a member and a Board liaison to SHOPC.

Town Administrator Report

Mr. Purple stated that a temporary flagpole has been set in time for Veteran's Day. He thanked Ms. Galligan for her assistance with this and explained the next steps once the temporary flag is removed.

Mr. Purple stated that there are preliminary discussions with the schools about possibly consolidating some Town IT services in light of Mr. Laflamme's resignation. He added that there will be a robust discussion with the school on Thursday and it could be a beneficial economy of scale. Mr. Purple stated the possibility will be discussed and the position has been advertised solely as a Town position for the sake of time. He will continue to update the Board on this matter.

VII. Consent Agenda

a. Ms. Malinowski asked to hold agenda item "a." Ms. Malinowski stated that on page two, row three it should read, "Mr. Malinowski" not "Ms. Malinowski." Chairman Healey made a motion to approve Open Session Minutes: October 27, 2020 with the revision requested by Ms. Malinowski. Mr. Stivers seconded. The motion passed all in favor (5-0-0) by roll call vote, Braccio, aye; Malinowski, aye; Shea, aye; Stivers, aye; Healey, aye.

b. Chairman Healey made a motion to accept the resignation of IT Manager Tom Laflamme, effective November 27, 2020. Mr. Stivers seconded. The motion passed all in favor (5-0-0) by roll call vote, Braccio, aye; Malinowski, aye; Shea, aye; Stivers, aye; Healey, aye.
c. Chairman Healey made a motion to accept the retirement notice of Administrative Assistant Carol Ostresh, effective November 30, 2020. Mr. Stivers seconded. The motion passed all in favor (5-0-0) by roll call vote, Braccio, aye; Malinowski, aye; Shea, aye; Stivers, aye; Healey, aye.
d. Chairman Healey made a motion to approve Executive Session Minutes: October 20, 2020. Mr. Stivers seconded. The motion passed all in favor (5-0-0) by roll call vote, Braccio, aye; Malinowski, aye; Shea, aye; Stivers, aye; Healey, aye.

VIII. On a motion made by Mr. Shea, seconded by Mr. Stivers and voted by roll call all in favor, Braccio, aye; Malinowski, aye; Shea, aye; Stivers, aye; Healey, aye, the meeting was adjourned at 8:08 P.M.

Upcoming Meetings *December 17, 2020* *December 1, 2020*

Respectfully submitted,

Kathleen Barry, Recording Secretary

List of Documents referred to at the November 10, 2020 BOS Meeting:

- Copy of Copy of Jointmeeting VMUD 3
- DRAFT_Sec 174TownCtrDistrict v2
- Letter of Resignation from Tom Laflamme
- Regular Session Minutes, October 27, 2020
- Retirement Notification, Carol Ostrech

MARY ALICE BOELTER & others [Note 1] vs. BOARD OF SELECTMEN OF WAYLAND.

479 Mass. 233

December 5, 2017 - April 5, 2018

Court Below: Superior Court, Middlesex County

Present: Gants, C.J., Lenk, Gaziano, Lowy, Budd, Cypher, & Kafker, JJ.

Records And Briefs:

- (1) SJC-12353 01 Appellant Wayland Brief
- (2) SJC-12353 02 Appellee Boelter Brief
- (3) SJC-12353 03 Amicus Attorney General Brief
- (4) SJC-12353 05 Amicus MA Gaming Commission Brief
- (5) SJC-12353 06 Amicus Newspaper Publichsers Association Brief
- (6) SJC-12353 07 Amicus Abrams And Silva Brief

SJC-12353

Open Meeting Law. Municipal Corporations, Open meetings, Selectmen. Moot Question. Attorney General.

In a civil action involving a question of the open meeting law arising from the performance review of a town administrator by the town's board of selectmen, the judge properly declined to dismiss the action as moot, where the situation presented was capable of repetition yet evading review, and where the matter was of substantial public importance. [237-238]

A town's board of selectmen (board) violated the open meeting law, G. L. c. 30A, § 20 (a), in its performance review of the town administrator, where individual and composite evaluations of the town administrator that the board's chair circulated to board members via electronic mail prior to the meeting expressed the opinions of a majority of board members to a quorum in advance of the public meeting, in effect constituting a deliberation or meeting to which the public did not have access. [238-244]

In a civil action brought by five registered voters in a town, challenging a certain action of the town's board of selectmen as a violation of the open meeting law, the judge erred in purporting to strike an opinion of the Attorney General on an administrative complaint regarding that action, where the administrative complaint was not before the judge. [244-245]

CIVIL ACTION commenced in the Superior Court Department on February 11, 2014.

The case was heard by Dennis J. Curran, J., on motions for summary judgment.

The Supreme Judicial Court on its own initiative transferred the case from the Appeals Court.

Mark J. Lanza, Special Town Counsel, for the defendant.

David S. Mackey, Special Assistant Attorney General (Christine M. Zaleski also present) for Massachusetts Gaming Commission.

George H. Harris for the plaintiffs.

Page 234

The following submitted briefs for amici curiae:

Maura Healey, Attorney General, & Jonathan Sclarsic & Kevin W. Manganaro, Assistant Attorneys General, for the Attorney General.

Robert J. Ambrogi & Peter J. Caruso for Massachusetts Newspaper Publishers Association.

Kenneth S. Leonetti, Christopher E. Hart, Michael Hoven, & Kelly Caiazzo for Hal Abrams & others.

LENK, J. The plaintiffs, all registered voters in the town of Wayland (town), brought this action in the Superior Court to challenge the procedure by which the board of selectmen of Wayland (board) conducted the 2012 performance review of the town administrator. The chair of the board had circulated to all board members, in advance of the public meeting where the town administrator's evaluation was to take place, board members' individual written evaluations, as well as a composite written evaluation, of the town administrator's performance. The board made public all written evaluations after the open meeting. The issue before us is whether the board violated the Massachusetts open meeting law, G. L. c. 30A, §§ 18 and 20 (a), which generally requires public bodies to make their meetings, including "deliberations," open to the public.

A judge of the Superior Court allowed the plaintiffs' motion for summary judgment, issued a permanent injunction, and declared "stricken" a contrary determination by the Attorney General that had issued the prior year, on essentially the same facts, in which the Attorney General had found that the board's conduct had not violated the open meeting law. The board appealed from the allowance of summary judgment, arguing that the matter is moot, its conduct did not violate the open meeting law, and the judge erred in "striking" the Attorney General's separate administrative decision.

We conclude that the judge did not err in declining to dismiss the case on mootness grounds, because the matter is capable of repetition and yet evading review, and is of substantial public importance. See, e.g., Seney v. Morhy, 467 Mass. 58, 61 (2014). We conclude further that the procedure the board followed in conducting the town administrator's evaluation did violate the open meeting law. In making this determination, we consider, for the first time, the meaning of the open meeting law's exemption to the definition of "[d]eliberation," which became effective in July, 2010, that permits members of public bodies to distribute to

Page 235

each other "reports or documents that may be discussed at a meeting, provided that no opinion of a member is expressed." See St. 2009, c. 28, § 18; G. L. c. 30A, § 18.

We conclude that this exemption was enacted to foster administrative efficiency, but only where such efficiency does not come at the expense of the open meeting law's overarching purpose, transparency in governmental decision-making. As the individual and composite evaluations of the town administrator by the board members contained opinions, the circulation of such documents among a quorum prior to the open meeting does not fall within the exemption, and thus constituted a deliberation to which the public did not have access, in violation of the open meeting law. We therefore affirm the judge's decision allowing summary judgment for the plaintiffs on this ground. We agree with the board, however, that the judge erred in "striking" the Attorney General's determination, and vacate that portion of the judge's decision. [Note 2]

1. Background. The material facts are not in dispute. On January 3, 2012, the five-member board held an open meeting during which it reviewed the procedures it intended to follow in conducting the annual performance evaluation of the town administrator. The board agreed that, by the end of the month, its members would submit individual evaluations to the chair, who would compile the evaluations and draft a composite evaluation. The composite evaluation was to be distributed to all board members in advance of the scheduled March 28, 2012, open meeting at which the board planned to discuss the town administrator's performance and issue a final written evaluation. The procedure the board chose to follow was largely consistent with the Attorney General's guidance to public bodies regarding performance evaluations, which was available on the Attorney General's Web site:

"May the individual evaluations of an employee be aggregated into a comprehensive evaluation?

"Yes. Members of a public body may individually create evaluations, and then submit them to an individual to aggregate into a master evaluation document to be discussed at an open meeting. Ideally, members of the public body should submit their evaluations for compilation to someone who is not a

Page 236

member of the public body, for example, an administrative assistant. If this is not a practical option, then the chair or other designated public body member may compile the evaluations. However, once the individual evaluations are submitted for aggregation there should be no

deliberation among members of the public body regarding the content of the evaluations outside of an open meeting, whether in person or over email."

In accordance with the plan developed at the open meeting, three of the board members submitted written evaluations to the chair. Two sent the evaluations by electronic mail (e-mail) message, and one hand-delivered her evaluation. The chair created a composite performance evaluation which included the opinions of those three board members, as well as his own. The reviews were predominantly positive. The chair then sent the composite document, along with the three individual performance evaluations, to each board member, by e-mail, as part of an agenda packet for the then-upcoming open meeting.

At the meeting, the board reviewed and discussed the composite evaluation and approved it as final. The minutes of the meeting simply state that the board "praised [the town administrator] for his availability and responsiveness to the public, his work ethic, his relationship with town staff, and his accessibility to board and committee members." The composite and individual evaluations subsequently were released to the public.

Approximately two months after the March 28, 2012, open meeting, George Harris, a registered voter in Wayland, filed a complaint with the office of the Attorney General, claiming that the board's procedure for conducting the town administrator's performance evaluation violated the open meeting law. See G. L. c. 30A, §§ 18, 20 (a). The open meeting law requires public bodies to make their meetings open to the public, and provide advance notice of such meetings, unless the meeting is an executive session, which can be conducted only for limited reasons. See G. L. c. 30A, §§ 18, 20.

In January, 2013, the Attorney General responded with a determination letter finding that the board's conduct had not violated the open meeting law; Harris's subsequent request for reconsideration was denied. As judicial review of an Attorney General's determination in such matters is available only to an aggrieved public body or member thereof, see G. L. c. 30A, § 23 (d), Harris did not appeal from the decision.

In February, 2014, the five plaintiffs in this action, who are also registered voters in Wayland (and who are represented by Harris) filed a complaint against the board in the Superior Court, concerning the same facts. The complaint sought a declaratory judgment and injunctive relief prohibiting the board from commencing a "private exchange of opinions in deliberating the professional competence of an individual prior to an open meeting." The parties filed cross motions for summary judgment. [Note 3]

The plaintiffs' motion was allowed after a hearing. The judge concluded that the board had violated the open meeting law and permanently enjoined it from "deliberating the town administrator's professional competence by private written messages before the commencement of a meeting open to the public." In his decision, although not in the judgment or amended judgment, [Note 4] the judge also declared that "[t]he opinion from the Attorney General

[d]ivision of [o]pen [g]overnment is stricken." The board appealed to the Appeals Court, and we transferred the case to this court on our own motion.

2. Discussion. a. Standard of review. We review a decision on a motion for summary judgment de novo, and thus "accord no deference to the decision of the motion judge" (citation omitted). Drakopoulos v. U.S. Bank Nat'l Ass'n, 465 Mass. 775, 777 (2013). "Summary judgment is appropriate where there are no genuine issues of material fact and the moving party is entitled to judgment as a matter of law." Boazova v. Safety Ins. Co., 462 Mass. 346, 350 (2012), citing Mass. R. Civ. P. 56 (c), as amended, 436 Mass. 1404 (2002).

b. Mootness. At first blush, the plaintiffs' claims appear moot, because the evaluation of the town administrator has been completed, and the plaintiffs are no longer able to affect the procedure the board implemented in 2012 in order to ensure compliance with the open meeting law. In addition, the typical remedy for such a violation is public release of the documents at issue, which the board effectuated after the asserted violation. [Note 5] See District

Page 238

Attorney for the N. Dist. v. School Comm. of Wayland, 455 Mass. 561, 572 (2009) (School Comm. of Wayland).

Nonetheless, dismissal for mootness may be inappropriate if the situation presented is "capable of repetition, yet evading review" (citation omitted). Seney, 467 Mass. at 61. See Globe Newspaper Co. v. Commissioner of Educ., 439 Mass. 124, 127 (2003). "In such circumstances, we do not hesitate to reach the merits of cases that no longer involve a live dispute so as to further the public interest" (citation omitted). Seney, supra. Here, the board's practice is likely to recur; regardless of who is serving as the town administrator, an evaluation must take place every year. Moreover, the practice that the board followed is endorsed by the posted information on the Attorney General's Web site, meaning that other public bodies might follow suit. [Note 6] At the same time, the issue likely would evade judicial review, because of the relatively short window involved in the annual review. See Wolf v. Commissioner of Pub. Welfare, 367 Mass. 293, 298 (1975) (matter capable of repetition and yet evading review "because the claim of any named plaintiff is likely to be mooted by the mere passage of time during the appeal process").

This matter is also of substantial public importance. By challenging the board's procedure, the plaintiffs seek to ensure that all of the town's constituents have access to the decision-making process of their local government whenever a town administrator is evaluated. See School Comm. of Wayland, 455 Mass. at 570 ("It is essential to a democratic form of government that the public have broad access to the decisions made by its elected officials *and to the way in which the decisions are reached*" [emphasis in original; citation omitted]). We conclude that the motion judge did not err in declining to dismiss the case for mootness.

c. Open meeting law. General Laws c. 30A, § 20 (a), provides

Page 239

that, with the exception of executive sessions, [Note 7] "all meetings of a public body shall be open to the public." [Note 8] The statute defines a "meeting" as "a deliberation by a public body with respect to any matter within the body's jurisdiction," subject to certain exclusions not relevant here. G. L. c. 30A, § 18. A "deliberation," in turn, is defined as "an oral or written communication through any medium, including [e-mail], between or among a quorum of a public body on any public business within its jurisdiction." Id.

The statute, however, provides an exemption: "'deliberation' shall not include the distribution of a meeting agenda, scheduling information or distribution of other procedural meeting or the distribution of reports or documents that may be discussed at a meeting, *provided that no opinion of a member is expressed*" (emphasis added). Id. The parties dispute whether, in circulating the individual and composite evaluations in advance of the public meeting, the board members' opinions were "expressed" within the meaning of this exemption.

To resolve this dispute, we must "effectuate the intent of the Legislature" (citation omitted). Koshy v. Sachdev, 477 Mass. 759, 765 (2017). "We begin with the canon of statutory construction that the primary source of insight into the intent of the Legislature is the language of the statute." Id. at 766, quoting International Fid. Ins. Co. v. Wilson, 387 Mass. 841, 853 (1983).

As an initial matter, the open meeting law does not provide a meaning for the word "opinion." In ordinary usage, an "opinion" is "a view, judgment, or appraisal formed in the mind about a particular matter." Webster's Third New International Dictionary 1582 (1993). See Boylston v. Commissioner of Revenue, 434 Mass. 398, 405 (2001) ("We usually determine the plain and ordinary meaning of a term by its dictionary definition" [quotation omitted]). The individual and composite evaluations prepared by the board members and shared with the quorum doubtless constituted "appraisals" of the town administrator's performance, and therefore contained

board members' opinions. The question, then, is whether the circulation of the individual and composite evaluations containing board members' opinions was permissible since the opinions were not expressed in the body of the chair's e-mail message circulating the evaluations but, rather, in the attachments themselves.

The phrase, "provided that no opinion of a member is expressed," specifically pertains to "reports or documents that may be discussed at a meeting." G. L. c. 30A, § 18. See Deerskin Trading Post, Inc. v. Spencer Press, Inc., 398 Mass. 118, 123 (1986) (general rule of grammatical construction is that "a modifying clause is confined to the last antecedent" [citation omitted]). The natural reading of the statute is that two categories are carved out of the definition of "deliberation." It is not "deliberation" when the materials distributed to the quorum fall into one of two categories: first, purely procedural or administrative materials (such as agendas) and, second, reports or documents to be discussed at a later meeting, so long as such materials do not express the opinion of a board member.

The board argues that the phrase, "provided that no opinion of a member is expressed," only pertains to the distribution of reports or documents, and not to the reports or documents

themselves. In other words, the board believes that the statute permits board members to share their opinions with a quorum provided that the opinions are not expressed in, for example, the body of an e-mail message or in a cover letter, but only in attachments to e-mail messages or documents referred to in a cover letter. This reading would create a loophole that would render the open meeting law toothless. See ENGIE Gas & LNG LLC v. Department of Pub. Utils., 475 Mass. 191, 199 (2016) ("The court does not determine the plain meaning of a statute in isolation but, rather, . . . [considers] the surrounding text, structure, and purpose of the Massachusetts act . . ." [citation and quotations omitted]); Champigny v. Commonwealth, 422 Mass. 249, 251 (1996) (reading of statute that causes it to have "no practical effect" is absurd result, and we "assume the Legislature intended to act reasonably"). If we were to adopt the board's view, the board members permissibly could have conducted an extended communication on any topic without public participation, so long as they styled their opinions as separate reports or documents and delivered them without substantive comment by hand, United States mail, or e-mail messages. This plainly cannot be what the Legislature intended in adopting the exemption. See Worcester v. College

Hill Props., LLC, 465 Mass. 134, 145 (2013), quoting North Shore Realty Trust v. Commonwealth, 434 Mass. 109, 112 (2001) (statute "should not be so interpreted as to cause absurd or unreasonable results when the language is susceptible of a sensible meaning").

Our reading is consistent with the statute's history. Previously, the open meeting law defined "deliberation" as "a verbal exchange between a quorum of members of a governmental body attempting to arrive at a decision on any public business within its jurisdiction." See G. L. c. 39, § 23A, as appearing in St. 1975, c. 303, § 3. In School Comm. of Wayland, 455 Mass. at 570-571, this court clarified that a "private e-mail exchange in order to deliberate the superintendent's professional competence" among Wayland school committee members "violated the letter and spirit of the open meeting law," because "[g]overnmental bodies may not circumvent the requirements of the open meeting law by conducting deliberations via private messages, whether electronically, in person, over the telephone, or in any other form." We reasoned that the e-mail communications at issue were not protected, "as we must presume the substance of the written comments would have been stated orally at an open meeting in which the superintendent's professional competence was discussed." Id. at 571-572.

In the same year that School Comm. of Wayland, supra, was decided, the Legislature broadened the open meeting law's definition of "deliberation," and affirmed that a "deliberation" could encompass "any medium," not just verbal communication. See St. 2009, c. 28, §§ 18, 20, 106 (effective July 1, 2010). At the same time, however, the Legislature amended the open meeting law expressly to allow public bodies to distribute some materials internally in advance of open meetings without triggering the definition of "deliberation"; this change seems to have been a response to the practical realities of local governmental service. By permitting officials to review certain administrative materials and reports in advance of an open meeting, the Legislature took steps to ensure that the work of those officials at the meetings could be focused and efficient. At the same time, in recognition that the overarching purpose of the open meeting law is to ensure transparency in governmental decision-making, the Legislature specified that no opinion of a

board member could be expressed in any documents circulated to a quorum prior to an open meeting. See Revere v. Massachusetts Gaming Comm'n, 476 Mass. 591, 610 (2017) ("the new version of the open meeting law does not alter our belief that '[i]t is essential to a democratic form of government that the public

Page 242

have broad access to the decisions made by its elected officials and to the way in which the decisions are reached'" [citation omitted]). However inefficient this may prove for local bodies in certain circumstances, this is the balance that the Legislature has struck.

The board argues that the Attorney General's interpretation of the open meeting law is entitled to deference and should prevail. In the determination letter dismissing Harris's complaint, the Attorney General found that the board did not violate the open meeting law because "the [c]hair performed an administrative task exempt from the law's definition of deliberation." She explained that the chair's "email did no more than distribute a document to be discussed at the [b]oard's meeting that night. The email did not contain any advocacy by [the chair], and it did not invite comment from other [b]oard members, nor was any comment provided." She went on to explain that "[a]lthough the document itself may have contained the opinions of [b]oard members, we find compiling evaluations to be a permissible and necessary function for public bodies to conduct ahead of meetings, so long as discussion of the evaluations occurs during an open meeting." The Attorney General conceded, however, that because e-mail communication among a quorum of public body members, "however innocent[,] creates at least the appearance of a potential open meeting law violation . . . our best advice continues to be that public bodies not communicate over email at all except for distributing meeting agendas, scheduling meetings and distributing documents created by non-members to be discussed at meetings, which are administrative tasks specifically sanctioned under the open meeting law."

Where, as here, the Attorney General is authorized to interpret a statute, her interpretation is entitled to substantial deference, unless it is inconsistent with the plain language of the statute. Smith v. Winter Place LLC, 447 Mass. 363, 367-368 (2006). In this case, the Attorney General's characterization is not supported by the plain meaning of the statute, and therefore is not accorded such deference. While the Attorney General correctly notes that the e-mail message to the board to which the evaluations were attached did not itself contain advocacy or invite comment, this does not alter the fact that the evaluations themselves contained board members' opinions. The Attorney General dismisses the fact that the composite evaluation contained board members' opinions by stating that "compiling evaluations" is a "permissible and necessary function for public bodies," but the chair did not

Page 243

simply compile the evaluations in this case -- he circulated the compiled evaluations to a quorum. We note also that the Attorney General's determination letter fails to recognize that the chair sent not only the composite evaluation, but also the three individual evaluations, to all board members.

We conclude that the board's conduct violated the open meeting law. The circulated individual and composite evaluations expressed the opinions of the board members to a quorum in advance of the public meeting. As the plaintiffs note, the effect of the circulation of the individual and composite evaluations was that all five board members were aware of the opinions of four of the members in advance of the open meeting; thus, the circulation, in effect, constituted a deliberation, or a meeting, to which the public did not have access. Indeed, the motion judge noted that, after the circulation, and before the open meeting, "it was rather obvious that the die had been cast as to whether the town administrator should be continued in his position." The open meeting law was intended to ensure that the public is able to see for themselves how such decisions are made. See Revere, 476 Mass. at 610. The distribution of the individual and composite opinions to the quorum, prior to the meeting, was thus a violation of the open meeting law. See G. L. c. 30A, § 18. Compare School Comm. of Wayland, 455 Mass. at 570 ("Open meetings provide an opportunity for each member of the governmental body to debate the issues and disclose their personal viewpoints *before* the governmental body reaches its decision on a matter of public policy" [emphasis added]); McCrea v. Flaherty, 71 Mass. App. Ct. 637, 641 (2008) (open meeting law "provides for public access to the decision-making process when it is in a formative stage, several steps removed from the eventual result").

The result here would have been different if the board had made the individual and composite evaluations publicly available before the open meeting. For example, the board could have posted the evaluations on its Web site and made paper copies available for inspection at or about the time that the evaluations were circulated among a quorum of board members. Ordinarily, the board is required only to make the minutes of open meetings, along with "the notes, recordings or other materials used in the preparation of such minutes and all documents and exhibits used at the session," available to the public, upon request, within ten days after an open meeting has taken place. G. L. c. 30A, § 22 (c), (e). Nothing in the open meeting law or the public records statute, however, precludes the board from prior disclosure, at least in

these circumstances. [Note 9] See G. L. c. 4, § 7; G. L. c. 30A, §§ 18-25; G. L. c. 66, §§ 1 et seq. If board members wish to circulate documents containing board member opinions among a quorum in advance of an open meeting, as here, prior and relatively contemporaneous public disclosure of those documents, where permissible, is necessary in order to comply with the open meeting law and to advance the statute's over-all goal of promoting transparency in governmental decision-making.

d. Striking the Attorney General's decision. The board argues that, in his decision granting the plaintiffs' motion for summary judgment, the judge erred in ruling that "[t]he opinion from the Attorney General [d]ivision of [o]pen [g]overnment is stricken." [Note 10] We agree. The open meeting law establishes two separate means by which a party may complain of a violation: an aggrieved party may seek administrative remedies, for which judicial review is available only to a government entity that is party to the ruling, or file a registered-voter complaint in the Superior Court, as here. See G. L. c. 30A, § 23 (b), (d), (f). To the extent that the judge was attempting to reverse the Attorney General's decision on Harris's administrative complaint, he had no authority to do so. [Note 11] While Harris's administrative complaint and this action concern the same

facts, Harris's complaint was not before the judge. Nor could it have been, as Harris was not a member of a public body at the time that the complaint was filed. See G. L. c. 30A, § 23 (d) ("A public body or any member of a body aggrieved by any order issued pursuant to this section [by the Attorney General] may, notwithstanding any general or special law to the contrary, obtain judicial review of the order only

Page 245

through an action in [S]uperior [C]ourt seeking relief in the nature of certiorari").

3. Conclusion. The judgment is affirmed. The purported "striking" of the Attorney General's determination at the administrative proceeding is vacated. The matter is remanded to the Superior Court for such further proceedings as are required.

So ordered.

FOOTNOTES

[Note 1] Dorothy J. Dunlay; Kent E. George; Stanley U. Robinson, III; and Lois Voltmer.

[Note 2] We acknowledge the amicus briefs submitted by the Attorney General; the Massachusetts Gaming Commission; the Massachusetts Newspaper Publishers Association; and Hal Abrams, Kim Abrams, and Karen Silva.

[Note 3] In civil actions to enforce the open meeting law, "the burden shall be on the respondent to show by a preponderance of the evidence that the action complained of in such complaint was in accordance with and authorized by the open meeting law." G. L. c. 30A, § 23 (f).

[Note 4] The initial judgment was amended to correct an erroneous statutory reference.

[Note 5] The board's mootness argument focuses on the fact that the town administrator, whose performance evaluation was the subject of this action, was terminated in August, 2013. The record is silent as to the reasons for the termination or the outcome of the administrator's other performance evaluations, if any. The plaintiffs, however, are not challenging the outcome of this particular town administrator's performance evaluation, which was in fact positive. The town administrator's subsequent termination thus is irrelevant to the mootness determination.

[Note 6] The Attorney General is authorized to interpret and enforce the open meeting law. See G. L. c. 30A, § 23 (a). She also may "promulgate rules and regulations to carry out enforcement of the open meeting law," and "issue written letter rulings or advisory opinions." G. L. c. 30A, § 25.

[Note 7] General Laws c. 30A, § 21 (a), permits a public body to meet in an executive session in ten limited circumstances, none of which is applicable here. Notably, these circumstances

include discussion of "the reputation, character, physical condition or mental health, *rather than professional competence*, of an individual" (emphasis added). See G. L. c. 30A, § 21 (a) (1).

[Note 8] "Except in an emergency, in addition to any notice otherwise required by law, a public body shall post notice of every meeting at least [forty-eight] hours prior to the meeting, excluding Saturdays, Sundays and legal holidays. In an emergency, a public body shall post notice as soon as reasonably possible prior to the meeting." G. L. c. 30A, § 20 (b).

[Note 9] Under the open meeting law, only the following materials used in open meetings are "exempt from disclosure to the public as personnel information: (1) materials used in a performance evaluation of an individual bearing on his professional competence, *provided they were not created by the members of the body for the purposes of the evaluation*; and (2) materials used in deliberations about employment or appointment of individuals, including applications and supporting materials; provided, however, that any resume submitted by an applicant shall not be exempt" (emphasis added). G. L. c. 30A, § 22 (e).

[Note 10] While the judge's decision does not specify which opinion it purports to strike, in context, it can refer only to the 2013 determination letter dismissing Harris's complaint. The plaintiffs do not dispute that the decision to strike was improper.

[Note 11] The purported striking was not necessary to ensure uniform resolution of future open meeting law challenges. The Attorney General has represented that if we affirm the judge's decision, she will amend her guidance and adjust her interpretation of the open meeting law when resolving complaints.

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Citizen Activity Form

Good Government Starts with You

Date Submitted:	October 13, 2020
Name:	Angela K Varner
Home Address:	9 Sadie Hutt Lane Southborough
Mailing Address:	9 Sadie Hutt Lane Southborough
Phone Number(s):	
Email Address:	
Current Occupation/Employer:	Vice President, Bain & Company
Narrative:	I would be available for the monthly meetings, plus some additional hours on the weekends or evenings. I have been in the technology industry for over 20 years, serving in a variety of positions including Technology Officer for a $10B consulting business, Global Infrastructure lead and Knowledge Leader.
Board(s) / Committee(s):	___MUNICIPAL TECHNOLOGY COMMITTEE

TOWN OF SOUTHBOROUGH

BOARD OF SELECTMEN Meeting Minutes

Meeting Date: Tuesday, October 20, 2020, 6:30 P.M.
Location: Virtual Meeting through Zoom
Present: Marty Healey, Lisa Braccio, Chelsea Malinowski, Brian Shea, Sam Stivers and Town Administrator Mark Purple

Executive Session

At 5:30 P.M. the Board entered into Executive Session per M.G.L. Chapter 30A, Section 21, and returning to Open Session —to discuss strategy with respect to litigation (Exemption 3), as the Chair declares that an open meeting may have a detrimental effect on the negotiating position of the public body. The matters to be discussed are; (1) Cell tower/flagpole on Town Common; (2) John & Marjorie Warfield v. Town of Southborough; and (3) Louise Barron, Jack Barron, and Arthur St. Andre v. Board of Selectmen and the Town of Southborough. Chairman Healey made a motion to exit Executive Session at 6:35 P.M. Mr. Shea seconded. The motion passed all in favor by roll call vote (5-0-0), Braccio, aye; Malinowski, aye; Shea, aye; Stivers, aye; Healey, aye.

I. Chairman Healey summarized that the Board is proceeding to public session at 6:37 P.M. from Executive Session. Chairman Healey read the following statement:

Pursuant to Governor Baker's March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, §18, and the Governor's March 15, 2020 Order imposing strict limitation on the number of people that may gather in one place, this meeting of the Southborough Board of Selectmen will be conducted via remote participation to the greatest extent possible. Specific information and the general guidelines for remote participation by members of the public and/or parties with a right and/or requirement to attend this meeting can be found on the Town of Southborough's website, at https://www.southboroughtown.com/. For this meeting, members of the public who wish to watch or participate in the meeting may do so in the following manner by finding the meeting at: https://www.southboroughtown.com/remotemeetings. No in-person attendance of members of the public will be permitted, but every effort will be made to ensure that the public can adequately access the proceedings in real time, via technological means. In the event that we are unable to do so, despite best efforts, we will post on Southborough's website an audio or video recording, transcript, or other comprehensive record of proceedings as soon as possible after the meeting.

II. **Public Comment**

Cynthia Cram (44 Bigelow Road) updated the Board about a proposed trails project for property owned by SOLF currently before the Conservation Commission. She described the project which included three proposed parking spots and a viewing platform. She expressed her concerns regarding traffic and parking. Chairman Healey asked if she has been in contact with the Trails Committee and Ms. Cram replied that she did not believe this was their project but felt the Planning Board should be included in the decision-making process.

Donna and Rob Sergi (42 Bigelow Road) further explained the project and their concerns. Mr. Sergi stated that this will be in front of the Conservation Commission and stated he will be

sending more information to the Board. Chairman Healey replied that he appreciated the information and will work to understand where jurisdiction lies.

III. Scheduled Appointments

6:30PM: Tax Classification Hearing; joint meeting with Board of Assessors

Mr. Cibelli stated he was presenting the annual tax classification hearing on behalf of the Board of Assessors. He told the Board there had been a $50,000 reduction in revenue and as a result the tax rate has increased by two cents with the average tax bill increasing by approximately $13. He added that the Commonwealth's budget is usually voted and approved of by this time of the year but because of the pandemic they have not done either. He stated that additional changes to local aide that result in a loss of funds could change the projected budget. Mr. Purple read the public hearing notice into the record. Chairman Healey made a motion to open the public hearing at 6:52 PM. Mr. Shea seconded. The motion passed all in favor (5-0-0) by roll call vote, Braccio, aye; Malinowski, aye; Shea, aye; Stivers, aye; Healey, aye.

Chairman Healey asked if there was a timeframe for receiving the final budget information and Mr. Cibelli replied that after speaking with the Department of Revenue and the Bureau of Local Assessment, there is no timetable. Mr. Cibelli walked the Board through the presentation provided in the packet. Mr. Stivers stated that at this point in time, the single tax rate makes sense and he is in support of the recommendations from the Board of Assessors. Chairman Healey opened the discussion to public comment and there was none. Mr. Shea made a motion to close the public hearing at 7:13 P.M. Chairman Healey seconded. The motion passed all in favor (5-0-0) by roll call vote, Braccio, aye; Malinowski, aye; Shea, aye; Stivers, aye; Healey, aye.

Chairman Healey made a motion to continue with the single tax rate for fiscal year 2021. Ms. Braccio seconded. The motion passed all in favor (5-0-0) by roll call vote, Braccio, aye; Malinowski, aye; Shea, aye; Stivers, aye; Healey, aye. Chairman Healey made a motion to not adopt the small commercial exemption for fiscal year 2021. Mr. Stivers seconded. The motion passed all in favor (5-0-0) by roll call vote, Braccio, aye; Malinowski, aye; Shea, aye; Stivers, aye; Healey, aye. Chairman Healey made a motion to not adopt the small commercial exemption for fiscal year 2021. Mr. Stivers seconded. The motion passed all in favor (5-0-0) by roll call vote, Braccio, aye; Malinowski, aye; Shea, aye; Stivers, aye; Healey, aye. Mr. Cibelli told the Board that he will have Mr. Purple update them with any changes to local aid that affects the tax rate and will move forward with the finance team to make the approved adjustments going forward. He added that if there is no update from the State, the tax rate will be set using estimates.

Volunteer interviews

i. Sue Luh — ADA Committee, expiration 6/30/2021

Chairman Healey thanked Ms. Luh for her volunteerism and stated he felt would be a terrific fit for the ADA Committee. Mr. Stivers agreed and asked if she had attended any ADA Committee meetings. Ms. Luh stated she had not but has had a conversation with the Chair of the Committee and is up to speed. She gave background on her work in architectural and informational accessibility. Ms. Malinowski asked if there were anything specific she was looking to accomplish with the ADA Committee. Ms. Luh responded that after speaking with the Chair, she would like to continue the context of connecting volunteers with the Southborough community. She mentioned Meals on Wheels and social and emotional support during the pandemic. Mr. Stivers made a motion to appoint Sue Luh to the ADA Committee, expiration

6/30/2021. Ms. Malinowski seconded. The motion passed all in favor (5-0-0) by roll call vote, Braccio, aye; Malinowski, aye; Shea, aye; Stivers, aye; Healey, aye.

ii. David Joyner — CPC At-Large position, expiration 6/30/23

Chairman Healey asked Mr. Joyner what garnered his interest in CPC and what he hopes to bring the Committee. Mr. Joyner explained his interest in the Breakneck Hill and Chestnut Hill Farms and explained his background in affordable housing. Ms. Braccio asked Mr. Joyner to elaborate on his experience in affordable housing and how he can apply that to the CPC. Mr. Joyner described his experience which included working in the field for over thirty years, property and asset management, market rate housing experience and advocating at the State level promote preservation and continued funding of affordable housing. The Board agreed that affordable housing is a focus and supported his appointment. Ms. Braccio made a motion to appoint David Joyner as the CPC At-Large position, expiration 6/30/2023. Mr. Shea seconded. The motion passed all in favor (5-0-0) by roll call vote, Braccio, aye; Malinowski, aye; Shea, aye; Stivers, aye; Healey, aye.

<u>7:00PM: Steve Achilles, Fire Chief— Update on hiring, training and reporting for F ire Dept. operations</u>

Chairman Healey explained that a Board initiative was to focus on public safety and the public service area to ensure they are doing everything from a hiring perspective to have as broad a reach and be inclusive as possible. He stated the second goal was in the mechanics of reporting incidents and issues raised from the public through the ranks of the Fire Department and the Board. He explained the last goal to review is training.

Chief Achilles gave a brief overview of the Department's activity to date which included that calls are down 5% compared to last year with 1025 calls compared to last year at this time with 1075 calls. He added that they are seeing a decline in ambulance use over the last three-to-four months and he believes this is due to the pandemic. He added there are twenty-two full-time department members including him and seven call members. Chief Achilles stated that they have updated their policies and procedures and are dedicated to increase the number of call members. He stated there have been challenges with outreach programs and training due to the pandemic and are looking to start an internal training program and developing within the department. He described recent physician feedback programs to enhance their ability to provide medical care. Chief Achilles described the department's commitment to diversity and stated there are female firefighters, paramedics and on the on-call force. He stated they are collaborating with the Police Department and Youth and Family Services to become more sensitive to behavior health. Chief Achilles described his current procedure for responding to feedback from the community and his goals for a customer feedback survey in the future.

Chairman Healey thanked him for his report and urged him to find ways to bring mental health experts to their service. He asked for a report twice a year of complaints from the public and any recording keeping associated to be sent to the Board. Ms. Malinowski asked if the physician feedback is a contracted service that is paid for or are they evaluating care for the transport to the hospital. Chief Achilles explained that there are agreements with UMass Medical. Chairman Healey suggested Chief Achilles to reach out to Ms. Hale for creative ways to enhance outreach and diversity for potential applicants. Chief Achilles agreed to do so.

7:40PM: Discussion with Personnel Board: duties of the Board and Personnel Director; proposed SAP increases in FY22; employee training.

Ms. Rosenbloom called the meting of the Personnel Board to order at 8:14 P.M. She thanked Mr. Ballantine and Ms. Hale for their assistance in creating the annual adjustment and told the Board the Personnel Board provided them with the same information as requested last year. Chairman Healey stated that the information provided in the packet made sense to him and asked the Board for questions and there were none. Ms. Rosenbloom noted a new item on page ten with regards to COVID-19. She asked Mr. Purple to inform the Personnel Board of any proposed changes to salaries having to do with the pandemic. Mr. Purple agreed and said there were none at this time. Ms. Malinowski asked if section 3B which describes an example 2.5% increase to SAP salaries resulting in a 1% overall budget increase would negate a level funded budget. Ms. Rosenbloom stated it did not and explained that she asked Mr. Ballantine to show what each 1% increase in SAP salaries would cost the Town in dollars.

Chairman Healey asked for their ideas for training regarding equity and inclusivity. Ms. Rosenbloom stated she was just made aware of this focus and would refer to DEI training. She stated the Personnel Board does not have the capacity to be DEI professionals but they do have funds for personnel training. Mr. Rubenstein said they would need to identify what the Town is seeking to accomplish with training in terms of procedure. Ms. Rosenbloom suggested partnering with other towns to regionalize DEI training. Ms. Braccio asked about the four-year review of equity in the payroll and Ms. Rosenbloom explained what it entails under section 16E. She added she did not think the Town had any equity issues with payroll but they will gather and send the information to Attorney Norris who would confidentially respond with any perceived issues. There was discussion regarding funding employee training and Mr. Purple explained Ms. Hale reached out to the insurance company to inquire about their training. He said diversity is dominating the conversations but they do not have any trainings available at this time. Ms. Hale stated that the insurance company offers many free training classes and the Town receives credits in the form of discounts on premiums for sending employees to their seminars. She said they are not ready for a virtual training format but will be monitoring their offerings.

Ms. Rosenbloom stated that the topic of roles and responsibilities of the Personnel Director and Personnel Board have been discussed at length for two years with no resolution. She explained part of the Town Administrator Bylaw and the SAP bylaw. She offered to submit a list of grievances to Board members. Chairman Healey stated there is real tension between the documents and suggested a conversation. Mr. Rubenstein stated Ms. Rosenbloom gave an accurate description of the issues and felt the areas of overlap should be rectified. He suggested an open conversation to resolve these issues. Ms. Malinowski agreed that if there are issues, it is the Board's responsibility to listen and address them. Mr. Shea stated that as one of several that served on the committee to form the current Town Administrator Bylaw, there was never an intention to create conflict between the two entities. He encouraged the two parties to have a conversation to clarify any discrepancies. Mr. Stivers stated that it is within their abilities to collectively decide what the correct relationship should be and if it is not in line with the current bylaw, they should rewrite it. He stated he was in support of a conversation in a smaller group to work through structure issues. Ms. Rosenbloom explained the need for an organizational chart and asked the Board to review her draft version. Ms. Braccio said she hoped there would be a conversation between the two parties between now and November 4th. Ms. Rosenbloom adjourned the Personnel Board meeting at 9:12 P.M.

8:00PM: Atty. Tim Norris — Responding to Public Records requests
At the Chairman Healey's request Attorney Norris will be rescheduled to a later date.

IV. Reports

Chairman's Report

Chairman Healey stated the position of the Board regarding Halloween is if people feel comfortable celebrating, that they follow the guidance from the State outlined on the Town website.

Chairman Healey stated Mr. Sines, Chair of the ADA Committee sent a response to his initial letter raising three questions regarding requirements with the Public Safety Complex. He said he would send the letter to the Board members and suggested the topic be put on a future agenda for discussion.

Chairman Healey stated that Ms. Galligan brought to his attention the communication from Chief Achilles regarding trees he thought were threatening from a public safety perspective on Overlook Drive. He said Ms. Galligan noted that all the trees outlined could potentially damage some powerlines and cable lines on private property. She stated to him that she is going to reach out to the land owners of the private properties to try and come to a safe solution.

Chairman Healey asked Mr. Stivers for an update on the tree removal policy. Mr. Stivers stated they are close to a resolution that works with the Planning Board and DPW. He added that the Board could provide guidance regarding the inclusion of the Planning Board on joint hearings with the Tree Warden and DPW. Chairman Healey stated he would like to see the policy in writing before providing any guidance.

Members' Reports

Ms. Malinowski stated she had a preliminary conversation with the Chief of Police and the Fire Chief regarding regional dispatch. She said the next steps are to collect data from other towns who have regional dispatch and possibly create a subcommittee as Chief Paulhus suggested. The Board agreed to have Ms. Malinowski collect data to bring to the Board.

Ms. Malinowski told the Board the schools are doing a good job notifying families in schools impacted by COVID-19 as new cases arise. Ms. Malinowski suggested the Board be added to the email list and Mr. Purple agreed to include them for informational purposes.

Mr. Shea thanked the community for their support at the ALS One Golf Tournament at the Southborough Golf Course last weekend. He said between contributions made at the clubhouse and online, almost $4,500 was raised.

Mr. Shea stated he received a report for Pare Engineering regarding Deerfoot Road. He updated the Board and stated Pare will be working with Ms. Galligan on a grading plan to divert water from the south end of the road into an infrastructure to ensure less water flows towards 122 Deerfoot. Mr. Shea added that the recommendation was to move forward with paving and no additional structures were needed. Chairman Healey agreed and said after a conversation with Ms. Galligan he advised the Board to support a plan to move forward with paving before the end of the season. Mr. Stivers

asked if the grading could be adjusted during the paving process to ensure the correct level along the road. Mr. Shea stated Pare Engineering is preparing a plan with guidance on where the material should go. Ms. Malinowski asked if the residents were aware of the next steps. Chairman Healey stated Ms. Galligan is making sure the residents are told of the next steps and he is in support of this plan. Mr. Shea stated the residents with drainage issues associated with the development on Deerfoot Road hired their own engineer who provided a number of recommendations for private property. He said that was outside of the scope of the Board but that report recommended an engineering study on the road which has been done and the Board has followed through on. He added that Ms. Galligan will be reaching out to that engineer to discuss one of his recommended solutions that included a drain structure in the roadway that is no longer there. Mr. Shea stated the Town has done their due diligence and Pare Engineering reported that the developer has followed through with their sedimentation control.

Chairman Healey stated that the Board put off a ceremony for the naming of Shifrin Field with the idea that it could be done in November to coincide with the one-year anniversary of Mr. Shifrin's passing. He stated that for a variety of reasons it has been agreed that the best time to hold this ceremony would be in the spring to tie in to the begging of little league season.

Mr. Stivers stated Ms. Galligan will be doing an informal investigation into tying in with MWRA at Pine Hill Road for firefighter water instead of buying an additional pumper truck. He stated he will continue to look into this and update the Board.

Mr. Stivers stated he attended the Board of Health meeting and raised the issue regarding licensing trash haulers. He said they were unaware of Mr. Butler's presentation and he had forwarded it to them. He said the Board of Health was interested in this but are very busy due to the pandemic. He felt there was opportunity for the Board to support them administratively and to inquire with Town Counsel if a vote would be needed from the Board of Health to move forward with the licensing.

Mr. Stivers stated that revenue at the Golf Course is almost up 70% and are aiming to hit the greatest number of rounds in recorded history.

Town Administrator Report

Mr. Purple stated that the Golf Course has not seen revenue and round numbers as they are now in about a decade. He stated the pandemic has probably attributed to its success and he hopes the numbers will continue beyond the end of the pandemic.

Mr. Purple stated he would assist the Board moving forward with the conversation with MWRA and Pine Hill Road.

Mr. Purple explained the CMRPC funding of the ADA Self Evaluation Transition Plan. He stated there are funds to support the plan but hopes the grant from CRMPC will fully fund the work . He added that the work needs to be done by June and they will be working with CRMPC consultants. He thanked Ms. Hale, Mr. Parent and Mr. Davis for their assistance in the grant application process.

V. Consent Agenda

a. Mr. Shea held consent agenda item "a." Mr. Shea stated that under Members' Reports on page six it is written that he and Ms. Galligan visited Deerfoot Road and it should say "Pare

Engineering" as he and Ms. Galligan did not visit the site. Mr. Stivers stated Ms. Barrett's name was misspelled and asked for a correction. Chairman Healey made a motion to approve Open Session Minutes: October 6, 2020 with the mentioned revisions. Mr. Shea seconded. The motion passed all in favor (5-0-0) by roll call, Braccio, aye; Malinowski, aye; Shea, aye; Stivers, aye; Healey, aye.

b. Mr. Stivers held agenda item "e." Mr. Stivers stated that this date coincides with Passover and Palm Sunday. Mr. Purple stated he thought he avoided the holidays when scheduling this date and the Finance Department would like the date as late in March as possible. Mr. Purple stated he will bring "Establish date for Annual Town Meeting (Saturday, March 27, 2021 @ 1PM)" back for discussion at the next meeting.

c. Ms. Malinowski asked to hold consent agenda item "c." She asked why the Board needed to approve to release the minutes from April 9, 2020 as they are already posted on the website. Mr. Purple stated there is no record that the Board voted to release them. Ms. Malinowski asked for clarity on the process for approving and releasing Executive Session minutes. Chairman Healey made a motion to approve consent agenda item "c" to release Executive Session minutes: April 9, 2018; January 7, 2020; January 21, 2020; February 4, 2020; February 25, 2020; May 19, 2020 (redacted). Mr. Shea seconded. The motion passed all in favor (5-0-0) by roll call, Braccio, aye; Malinowski, aye; Shea, aye; Stivers, aye; Healey, aye. Ms. Malinowski volunteered to review the Executive Session minutes and how they are being recorded.

d. Chairman Healey made a motion to approve the extension of outdoor dining for any period up to sixty (60) days after the end of the state of emergency. Mr. Shea seconded. The motion passed all in favor (5-0-0) by roll call, Braccio, aye; Malinowski, aye; Shea, aye; Stivers, aye; Healey, aye.

e. Chairman Healey made a motion to appoint Jen Hansen to Community Preservation Committee/Recreation Comm. Rep., term 6/30/21. Mr. Shea seconded. The motion passed all in favor (5-0-0) by roll call, Braccio, aye; Malinowski, aye; Shea, aye; Stivers, aye; Healey, aye.

f. Ms. Braccio asked to hold agenda item "f." Ms. Braccio stated the amount in the contract needs to be adjusted for an additional twelve hours to an amount of $7,087.50. Ms. Braccio and Ms. Connelly explained the reason for the adjustment. Chairman Healey made a motion to approve the revised contract for Judy Barrett as described by Ms. Braccio, Barrett Planning Group LLC, RE: Downtown Initiative. Mr. Stivers seconded. The motion passed all in favor (5-0-0) by roll call, Braccio, aye; Malinowski, aye; Shea, aye; Stivers, aye; Healey, aye.

VI. Other Matters Properly Before the Board

Review of cemetery police and procedures re: damaged headstones

Ms. Braccio stated that after hearing concerns regarding headstones in the cemetery, she met with Ms. Galligan and Mr. Purple. She stated that an Eagle Scout project to catalogue the headstones and find a path to fix or restore some was proposed. Mr. Stivers asked if the cemetery was in the National Register. Ms. Braccio stated she did not know. Mr. Stivers stated if someone were to catalogue the headstones, that information could be sent to the National Register.

Proposal to establish Rent/Mortgage Relief under CARES Act

Ms. Braccio stated she met with Ms. McAuliffe and is working with Ms. Esposito to move forward to create a draft proposal for the October 27th meeting. She said she hopes that the application process for residents will be November 1st – December 1st. Ms. Braccio added that if the funding sources falls through from the CARES Act, she hopes they could be provided through the Affordable Housing Trust Fund. She stated she will be speaking with Ms. Cassell of Youth and

Family Services and may need to push her update to November 4th if they need more time to review.

Consideration of Trails Committee Letter of Support for DCR Public Access Plan
Chairman Healey stated he reviewed the access plan and felt it was a great idea to have the ability to walk a loop around Southborough without leaving one of their trails. Mr. Shea asked if there will be parking proposed near the new loop. Ms. McKee described various options for parking and stated they wanted to be respectful of abutters. Mr. Shea asked the Committee to keep in mind that additional areas for public parking will need to supplied for the public to access the trails effectively. Ms. Malinowski asked if the Board was going to vote on just the letter or also on the MOA. Chairman Healey asked Ms. McKee if the MOA was informational only and if she is asking to move forward with the Public Access Plan. Ms. McKee stated that the Trails Committee suggests removing the language about White Bagley Road. Ms. Malinowski stated that she will need to recuse herself as she is an abutter to White Bagley Road. Chairman Healey made a motion to approve the letter proposed by the Trails Committee. Mr. Stivers seconded. The motion passed (4-0-1) by roll call vote, Braccio, aye; Shea, aye; Stivers, aye; Healey, aye. Ms. Malinowski recused.

VII. Public Comment
None

VIII. On a motion made by Sam Stivers, seconded by Brian Shea and voted all in favor, the meeting was adjourned at 10:21 P.M.

Upcoming Meetings
October 27, 2020
November 4, 2020

Respectfully submitted,

Kathleen Barry, Recording Secretary

List of Documents referred to at the October 20, 2020 BOS Meeting:

- Selectmen's 10-20-20 Agenda Packet UPDATED BOA presentation
- FY 21 Goals - Boards and Committees
- Legal Advertising Proof - GateHouse Media
- Town Volunteer Form, Sue Luh
- Citizen Activity Form, David Joyner
- Community Risk Assessment and Standards of Cover
- Annual Adjustment - Factors Considered
- Town Administrator - Statement of Duties
- Chapter 27, Article 4 of Southborough Town Code
- Draft Employee Organizational Chart
- Draft Open Session Minutes, October 6, 2020
- Extension of Outdoor Dining and Expanded Alcohol License

KENNETH M. PAULHUS
CHIEF OF POLICE

TOWN OF SOUTHBOROUGH
POLICE DEPARTMENT

32 Cordaville Road
Southborough, Massachusetts 01772

Emergency: 9-1-1
All Other: (508)485-2121
Business: (508)485-2147
Fax: (508)485-4634
kpaulhus@southboroughma.com

To: Southborough Board of Selectmen

From: Police Chief Kenneth Paulhus

Subject: Full-Time Telecommunications Officer

Date: October 27, 2020

Dear Board of Selectmen:

Please consider my recommendation to elevate Mr. John Terranova as a Full-Time Telecommunications Officer, effective on November 5, 2020. He is currently a Part-Time T/C Officer for the Department. The opening becomes available when T/C Officer Robyn Richards officially resigns from her position on November 1st to pursue other employment.

The recommended pay rate for the position would be **Step 1 of the Local 44 Contract, $21.97 per hour,** based on his past training and experience.

Please feel free to contact me with any questions you might have.

Kenneth M. Paulhus
Chief of Police

Protecting Our Community...Together!

Lori Esposito

From: MATTHEW PROBST
Sent: Tuesday, October 13, 2020 10:40 PM
To: Lori Esposito
Cc: Carol Ostresh
Subject: Re: New Citizen Activity Form Submitted

Hi Lori,
I'm very supportive of Angela Varner's potential appointment to the MTC.

Thanks and regards,

-Matt Probst
Chair, MTC

On 10/13/20, 4:54 PM, "Carol Ostresh" <costresh@southboroughma.com> wrote:

Hi Matthew,

If you have any comments in reference to this applicant before the Board of Selectmen consider her for the appointment to your committee, please email them to Lori Esposito.
Thanks in advance.
Carol

-----Original Message-----
From: VTS_BoardCommitteeApp <VTS_BoardCommitteeApp@virtualtownhall.net>
Sent: Tuesday, October 13, 2020 4:12 PM
Subject: New Citizen Activity Form Submitted

[EXTERNAL]

A new Citizen Activity form was submitted on Oct 13, 2020 with the following information:

Name: Angela K Varner
Home Address: 9 Sadie Hutt Lane
Southborough
Mail Address: 9 Sadie Hutt Lane
Southborough
Phone Number(2):
Email Address:
Current Occupation: Vice President, Bain & Company
Narrative:
****

I would be available for the monthly meetings, plus some additional hours on the weekends or evenings. I have been in the technology industry for over 20 years, serving in a variety of positions including Technology Officer for a $10B consulting business, Global Infrastructure lead and Knowledge Leader.

SOUTHBOROUGH YOUTH AND FAMILY SERVICES

STRENGTHENING OUR COMMUNITY BY SUPPORTING ITS FAMILIES

October 20, 2020

Town of Southborough
Board of Selectmen
17 Common Street
Southborough, MA. 01772

Dear Board of Selectmen:

We request that you accept the attached donations into our donation account. These will be used to pay for items not covered by our Town budget.

Thank you.

Sincerely,

Sarah Cassell

Sarah Cassell
Director
Southborough Youth and Family Services

Mail: 17 Common Street, Southborough, MA 01772
Office: Fayville Hall, 42 Central Street, Southborough
Phone: (508) 481-5676 Fax: (508) 229-4469

Robyn Richards

Communications Officer, Town of Southborough

32 Cordaville Rd

Southborough MA 01772

Chief Paulhus

Chief of Police, Town of Southborough

32 Cordaville Rd

Southborough MA 01772

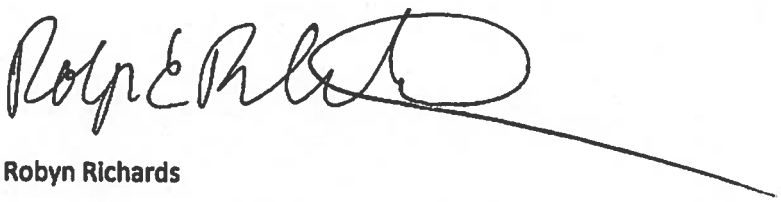
From: Robyn Richards, T/C, Town of Southborough

Date: October 23, 2020

Dear Chief Paulhus,

I am writing to inform you of my decision to respectfully resign from my position as a full-time communications officer for the Town of Southborough. It has been an honor and privilege to work with so many great people over the past few years. My last day of work will be Sunday, November 1, 2020 as I start for Natick Police the following day. As it has been a year in the making, I do wish I was able to give more notice of an exact start date. If there is anything I can do to assist with the transfer of my responsibilities, please let me know.

Sincerely,



Robyn Richards

TOWN OF SOUTHBOROUGH
DEPARTMENT OF PUBLIC WORKS

147 Cordaville Road
Southborough, MA 01772

Tel: 508-485-1210
Fax: 508-229-4444

DATE: October 29, 2020

MEMORANDUM

TO: **Town of Southborough, Board of Selectmen**
CC: **Mark Purple, Town Administrator**
FROM: **Karen Galligan, DPW Superintendent**
SUBJECT: **Chapter 90, Cordaville Road and Shovel Ready Projects**

As you are already aware the Town of Southborough has two large road projects in design, Downtown Main Street and Cordaville Road. Also, the Town has asked the DPW to have some "shovel ready" projects in queue in the event that some new infrastructure grants become available in 2021. In order to continue design and specification work on the existing projects as well as to have some smaller projects in queue, the DPW would like the Selectmen to allocate some Chapter 90 funds for survey and design work for projects. The Town currently has $869,500 in un-allocated Chapter 90 funds. An explanation of the projects, existing funding and further funding requests are below:

Cordaville Road – Project cost estimate $2,900,000:
This project consists of reconstructing sidewalks, installing granite curbing, installing drainage, building road shoulders and paving Route 85 from its intersection at Southville Road to the DPW driveway. Permitting is required for this project.

- Initial design for this project was funded by $160,000 in Chapter 90 money. This money covered survey costs, preliminary design, public input and final conceptual design.
- The DPW is requesting an additional $145,000 of Chapter 90 funds be allocated to this project for permitting, final detailed design, bid plans and specifications as well as bid and construction phase engineering assistance and oversight.
- There is $30,000 in the General Fund from Legacy Farms, in Hopkinton, to help fund this project.
- The Town is hoping to be able to use $400,000 in Complete Streets Grant money to perform some of the sidewalk and shoulder improvements on this road.
- The Town has not received the fully executed grant contract from MassDOT for the funds to develop the Complete Streets Priority Project List. When the grant contract is received the Town can develop that list and then apply for the Complete Streets Grant for Cordaville Road.
- It is not likely that the Town will have the Complete Streets Grant for Cordaville Road by January, however, the project could be shovel ready for alternate funding.

Downtown Main Street – Project cost estimate $1,700,000:
This project consists of replacing the water main in downtown, improving drainage downtown, installing sidewalks and drainage, as needed, on Newton Street from East Main Street to the Medical Center, improving sidewalks from the southern end of the Main Street Project southward on Cordaville Road to the northern entrance of Rural Cemetery and paving the entire project area. Recently we have worked to add installing sidewalks from the northern end of the Main Street Project northward on Marlboro Road to St. Mark's Street and fixing the layout and drainage of the St. Mark's Street intersection, to this project. The intersection work at Deerfoot and Flagg Roads will also be part of this construction contract. This project, as one whole contract, is dependent on the Town receiving an easement from CSX, and therefore adjusting the design at CSX's property according to CSX's

requests. As part of this project CSX is supposed to reconstruct the railroad crossing at both Main Street and Central Street.

- The water main work for this project is funded by the Main Street Water Article (Article 10 – 2016ATM).
- Initial roadway design has been through Chapter 90 money allocated to Main Street Improvements.
- There is currently about $1,400,000 of Chapter 90 funds allocated to this project.
- The Town is hoping to use money from Safe Routes to School to fund some of the sidewalk work on Route 85, however, it is not clear when this grant application will open, or how much the grant will fund.
- The DPW is requesting that the Selectmen allocate $105,000 of Chapter 90 funds toward design, specifications and bid and construction phase assistance for work at the St. Mark's Street Route 85 intersection.
- This project could be broken up into several shovel ready projects if money becomes available in January and the CSX issue is not settled, or the funding is limited in size.

It is important to note that continuing the sidewalk north on Marlborough Road to the railroad bridge, improving the Acre Bridge Road intersection and building Marlboro Road from the Marlboro Town Line to the traffic lights and Framingham Road from the traffic lights to Boston Road into complete streets, are other worthy projects. Survey is needed to get these projects started, and, since little changes in the right-of-way, allocating Chapter 90 money to fund surveys of these areas would give the Town information to develop shovel ready projects in the future, or it gives the Town a base for design work for a new TIP Project. Surveying all of these streets would cost approximately $130,000.

If the Selectmen agree to allocating the above requested funds, re-listed below:
$145,000 to Cordaville Road design
$105,000 to St. Mark's Street design
$130,000 to Route 85 and Framingham Road survey
The Town would still have $489,500 of Chapter 90 money, as well as about $550,000 in Road Maintenance money to put toward construction of these projects, or toward a new road maintenance contract.

BOELTER

LEGAL
06-13-18

COLLINS, LOUGHRAN & PELOQUIN, P.C.
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Norwood, Massachusetts 02062

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Philip Collins
Leo J. Peloquin
Tim D. Norris
Melissa R. Murray

Michael C. Loughran
Retired

June 6, 2018

Via Email & First Class Mail

Vanessa Hale
Assistant Town Administrator
Southborough Town House
17 Common Street
Southborough, MA 01772

Re: Open Meeting Law, Evaluations, and Composite Evaluations

Dear Vanessa:

You have requested our advice regarding several aspects of the Town's performance evaluation process considering a recent Supreme Judicial Court decision in *Boelter, et al. v. Board of Selectmen of Wayland*, 479 Mass. 233 (2018), and resulting guidance from the Attorney General's Office ("AGO"). Specifically, it is our understanding that the Town Personnel Board typically reviews employee performance evaluations in the process of determining pay increases. Those evaluations may be produced by supervisors, or members of other public bodies. When evaluations are produced by a public body, the chair of that other public body compiles individual evaluations into a composite assessment which is then transmitted to the Personnel Board.

You have asked us to opine as to: (1) the role of an employee or board member in creating a composite evaluation in terms of the level of detail supplied or editorial judgment exercised; (2) whether composite evaluations may still be included in the Personnel Board packet; (3) the circumstances under which composite evaluations or other evaluations become a public record that must be placed on a website or at the Clerk's office; and (4) whether leaving materials at the Clerk's office is a requirement of the law in cases where internet posting of the documents has been accomplished.

Relevant Legal Principles

A quorum of a public body may not deliberate outside of a public meeting about a matter that could come before them; deliberate for these purposes means communicate their opinions on a matter using any medium of communication. M.G.L. c. 30A §§18, 20.

Documents used in a public meeting become public records, except for "(1) materials used in a performance evaluation of an individual bearing on his professional competence, provided they were not created by the members of the body for the purposes of the evaluation; and (2) materials used in deliberations about employment or appointment of individuals, including applications and supporting materials; provided, however, that any resume submitted by an applicant shall not be exempt." M.G.L. c. 30A §22(e). This means performance evaluations done by members of a board and used in deliberations of that board are ultimately public records, while performance evaluations done by appointed officials (supervisors) are the personnel records of the employee and are not public records. M.G.L. c. 66, § 10; M.G.L. c. 4, § 7, Twenty-sixth (c). Although less clear, I also assume that this means that an evaluation created by a member of a different board, which has not been used by that other board in a meeting, or shared with a quorum of that board, will retain its character as a non-public personnel record.

Evaluations may not be performed by a public body in executive session. M.G.L. c. 30A §21 (a)(1). If an evaluation is performed in open session, the evaluation materials created by board members and used during the meeting become public records. M.G.L. c. 30A §22(e). As indicated in §22(e), evaluation documents written by non-members of the board do not automatically become public records. We spoke to the AGO about this and the attorney we spoke to said that such an evaluation could become a public record if too much information was shared about it in open session. This further suggests, as indicated above, that evaluation materials that are not used in a public meeting might not be public records even if they are created by a member of public body, as long as they have not been shared with a quorum of the body.

Pursuant to *Boelter*, an evaluation or composite cannot be shared with a quorum of the body in advance of a meeting to discuss the evaluation, unless the document(s) are made public at the same time they are shared. This means that either the documents must be first distributed at a public meeting, or the documents must be shared publicly (posted online or otherwise made publicly available) when they are sent to the members of the board. The reason for this is that the evaluation documents contain the opinions of the board members, and it would constitute improper deliberation to permit the private sharing of these opinions outside of a public meeting.

Discussions of whether employees should receive salary increases based on merit are also conducted in open session, unless the employee is under a contract either individually or pursuant to collective bargaining, in which case the negotiations and preparation for negotiations may be conducted in executive session. The resulting contracts are of course public records.

Answers to Questions

With these principles in mind, I answer the questions posed above as follows:

(1) Creating composite evaluations. The Open Meeting Law does not specifically address how a composite evaluation document should be created from individual evaluations given the situation where multiple individual evaluators assess the same employee. The AGO in its guidance suggests "as a best practice" that someone who is not an elected member of a public body compile the composite evaluation, but it could be a board member. If the authors of the evaluations being compiled are not board members, then using a board member to compile them converts the composite into a public record where using a non-member employee to compile would not have this result. If the authors of the source evaluations are members of the board that will be discussing the evaluation, then it does not matter since the resulting document will be public in any case (since it contains the opinions of the board member) but using a board member could run into deliberation issues if the board is small enough to run the risk that a quorum will be privy to the individual evaluations by following this process (i.e., 3-member board). The use of editorial license is a judgment call. The resulting document should not be misleading, so it should capture the essence of the evaluations submitted. In my view, it would be permissible to leave out the names of other employees or "civilians," if included in the source evaluation, and likewise tone down inflammatory language as long as the essential meaning is not changed.

(2) Inclusion of composites in the Personnel Board packet. Composite evaluations may still be included in the Personnel Board packet. They need not be disclosed publicly unless the composite or one or more source evaluations was created by a member of the Personnel Board, or was created by another board and used at a meeting or shared with a quorum of that board.

(3) Circumstances under which evaluations or composites become a public record. This is addressed to some degree in (1) and (2) above, but to recap, an evaluation document created by a member of the board to be used at a meeting of the board must be shared publicly at the time it is shared with a quorum of that board. In other cases, the evaluation will not become a public record, except that if an entire board engages in a detailed discussion of an otherwise non-public evaluation some or all of the evaluation may become a public record.

(4) Is leaving materials at the Clerk's office a requirement when disclosing evaluation documents as a result of *Boelter*? The AGO guidance certainly indicates that the composite may not be emailed to board members, and may only be disseminated by website posting combined with making paper copies available at the Clerk's office, and it attributes these requirements to *Boelter*. The AGO guidance reads:

> In either event, once compiled, the aggregated evaluation may not be circulated to a quorum the members prior to a meeting, for example by e-mail. The aggregated evaluation may only be distributed to a quorum of the members in one of two ways: (i) at a properly noticed open meeting, or (ii) via public posting to a municipal website in a manner that is also available to members of the public, as long as paper copies are also made available in the city or town clerk's office. See Boelter v. Board of Selectmen of Wayland, SJC-12353, slip op. at 19-20 (Mass. April 5, 2018). Even if the body posts the aggregated evaluation to a publicly available municipal website, a quorum of the members of the body may not discuss it outside of a properly noticed public meeting.

https://www.mass.gov/service-details/frequently-asked-questions-about-the-open-meeting-law-public-bodies-quorum-and (emphasis supplied). Having read the case that supposedly supplies the basis for this guidance, I disagree that the case prohibits emailing and that it requires leaving hard copies with the clerk. This is what the SJC held in *Boelter:*

> The result here would have been different if the board had made the individual and composite evaluations publicly available before the open meeting. For example, the board could have posted the evaluations on its Web site and made paper copies available for inspection at or about the time that the evaluations were circulated among a quorum of board members. Ordinarily, the board is required only to make the minutes of open meetings, along with "the notes, recordings or other materials used in the preparation of such minutes and all documents and exhibits used at the session," available to the public, upon request, within ten days after an open meeting has taken place. G. L. c. 30A, § 22 (c), (e). Nothing in the open meeting law or the public records statute, however, precludes the board from prior disclosure, at least in these circumstances. See G. L. c. 4, § 7; G. L. c. 30A, §§ 18–25; G. L. c. 66, §§ 1 et seq. If board members wish to circulate documents containing board member opinions among a quorum in advance of an open meeting, as here, prior and relatively contemporaneous public disclosure of those documents, where permissible, is necessary in order to comply with the open meeting law and to advance the statute's over-all goal of promoting transparency in governmental decisionmaking.

Boelter, 479 Mass. at 243-244 (emphasis supplied). In this language from the SJC decision, the Court seems to acknowledge that public dissemination through posting might not be exactly simultaneous with the circulation of the materials among the board (e.g., "at or about the time", "relatively contemporaneous"). Moreover, the use of web posting along with making available paper copies was given as an "example" of how "the board could have" accomplished the purposes of the law, not decreed as the sole means of compliance. The word "clerk" does not appear anywhere in the decision. Obviously, the "safest" approach will be to follow the AGO guidance, but the guidance is not always the same as the law. The answer to the question is: this is not a requirement of *Boelter*.

If you have any additional questions about this matter, please do not hesitate to telephone me.

Very Truly Yours,

Tim D. Norris

TDN/jfp

cc: Mark Purple, Town Administrator (*via email*)

FY 2021 Goals - Boards and Committees.	In Progress	Recent Steps	Completed
OML training and support/training for running Open Meetings.	XX	XX	
Promote and enforce Town Email Use Policy.	XX		
Update, consolidate and promote compliance with general policies.	XX		
Encourage and provide support for televising meetings.			
Encourage and provide support for composite agendas and packets.			
Enhance informational outreach and recruiting for volunteers (forum).	XX		
Conduct public comment at beginning & end of meetings			XX
Review and update descriptions and charges.	XX	XX	
FY 2021 Goals - Community Initiatives			
Coordinate and oversee Downtown Initiative.	XX	XX	
Coordiate communication/roundtables with local businesses.	XX	XX	
Pursue PILOT initiatives, including community center and projects.	XX		
Pursue "bike friendly" policies and explore Biking Committee.			
300th Anniversary planning, including Committee creation.	XX		
FY 2021 Goals - Employees			
Create Employee Handbook.			
Update job descriptions for BoS staff.	XX	XX	
BoS review of annual staff performance reviews.	XX	XX	
Review staffing and BoS office organization.	XX	XX	
Analyze Personnel Board/Town Administrator authority.	XX	XX	
FY 2021 Goals - Infrastructure			
Explore municipal electric plant.			
Natl Grid parcel 54-40	XX		
Assimilate Pine Hill Rd into Town Water re: Fire (via MWRA)	XX	XX	
FY 2021 Goals - Long Range/Strategic Planning			
Explore establishing grant writing position(s).	XX	XX	
BoS training, reporting and hiring initiatives re: diversity and inclusion.	XX	XX	
FY 2021 Goals - Municipal Finance			
Additional approval/oversight on appropriation line items.	XX	XX	
Schedule quarterly budget updates (Finance Director).			XX
Establish budget narratives, including long-term impacts.			
Establish BoS budget liaisons.	XX	XX	
Communicate BoS position to departments re: new FTEs.			XX
Establish long-term capital plans (with Capital Committee).	XX	XX	
Explore generating additional commercial tax revenue.			
Identify and establish a roster of Town service contracts.	XX	XX	
Review contracted services and explore re-bidding.	XX		
Maximize potential Covid-19 reimbursements and grants.	XX		
Coordinated budget discussions with Advisory, Capital and Schools.	XX	XX	
FY 2021 Goals - Organizational			
Quarterly newsletter.	XX		
Explore public safety regional dispatch.	XX	XX	
Evaluate organizational processes: postage; mailings; data exchanges.			
Budget software implementation.	XX	XX	

Pursue policies and projects for 40B threshold.	XX	XX	
Customer service survey re: Town departments.			

RECEIVED
By OB at 12:43 pm, Apr 02, 2021

Board of Selectmen
Executive Session Meeting Minutes
Tuesday, November 10, 2020
Virtual Meeting through Zoom

Present: Marty Healey, Chelsea Malinowski, Brian Shea, Sam Stivers, Town Administrator Mark Purple, Jason Malinowski, Kathryn Cook and Joseph Palmer
Absent: Lisa Braccio

At 6:06 P.M. Chairman Healey made a motion for the Board to enter into Executive Session per M.G.L. Chapter 30A, Section 21, and returning to Open Session – to discuss the disposition of real property (Exemption 6) concerning the Arts Center, as the Chair declares that an open meeting may have a detrimental effect on the negotiating position of the public body. Mr. Stivers seconded. The motion passed all in favor (4-0-0) by roll call vote, Malinowski, aye; Shea, aye; Stivers, aye; Healey, aye.

Disposition of Real Property, Arts Center [Exemption 6]
Mr. Malinowski stated that there is no quorum for the Capital Committee and explained that he will be walking the Board through remarks from the appraiser after completing the appraisal of the South Union School. He stated he spoke with the appraiser and Town Planner Karina Quinn regarding options for the land on the property. He added that he also spoke with Director of Facilities, John Parent and the Building Commissioner, Laurie Livoli for a facilities and zoning perspective regarding the value of the land and building. Mr. Malinowski went through potential options from a buyer perspective including whether the lot can be broken up into multiple parcels, the condition of the building, maintaining the façade and the status of the land underneath the building. He stated that if someone were looking to demolish the building they would be subject to the Demo Delay Bylaw. He asked the Board what restrictions they would want to put on the property and any options or list of conditions they would want applied to the sale.

Chairman Healey stated he would like as few restrictions as possible and noted that those put on Fayville Hall were obstructive and the Town did not benefit as much as it may have with a different approach. Ms. Malinowski stated that the only restriction she may be interested in applying would be an affordable housing component. Mr. Shea stated that he was on the Board and part of the decision to sell Fayville Hall. He stated that the thought from that Board was to put as few restrictions as possible and he believed Town Meeting floor supplied the restrictions. He said that the Board would need to get a sense for what those in attendance at Town Meeting may want and if it differs from the Board. There was discussion if the restrictions put on Fayville Hall were from Town Meeting or the Board itself. Ms. Cook, Mr. Stivers and Mr. Shea agreed the restrictions were applied at the Town Meeting Floor. Mr. Stivers stated he agreed that there should be as few restrictions as possible.

Mr. Malinowski outlined two approaches which were to put the South Union School up for sale and accept an offer contingent on Town Meeting or wait for Town Meeting authorization and put the property up for sale with any restrictions applied there. He added that if the property were put up for bid prior to Town Meeting, they could bring an actual number which could quell other issues and provide a story. Mr. Malinowski described the potential process for waiting to put this property for sale until after Town Meeting and the impending costs of running an inefficient building for the two

departments currently residing there. Chairman Healey stated the Board would not be deciding tonight as they will wait for Ms. Braccio to attend. He said this topic will be on the November 17th agenda.

Ms. Cook explained the Fayville Hall sale and the challenges that arose from Town Meeting. She added that there may be more appeal for buyers of the South Union School due to proximity to the train station but she added there will most likely be a desire to protect the historic building. She asked the Board to consider moving forward with this as the building is old and costly to maintain and the Town will benefit from removing it from the inventory. Mr. Purple told the Board that they can put this property on the market prior to Town Meeting approval but procurement rules will need to be followed. Ms. Malinowski stated it was an advantage to bring this to Town Meeting knowing the details of a potential sale.

At 6:28 P.M. Mr. Shea made a motion to adjourn Executive Session and return to Open Session. Mr. Stivers seconded. The motion passed all in favor (4-0-0) by roll call vote, Malinowski, aye; Shea, aye; Stivers, aye; Healey, aye.

RECEIVED
By Town Clerk/rhc at 10:07 am, Dec 03, 2020

TOWN OF SOUTHBOROUGH

BOARD OF SELECTMEN Meeting Minutes

Meeting Date: Tuesday, November 10, 2020, 6:00 P.M.
Location: Virtual Meeting through Zoom
Present: Marty Healey, Lisa Braccio, Chelsea Malinowski, Brian Shea, Sam Stivers and Town Administrator Mark Purple

I. At 6:06 P.M. Chairman Healey made a motion for the Board to enter into Executive Session per M.G.L. Chapter 30A, Section 21, and returning to Open Session – to discuss the disposition of real property (Exemption 6) concerning the Arts Center, as the Chair declares that an open meeting may have a detrimental effect on the negotiating position of the public body. Mr. Stivers seconded. The motion passed all in favor (5-0-0) by roll call vote, Braccio, aye; Malinowski, aye; Shea, aye; Stivers, aye; Healey, aye.

II. Chairman Healey called the meeting to Open Session at 6:30 P.M. Chairman Healey read the following statement:

Pursuant to Governor Baker's March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, §18, and the Governor's March 15, 2020 Order imposing strict limitation on the number of people that may gather in one place, this meeting of the Southborough Board of Selectmen will be conducted via remote participation to the greatest extent possible. Specific information and the general guidelines for remote participation by members of the public and/or parties with a right and/or requirement to attend this meeting can be found on the Town of Southborough's website, at https://www.southboroughtown.com/. For this meeting, members of the public who wish to watch or participate in the meeting may do so in the following manner by finding the meeting at: https://www.southboroughtown.com/remotemeetings. No in-person attendance of members of the public will be permitted, but every effort will be made to ensure that the public can adequately access the proceedings in real time, via technological means. In the event that we are unable to do so, despite best efforts, we will post on Southborough's website an audio or video recording, transcript, or other comprehensive record of proceedings as soon as possible after the meeting.

III. **Public Comment**
None

IV. **Scheduled Appointments**
6:30 P.M. – Discussion and review of latest VMUD draft and comments for Downtown Initiative
Chairman Healey laid out the format and intention for the discussion. He opened the discussion to attendees. Ms. Luttrell, a member of the Planning Board, explained her concerns that the document looked to allow for a bigger more urban style downtown instead of a small walkable village style downtown. She noted the building heights and ceiling heights as examples of such. Ms. Connelly, a member of the EDC, stated that Ms. Barrett of Barrett Planning Group could not attend tonight to explain why she proposed the draft bylaw in the way it is written. She added that the EDC would like open space and greenspaces in addition to building for the downtown. She explained that open space and greenspace items may not be appropriate for the zoning bylaw and suggested creating a separate design guideline document. Ms. Malinowski spoke on

behalf of SHOPC and stated there is concern that the language in the first draft did not accommodate for affordable housing. She explained the details written in the draft bylaw and how it made it a challenge to achieve any affordable housing in this district. Mr. Wood, a member of the EDC, explained the changes they made to support more affordable housing and Chairman Healey stated that SHOPC made a compelling case that decisions regarding the drafting of the document should be very mindful of the affordable housing element. Mr. Wood addressed the suggestion to remove the ability to keep a trailer on a property and felt it should be kept with the clarification that a trailer would be temporarily allowed in the case of misplacement due to fire only. Ms. Hoolahan from the Planning Board agreed and stated that she would not want to see a trailer allowed as a permanent staple. Chairman Healey stated he would like clarity on the max floor ratio of .35. Ms. Braccio stated that Ms. Barrett offered multiple dates for a robust conversation regarding any questions and feedback. She asked the Board and other board and committee members which day they preferred and it was agreed to meet on November 24, 2020 at 6:30 P.M. Mr. Wood asked when to expect an updated document from Ms. Barrett that addressed the feedback from the various boards and committees. Ms. Braccio stated she felt that would be available this week.

Mr. Blaschke, a member of the Historical Commission, stated that he wants the walkability, greenspace and sidewalk component to be kept in mind when revising the zoning bylaw. He stated that the Historical Commission has not reviewed the draft document but that he had concerns with the height requirements and the ability for multiunit dwellings. Chairman Healey stated that Ms. Barret could address those items and her reasoning for including them at the next meeting. He said that continuing the sidewalk effort is in the forefront of their minds. Mr. Bhistitkul from SHOPC stated they want an affordable housing component included in this bylaw. He suggested making the requirement project specific as opposed to building specific and asked the Board to consider more density incentive bonuses to support affordable housing. Mr. Stivers stated this is a challenging problem as there is not a lot of space or money to invest in this area but also acknowledged the need to make it attractive for business investment. He asked Ms. Braccio and Ms. Connelly to work with Ms. Barret to use her experience in these cases to make suggestions as to how to incentivize people to invest and bring capital while balancing housing issues. Ms. Connelly stated she will convey this and all feedback to Ms. Barrett. There was discussion as to whether sidewalks should be included in a zoning bylaw or another section of the code. Mr. Morris of the Planning Board explained that the Board of Selectmen have jurisdiction over existing ways which include sidewalks. Ms. Braccio informed the public that comments and feedback for this document will be received through November 18th. The EDC adjourned their meeting at 7:29 P.M. and the Planning Board adjourned their meeting at 7:30 P.M.

Chairman Healey asked if there will be a revised document from Ms. Barrett before the meeting on November 24th. Ms. Braccio stated that Ms. Barrett had sent a response to multiple comments and answers to some of the questions in the feedback document. She added that these responses from Ms. Barrett should provide more clarity and she would be speaking with her tomorrow regarding next steps.

V. Public Comment

Cynthia Cram (44 Bigelow Road) asked for confirmation that the Board was in receipt of a letter sent to them regarding the proposed trail in the Bigelow Wildlife Refuge. She stated the letter is a follow up from public comment from weeks prior to address next steps. She also asked if the Board were in receipt of a petition from a neighbor. Chairman Healey stated he was familiar with the letter and not a petition. Mr. Purple added he did not receive a petition. Chairman Healey

stated that he understood the issue was before the Conservation Commission and the Board does not want to interject on their jurisdiction. He stated that the Conservation Commission process should continue and conclude before the Board would decide to become involved. The Board agreed. Ms. Cram explained the timeline for an opinion from the Commission. Mr. Purple stated that Ms. Danza has not asked for input from the Board. Ms. Braccio suggested the neighbors speak with SOLF directly as they have control of the land. Ms. Cram agreed to do so. Chairman Healey asked Mr. Purple to follow up with the Commission to make sure they are not waiting to hear from the Board. Mr. Purple agreed.

Marnie Hoolahan (26 Clifford Road) stated she was speaking as an elected official from the Planning Board. She asked the Board if they received her email regarding the two conflicting opinions for interpretation of a zoning bylaw. Chairman Healey stated the Board received the email. He stated Mr. Purple had a conversation with the Building Inspector and the posture procedure is that the Building Commissioner has made a judgement within her jurisdiction and the appeal of that determination is appealed to the Zoning Board of Appeals and not the Board of Selectmen. He added that the procedure is being followed for the Building Inspector to make her determination which is within her jurisdiction. He added that he reviewed her opinion of the bylaw and that of Town Counsel and understood how both could come to differing opinions. He added that the jurisdiction for making this determination is with the Building Inspector and the appellate right is through the Zoning Board of Appeals. Chairman Healey stated he would like to see that process play out. Ms. Hoolahan asked for the Zoning Board of Appeals application fee to be waived. Chairman Healey stated he is not inclined to inject himself as a member of the Board into a process already in place. Chairman Healey explained his interpretation of the opinions of both the Building Inspector and Town Counsel and reiterated that the applicable decision lies with the Building Inspector and she has made her determination. He added that the public is able to disagree and appeal that determination and suggested the process play out without the Board's interjection.

Ms. Braccio asked that the topic of waiving of the application fee be a topic of discussion. Chairman Healey agreed to adding it to the next agenda. Mr. Stivers stated he was sympathetic with Ms. Hoolahan and it would be helpful to provide clarity around this bylaw. Chairman Healey stated he does not disagree and the biggest problem with the existing bylaw is the language leads to multiple interpretations and there is no enforcement. He added that he understood how the Building Inspector as the person charged with the responsibility for interpreting and enforcing the bylaw came to her conclusion.

VI. Reports

Chairman's Report

Chairman Healey stated that in his last report he praised Mr. Hegarty's effort on Election Day. He said the poll workers should also be commended for their work to put in effect the controls of in-person voting during the COVID-19 pandemic. He thanked all the poll workers for their ability to ensure in-person voting was available last Tuesday. He suggested the Board send a letter of appreciation to them. Mr. Purple stated that this was Assistant Town Clerk Amy Berry's first election and she did an excellent job executing Mr. Hegarty's plan for a smooth Election Day.

Chairman Healey asked for a volunteer from the Board for the MWRTA Board. He added if there is no interest from the Board, he will reach out to other boards.

Chairman Healey stated that MASS DOT is scheduling public forums for input on transit services they are looking to stop offering. He stated they are looking to curtail weekend service and service after 9:30 P.M. on weeknights.

Chairman Healey said there are issues related to the 45 Highland Street property. He said some email traffic by Town committee members was not conducted on Town email which created problems. He stated that all Town volunteers and employees must use Town email to conduct business. He stated that 45 Highland Street will be on the Executive Session agenda for next week and Mr. Purple is setting up a folder for this possible litigation.

Members' Reports

Ms. Braccio stated that rent and mortgage assistance is available and residents can find information on the Town website. She added there have been applications and urged those in need to apply.

Ms. Malinowski stated she watched the School Committee meeting the previous evening and they are looking to use $100,000 out of the CARES Act funding for testing for COVID-19. She stated that Mr. Ballantine and Ms. McAuliffe will be attending the meeting next week and they will speak about this in their report. Mr. Purple stated the schools are also looking to purchase additional Chrome Books with CARES Act funds.

Mr. Shea stated he is looking forward to participating with the veterans at the Veteran's Day ceremony tomorrow morning. He stated he will give a brief report regarding the event next week.

Mr. Stivers stated he is working with the Board of Health regrading trash hauling licensing.

Chairman Healey stated that he heard feedback regarding Ms. Malinowski acting as the liaison for SHOPC as she is a member. He stated that he is in support of her being both a member and a Board liaison to SHOPC.

Town Administrator Report

Mr. Purple stated that a temporary flagpole has been set in time for Veteran's Day. He thanked Ms. Galligan for her assistance with this and explained the next steps once the temporary flag is removed.

Mr. Purple stated that there are preliminary discussions with the schools about possibly consolidating some Town IT services in light of Mr. Laflamme's resignation. He added that there will be a robust discussion with the school on Thursday and it could be a beneficial economy of scale. Mr. Purple stated the possibility will be discussed and the position has been advertised solely as a Town position for the sake of time. He will continue to update the Board on this matter.

VII. Consent Agenda

a. Ms. Malinowski asked to hold agenda item "a." Ms. Malinowski stated that on page two, row three it should read, "Mr. Malinowski" not "Ms. Malinowski." Chairman Healey made a motion to approve Open Session Minutes: October 27, 2020 with the revision requested by Ms. Malinowski. Mr. Stivers seconded. The motion passed all in favor (5-0-0) by roll call vote, Braccio, aye; Malinowski, aye; Shea, aye; Stivers, aye; Healey, aye.

b. Chairman Healey made a motion to accept the resignation of IT Manager Tom Laflamme, effective November 27, 2020. Mr. Stivers seconded. The motion passed all in favor (5-0-0) by roll call vote, Braccio, aye; Malinowski, aye; Shea, aye; Stivers, aye; Healey, aye.
c. Chairman Healey made a motion to accept the retirement notice of Administrative Assistant Carol Ostresh, effective November 30, 2020. Mr. Stivers seconded. The motion passed all in favor (5-0-0) by roll call vote, Braccio, aye; Malinowski, aye; Shea, aye; Stivers, aye; Healey, aye.
d. Chairman Healey made a motion to approve Executive Session Minutes: October 20, 2020. Mr. Stivers seconded. The motion passed all in favor (5-0-0) by roll call vote, Braccio, aye; Malinowski, aye; Shea, aye; Stivers, aye; Healey, aye.

VIII. On a motion made by Mr. Shea, seconded by Mr. Stivers and voted by roll call all in favor, Braccio, aye; Malinowski, aye; Shea, aye; Stivers, aye; Healey, aye, the meeting was adjourned at 8:08 P.M.

Upcoming Meetings *December 17, 2020* *December 1, 2020*

Respectfully submitted,

Kathleen Barry, Recording Secretary

List of Documents referred to at the November 10, 2020 BOS Meeting:

- Copy of Copy of Jointmeeting VMUD 3
- DRAFT_Sec 174TownCtrDistrict v2
- Letter of Resignation from Tom Laflamme
- Regular Session Minutes, October 27, 2020
- Retirement Notification, Carol Ostrech

DRAFT Downtown Business Village District v.2
October 20, 2020

Part I. Amend **§ 174-2** Definitions by adding the following new term and definition in appropriate alphabetical order.

BED AND BREAKFAST

Bed and breakfast is an establishment in an owner-occupied residence providing not more than four guest rooms for overnight lodging, with food service limited to breakfast for guests.

MICROBREWERY

A microbrewery is a licensed establishment that produces and distributes beer, ale, or other malt beverages, and which may include accessory uses such as tours of the microbrewery, retail sales, and a taproom for on-site consumption. In addition to selling beer at retail on the premises, a microbrewery may act as wholesaler for beer of its own production for off-site consumption if it has a valid pub brewery license from the Commonwealth of Massachusetts.

MIXED-USE DEVELOPMENT

Mixed-Use Development: A development that includes both residential uses and nonresidential uses within a single structure, with nonresidential uses occupying the ground floor (street level) and residential uses above on the upper floors. The total gross floor area of the nonresidential uses shall be at least 10 percent of the gross floor area of the structure.

Part 2. Amend **§ 174-3 Districts enumerated** by adding the following new district:

K. Downtown Business Village District, referred to as DVB District.

Part 3. Amend **§ 174-8(C)(2)** as follows (amendment shown in italics)

Not more than one principal permitted use shall be located on any lot, provided that a multiple occupancy building used for the same category of use, such as retail sales and services, light manufacturing or offices in a business district or Industrial Park District, *or a mixed-use development in the Downtown Village Business District*, shall be deemed to be in a single principal permitted use. . . .

Part 4. Amend **Article III, Use Regulations**, by adding the following new section:

§ 174-8.4.1 Downtown Village Business District

A. Permitted uses are as follows:

(1) All uses permitted in the residential districts (RA and RB)

B. Permitted uses are as follows, up to a maximum floor area ratio of 0.35:

(1) Mixed-use development

(2) Professional or business office, or bank, but not including a medical or dental office

(3) Custom manufacturing of custom goods sold primarily on the premises, such as a woodworking shop, shop for artisan or craftsperson, or bakery

(4) Craft brewery or distillery

(5) Bed and breakfast

(6) Art gallery

(7) Child care center

(8) Co-work center

C. Permitted uses, up to a maximum of 3,000 square feet per establishment:

(1) Retail sales

(2) Ice cream shop, sandwich shop, candy shop, other specialty food service establishment serving walk-in customers (drive-through service is prohibited)

(3) Restaurant, with indoor seating and outdoor seating on an adjacent patio (drive-through service is prohibited)

(4) Personal services such as barber shop, hair salon, tailor, or shoe repair

D. Permitted uses by special permit from the Planning Board are as follows:

(1) Any use listed in Subsection **B** that exceeds a maximum floor area ratio of 0.35 or under Subsection C exceeding 2,000 sq. ft. per establishment

(2) Veterinarian, animal hospital, dog kennel.

(3) Medical or dental office

(4) Multifamily housing, up to eight units.

(5) Private garage or parking for more than three cars or more than one truck or other commercial vehicle.

(6) Indoor recreation, athletic or exercise facility.

E. Uses by special permit from the Zoning Board of Appeals are as follows:

(1) Accessory apartment.

(2) Conversion of a one-family house in existence for two years or longer to a two-family dwelling, on a lot with a minimum of 15,000 square feet.

(3) A mobile home or travel trailer used as a dwelling or business quarters for more than 30 days in a year.

F. Prohibited uses. All uses which are not listed above, legally nonconforming or otherwise allowable by the provisions of the zoning regulations are prohibited.

G. Development standards (Note: Also refer to § **174-10.1**, Village Business District plan review) are as follows:

(1) Minimum lot area: 5,000 square feet.

(2) Minimum frontage: 60 feet.

(3) Minimum setbacks:

(a) Front: 10 feet.

(b) Rear: 35 feet.

(c) Side: 10 feet; 25 feet if adjacent to a residential district.

(d) Other street: 10 feet

(4) Maximum front setback: 20 feet

(5) Minimum Façade Buildout (% Lot Width):

(a) With less than 50 feet of frontage: N/A

(b) 50-80 feet of frontage: 60%

(c) Over 81-100 feet of frontage: 70%

(d) 100 feet or more of frontage: 75%

(6) Height regulations:

(a) Maximum building height: 40 feet and three stories, except as provided in Section H below

(b) Minimum ground floor height: 12 feet

(c) Maximum ground floor height: 18 feet

(7) Residential dwellings. Single-family or two-family dwellings in the Downtown Business Village District shall comply with RB District standards.

H. Special Permit for Height Increase. The Planning Board may grant a special permit to increase the maximum building height to 45 feet and four stories, provided that the minimum rear setback shall be increased at a 1-to-1 ratio, e.g., an additional one foot of setback for every one additional foot in building height.

I. Additional Standards for Development in the DVB District.

(1) Building Regulations

(a) The principal entrance(s) to the building shall be on the front façade, which shall face the street.

(b) The maximum distance between street-level entrances shall be 35 feet unless waived by the Planning Board.

(c) The maximum depth of street-level commercial spaces shall be the lesser of 30 feet or 60 percent of the depth of the building.

(d) The maximum front setback in Section G(4) may be increased for purposes of amenities such as a plaza, square, courtyard, recessed entrance, sidewalk, multi-use path, raised terrace, façade offsets, or outdoor dining, but not for automobile use.

(2) On any lot with 10,000 square feet in more in area, at least 5% of the lot shall have landscaped open space or public amenities (such as an outdoor seating area with park benches) between the front building line and front lot line.

(3) Affordable housing. In any multifamily or mixed-use building with eight or more units, at least 12.5 percent of the units shall be affordable housing that is eligible for the Chapter 40B Subsidized Housing Inventory (SHI) in accordance with the Chapter 40B regulations and Guidelines of the Massachusetts Department of Housing and Community Development (DHCD). In consultation with the Southborough Housing Opportunity Partnership Committee (SHOPC), the Planning Board may adopt a guidance document interpreting the Chapter 40B Guidelines as they apply to development under this section.

J. The operation of any marijuana establishment as defined in MGL c. 94C, § 1, including

without limitation a marijuana cultivator, marijuana testing facility, marijuana product manufacturer, marijuana retailer or any other type of licensed marijuana facility is prohibited in all zoning districts of the Town. This prohibition shall not apply to the sale, distribution or cultivation of marijuana for medical purposes, licensed under Chapter 369 of the Acts of 2012 and currently permitted in the Town of Southborough. **[Added 4-25-2017 ATM by Art. 32]**

Part V. Amend **Section 174-10.1, Village Business District plan review**, as follows (amendments in the first paragraph shown in italics).

§ 174-10.1 Village Business District plan review.

Except as provided below in Subsection D, within the Village Business District, major site plan approval shall be by special permit from the Planning Board, subject to the procedural requirements and decision criteria of § **174-9**, Special permit requirements, and § **174-10**, Site plan approval, and the following in addition to the above …

D. In the Downtown Village Business District, major site plan approval shall be by special permit from the Planning Board for any use requiring a special permit. In such cases, the submission requirements, procedures, and decision criteria under Subsections A through C above shall apply. The Planning Board may adopt design guidelines and apply them to major site plan approval applications regardless of whether a special permit is required.

Part VI. § 174-12 **Parking and loading regulations**. Amend the parking and loading regulations, as follows. Note that existing Section F should be renumbered to Section G.

F. Exceptions in the Downtown Village Business District. Off-street parking requirements for development in the Downtown Village Business District shall comply with Section E above except for the following uses:

(1) Dwellings: two spaces for each dwelling unit, plus one space for each 80 square feet of floor area devoted to a customary home occupation or a professional use.

(2) Bed and breakfast: one space for each guest room plus two spaces for the owners and operators of the premises.

(3) Restaurants and other places serving food or beverages: one space for each four seats.

(4) Mixed-use development: one space per dwelling unit and one space per 300 square feet of nonresidential floor area.

(5) Professional or business office: one space per 300 square feet for ground floor offices and one space per 350 square feet for offices above the first floor.

	COMMENTS RESOLUTION MATRIX: SOUTHBOROUGH TOWN CENTER ZONING updated 11/9/20	
Section	*Comments*	*Commenter*
174-2 Definitions	Change the definition of MIXED-USE:	EDC
	• Eliminate the last sentence.	EDC
	• Some residential on first floor to accommodate accessibility, but at least 50% of the ground floor should be commercial/retail use.	EDC
	• Office space should be permitted on a second story, with residential above on a third floor.	EDC
	Update Mixed-use development to **Vertical** Mixed-Use Development (infers first floor would be used for more public purposes; **to be defined** (proposed) as restaurants, retail or commercial businesses and the upper levels to be defined (proposed) as private residential units or office space.	M.Hoolahan
	Point: must define "mixed-use" not okay with leaving it as open definition	M.Hoolahan
	10% - how does such a small figure result in a true mixed use?	T. Martel
	The low bar of 10% for commercial to the total structural area can be limiting. For instance, existing commercial retail on main street, has housed very tiny shops, that in total would be pressed to meet a 10% bar.	D. Cahill
	Replace definition with: "Mixed-Use Development: A development that includes both residential uses [primarily on upper floor(s)] and nonresidential uses [on ground floor and some amount on upper floors] within a single structure, with nonresidential uses primarily occupying the ground floor (street level) (that is, no more than one residential unit on the ground floor occupying no more than 30% of the ground floor area) and residential uses primarily above on the upper floors (that is, no more than 50% of the total upper floor area being used for nonresidential uses). "	S. Stivers
	Update Bed and Breakfast definition to: Bed and breakfast is a lodging establishment in an owner-occupied residence providing not more than four (4) guest rooms for overnight accommodations, providing breakfast for guests	M. Hoolahan
	owner-occupied residence; consider broader definition "is a small lodging establishment that offers overnight accommodation and breakfast ." limiting this narrow definition of owner occupied could be challenged. Small is up to 4 guests and should satisfy the objective and attract the investment. For example single family homes have business uses such as daycare even if no resident in A/B district I believe	D. Cahill

	COMMENTS RESOLUTION MATRIX: SOUTHBOROUGH TOWN CENTER ZONING updated 11/9/20	
Section	*Comments*	*Commenter*
	Replace definition with: "Bed and breakfast is an establishment, complying with all applicable state and local fire, sanitation, and food service provisions, in an owner-occupied residence providing not more than four guest rooms for overnight lodging, with food service limited to breakfast for guests, with no stay longer than 10 consecutive nights for any guest, with all accommodations reserved in advance, and with no cooking facilities in rooms."	S. Stivers
	Definition of MICROBREWERY, use the same term under section 174-8.4.1 B. (4)	EDC
	Microbrewery defined by not allowed use	M. Luttrell
	Perhaps include additional wording "a valid pub brewery license from the	D. Cahill
	Commonwealth of Massachusetts and current zoning bylaws of the town. (note, such as proximity to schools, daycares and other establishments) or by special permit	D. Cahill
	Mixed -use dev definition. The total gross floor area of non-residential uses shall be at least 10% of gross floor area. How does that encourage commercial development if only 10% of GFA is required to be non-residential?	M. Luttrell
	Add Co-work center in the definitions Add BY RIGHT definition	EDC
	Define Co-work center **(proposed)**	M.Hoolahan
	Co-work is an arrangement in which workers of different companies share an office space, allowing cost savings and convenience through the use of common infrastructure, such as equipment, utilities, and receptionist and custodial services, and in some cases refreshments and parcel acceptance services.	M.Hoolahan
	Add definition for "Co-work center"	S. Stivers
	Add Floor Area Ratio definition	EDC
	Add additional definitions-Façade build-out, ground floor height, co-work center, distillery, pub (mentioned in adaptive use but not defined, one in the same? multi-family housing,	Building Inspector
	Add a definition for Façade	Open Space
Part 2 174-3	K. Downtown Business Village District (DBVD) referred to as Downtown District	EDC

	COMMENTS RESOLUTION MATRIX: SOUTHBOROUGH TOWN CENTER ZONING updated 11/9/20	
Section	*Comments*	*Commenter*
	Ensure consistent terms and abbreviations are used throughout the document.	EDC
	Use "Downtown Business Village District" and "DBVD" throughout (many places called "Downtown Village Business District" and "DVBD")—should be consistent with current zoning bylaw.	S. Stivers
174-8(C)(2)	Should be **Downtown Business Village District** (not	EDC
	Downtown Village Business District) See comment under Part 2 above.	EDC
Part 3 174-8(C)(2)	A single permitted use can be difficult to monitor. For instance; A beauty shop will have sub tenants that provide differing services as they partner to expand offerings. Is a facial the same as a haircut and herbal medicine? Can a dinner not sell some grocery? Its a slippery slope unless clearly differentiating businesses. Insurance agent partner with a real estate agent and restorative cleaning service on restoration disaster?	D. Cahill
Article 3	Needs clarification - Sections A, B and C need to be 'by right'.	EDC
→	***Red text below is from "DRAFT Downtown Business Village District v.2", for reference***	←
174-8.4.1	Section B - Permitted uses are as follows, up to a maximum floor area of 0.35	
	Should say something like 'a building size with a FAR of .4 with individual premises within a building no greater than 3,000 sf.'	EDC
	QUESTION FOR JB: Why use FAR here and SF under C.?	EDC
	Can B. and C. be combined under one "permitted uses" section?	EDC
	How was .35 FAR arrived at	M. Luttrell
	Use FAR of 0.40	S. Stivers
	Section B: I do not fully understand the up to a maximum floor area of 0.35 change from up to 2000 sq. ft. I do not support the change and request to remain at 2,000 Sq ft as written	M. Hoolahan
	(1) Mixed-use development	

	COMMENTS RESOLUTION MATRIX: SOUTHBOROUGH TOWN CENTER ZONING updated 11/9/20	
Section	*Comments*	*Commenter*
	Can we move "mixed use development" to the bottom of the list and say "mixed use development combining any of the foregoing with residential units in accordance with the definition of Mixed-Use Development. And perhaps the definition of Mixed Use Development should include a cross reference to this section regarding what is permitted in the commercial space?	EDC
	Suggest a limitation on # of units in a mixed use -development not to exceed 4 units (Must have a maximum with a 2-floor building- no more than 4 units)	M. Hoolahan
	(2) Professional or business office, or bank, but not including a medical or dental office	
	(2) Professional or business office, or bank, ~~but not~~ including medical or dental office	EDC
	Replace with: "Professional services (including medical or dental office), business services, business office, or bank."	S. Stivers
	(4) Craft brewery or distillery	
	(4) ~~C raft brewery or distillery~~ Microbrewery	EDC
	Replace term with: "Microbrewery"	S. Stivers
	Can a craft brewery have a restaurant also?	Building Inspector
	(8) Co-work center	
	needs definition	EDC
	C. Permitted uses, up to a maximum of 3,000 square feet per establishment:	
	Should say something like 'a building size with a FAR of .4 with individual premises within a building no greater than 3,000 sf.'	EDC
	Permitted uses up to 3K sq ft/establishment in conflict - see section D	M. Luttrell
	permitted uses up to max 3k per establishment	M. Luttrell
	Why the limitation on size of these establishments? Why 3k limit for restaurant but no limitation on size for a craft brewery of distillery?	M. Luttrell
	Add two uses: "Multifamily housing up to 4 units (as part of a mixed-use development)" and "Indoor recreation, athletic or exercise facility"	S. Stivers

	COMMENTS RESOLUTION MATRIX: SOUTHBOROUGH TOWN CENTER ZONING updated 11/9/20	
Section	*Comments*	*Commenter*
	Increase 3,000 square feet to 4,000 or 5,000	S. Stivers
	(2) Ice cream shop, sandwich shop, candy shop, other specialty food service establishment serving walk-in customers (drive-through service is prohibited)	
	Replace with: "Retail sales (including convenience store or food mart)"	S. Stivers
	(4) Personal services such as barber shop, hair salon, tailor or shoe repair	
	Replace with: "Personal services such as barber shop, hair salon, tailor, or repair shop (for personal items such as shoes, clothing, etc.)"	S. Stivers
	D. Permitted uses by special permit from the Planning Board are as follows:	
	(1) Any use listed in Subsection B that exceeds the maximum floor area ratio of .35 or under subsection C exceeding 2000 sq ft per establishment	
	(1) Any use listed in Subsection **B** that exceeds a maximum floor area ratio of ~~0.35~~ 0.4 or under Subsection **C** exceeding 3,000 sq. ft. per establishment (SEE COMMENTS UNDER B.)	EDC
	Special permit for uses under C exceeding 2000 sq ft/establishment - Should be 3000??	M. Luttrell
	Increase limits to match sections B and C (0.40 and 5,000)	S. Stivers
	(2) Veterinarian, animal hospital, dog kennel.	
	Strike dog kennel	EDC
	Remove (no dogs/ kennels)	S. Stivers
	(3) Medical or dental office.	
	Why would this not be allowed by right? Moved it up to B.	EDC
	(4) Multifamily housing, up to eight units.	
	This should have a mixed-use component. The purpose of this downtown district is to encourage commercial activity. Developers should be encouraged to add commercial uses to any new housing development.	EDC
	D (4) multifamily housing up to 8 units allowed by SP	M. Luttrell

	COMMENTS RESOLUTION MATRIX: SOUTHBOROUGH TOWN CENTER ZONING updated 11/9/20	
Section	*Comments*	*Commenter*
	Question: Should the wording be over 8 residential units or up to 8 residential units?	EDC
	This does not currently exist in today's zoning code.	T. Martel
	I do not agree that the purpose of mixed use is to promote small apartment complexes.	T. Martel
	Replace with: "Multifamily housing, over four units (as part of a Mixed-Use Development)."	S. Stivers
	(5) Private garage or parking for more than three cars or more than one truck or other commercial vehicle.	
	Remove - no parking structure	S. Stivers
	(6) Indoor recreation, athletic or exercise facility.	
	Should be added to permitted uses by right. Yoga studio, Personal fitness should be allowed in a downtown.	EDC
	Remove—added above	S. Stivers
	E. Uses by special permit from the Zoning Board of Appeals are as follows:	
	(3) A mobile home or travel trailer used as a dwelling or business quarteres for more than 30 days in a year.	
	I would be in favor of removing language on the mobile home or travel trailer I entirety	M. Hollahan
	Remove - no trailers	S. Stivers
	F. Prohibited uses. All uses which are not listed above, legally nonconforming or otherwise allowable by the provisions of the zoning regulations are prohibited.	
	Change the wording. The permit uses list is not all.	EDC
	inclusive and future uses are an unknown at this point	EDC
	Maybe something like: All uses which are not listed above	EDC
	need a special permit from the Planning Board.	EDC
	If legally non-conforming, can they be outright prohibited? Or must go to ZBA/PB?	Building Inspector

	COMMENTS RESOLUTION MATRIX: SOUTHBOROUGH TOWN CENTER ZONING updated 11/9/20	
Section	*Comments*	*Commenter*
	G. Development standards (Note: Also refer to § **174-10.1**, Village Business District plan review.) are as follows:	
	(1) Minimum lot area: 5,000 square feet.	
	QUESTION: Do we need a minimum lot area? Wouldn't it just create needless nonconformity problems for small property owners?	EDC
	I do not support lowering minimum square feet from 10,000 to 5,000. I would vote for retention at 10,000 square feet as it states currently	M. Hoolahan
	(2) Minimum frontage: 60 feet.	
	QUESTION: Do we need to regulate minimum frontage for a downtown village scape?	EDC
	Façade buildout: frontage 50-80 ft, 60 ft min shouldn't that be 60-80?	M. Luttrell
	(3) Minimum setbacks:	
	(a) Front: 10 feet;	
	QUESTION: Should we reduce the minimum setback? The aim in a downtown village is to energize the streetscape.	EDC
	ADD LANGUAGE: Minimum front-yard setback: Principle buildings shall be set back a minimum of 10 feet from the front lot line. Architectural features such as bay windows, porches, balconies, porticos, canopies, etc. shall not be subject to the 10-foot minimum setback.	EDC
	Replace with: "Front: 5 feet. (Architectural features such as bay windows, bay windows, balconies, porches, canopies, etc. shall not be subject to this setback requirement.)" [or maybe 0 feet?]	S. Stivers
	(b) Rear: 35 feet.	
	QUESTION: Should this also be reduced to 10 feet as per Barrett Planning's first draft zoning document?	EDC
	(d) Other street: 10 feet;	
	(4) Maximum front setback: 20 feet	
	(5) Maximum Façade Buildout (% Lot Width)	

	COMMENTS RESOLUTION MATRIX: SOUTHBOROUGH TOWN CENTER ZONING updated 11/9/20	
Section	*Comments*	*Commenter*
	(a) With less than 50 feet of frontage: N/A	
	(b) 50-80 feet of frontage: 60%	
	(c) Over 81-100 feet of frontage: 70%	
	(d) 100 feet or more of frontage: 75%	
	What does façade coverage encourage or discourage?	M. Luttrell
	Façade build out – could not find a definition of a "façade buildout". Is there potential that buildings could In effect have no set back from street? We want to know what a façade is and how that could impact green space.	Open Space
	(6) Height Regulations:	
	(a) Maximum height: 40 feet, three stories, except as provided in Section H below	
	Not in favor of 4 stories. The inviting walkable villages that appeal to me are all 2 stories. 4 stories and possibly 3 would overwhelm our small downtown. Currently we have a 3-story max height in BH, IP and I districts. Why the increase to 40ft?	M. Luttrell
	Support original height restrictions of 35' do not support up to 40'	M. Hoolahan
	The Library plans to expand/renovate withing the next 10-15 years; we are not technically within the DVB but how would proposed zoning changes impact our ability to renovate/expand, esp. vis a vis height restrictions, or other restrictions.	Library
	(b) Minimum ground floor height: 12 feet	
	Do not support 12' minimum ground floor height- UNLESS there is a specific statement regarding existing buildings seeking an alternate use would not be required to meet 12' minimum	M. Hoolahan
	(c) Maximum ground floor height: 18 feet	
	Do we need ground floor height regulations?	EDC
	Section H - Special Permit for Height Increase	
	The Planning Board may grant a special permit to increase the maximum building height to 45 feet and four stories, provided that the 136 minimum rear setback shall be increased to a 1-to-1 ratio, e.g., an additional one foot 137 of setback for every one additional foot in building height.	

	COMMENTS RESOLUTION MATRIX: SOUTHBOROUGH TOWN CENTER ZONING updated 11/9/20	
Section	*Comments*	*Commenter*
	Not in favor of 4 stories. The inviting walkable villages that appeal to me are all 2 stories. 4 stories and possibly 3 would overwhelm our small downtown. Currently we have a 3-story max height in BH, IP and I districts. Why the increase to 40ft?	M. Luttrell
	Do not agree- remove	M. Hoolahan
	4 stories seems hight for that area of town	C. Malinowski
	Section I.(2)	
	On any lot with 10,000 square feet in more in area, at least 5% of the lot shall have 154 landscaped open space or public amenities (such as outdoor seating area with 155 park benches) between the front building line and front lot line.	
	Need more incentive/requirement for open space in DBVD--not just hardscape. Look to J Barrett for ideas about how to make this happen (experience from other communities?).	S. Stivers
	Landscaped open space" should be defined. For example: lawn but no mulch. Use native plants etc. Criteria needs to be developed and deigned. The goal was to create a walkable village with lots of open space. In addition, requirements for trees should be defined. A possible benchmark is Natick which applied for State funding to plant more trees in their downtown to make the areas more inviting and cooler. It appears that the front setbacks could be all hardscaped- pavers, concreate patios, etc.	Open Space
	Section I.(3)	
	Affordable housing. In any multifamily or mixed-use building with eight or more units, at least 12.5 percent of the units shall be affordable housingthat is eligible for the Chapter 40B Subsidized Housing Inventory (SHI) in accordance with theChapter 40B regulationsand Guidelinesofthe Massachusetts Department of Housing and Community Development (DHCD). In consultation with the Southborough Housing Opportunity Partnership Committee (SHOPC), the Planning Board mayadopt a guidance document interpreting the Chapter 40B Guidelines as they apply to development under this section.	

	COMMENTS RESOLUTION MATRIX: SOUTHBOROUGH TOWN CENTER ZONING updated 11/9/20	
Section	*Comments*	*Commenter*
	Affordable housing. In any multifamily or mixed-use building, at least 25 percent of the units shall be affordable housing that is eligible for the Chapter 40B Subsidized Housing Inventory (SHI) in accordance with the Chapter 40B regulations and Guidelines of the Massachusetts Department of Housing and Community Development (DHCD) by ownership or other. In consultation with the Southborough Housing Opportunity Partnership Committee (SHOPC), the Planning Board may adopt a guidance document interpreting the Chapter 40B Guidelines as they apply to development under this section	EDC
	I (3) affordable required for 8 or more units in multifamily or mixed-use building. Isn't the maximum number of multifamily housing units 8? Isn't a mixed-use building with 2 or more units multifamily housing by definition? Is the maximum number of housing units 8/bld?	M. Luttrell
	Regarding additional standard for development pertaining to affordable housing: adjust criteria: in any multifamily or mixed-use building with 4 or more units 12.5% affordable with minimum of 1 affordable per the requirements on the draft of affordability.	J. Stein
	It is stated in section D (4) multifamily housing; up to eight units. No definition provided for multi-use This conflicts and states 8 or more units- need to define units in section B(1) maximum units in a mixed-use. I would suggest being a bot more generous in % affordable 12.5% could increase to 20-25%.	M. Hoolahan
	1) <u>Application of Affordable Housing Unit (to "Building" vs. "Project</u>"). The language provides that the affordable unit requirement would apply to any multi-family or mixed use "building" that contained 8 or more units. This should really be "project" based, rather than "building" based—otherwise, a developer could circumvent the affordability requirements by doing a project with 8 units spread across multiple "buildings" (e.g. four duplexes, or two quadplexes). This is also the way 40B is structured—the required % of affordable units is based on the total housing units in the particular "project" rather than the # of units in any particular "building".	SHOPC

	COMMENTS RESOLUTION MATRIX: SOUTHBOROUGH TOWN CENTER ZONING updated 11/9/20	
Section	*Comments*	*Commenter*
	2) Affordability Incentives (Density Bonusses). We should really acknowledge the reality that, in the absence of an incentive to do so, developers would not include affordable units in their projects (because quite simply, it means less profit). But, many zoning bylaws contain incentives that make creation of affordable housing more desirable and profitable to the developers. One classic device is to give them density bonuses. For instance, if the zoning dimensional/density limitations would cap the # of units in a given hypothetical project to 9 units, but if the developer is willing to make (say) 30% of the units affordable, then the developer would get a 30% "density bonus" that would allow the project to be expanded by 30%--so, the developer ends up having 9 market-rate units, and 3 affordable units (12 units total). By getting an extra 3 market-rate units, the developer ends up with a larger project that (overall) is more profitable than if it would have only constructed with 9 units (7 market/2 affordable)—which would be a win-win for developer and the Town. So, I think we should ask EDC to (in addition to the min. % noted in #2 above) add density bonuses as an incentive to developers to include affordable units in their multi-family or mixed use projects.	SHOPC
	3) Percentage of Affordable Units. It is definitely more standard in affordable housing regulations to require that 20% of the units be made affordable—e.g., both 40B, and 40R require a min. of 20% affordability. The proposed bylaw only requires that 12.5% of the units be affordable, and I think we should advocate for this to be increased to 20%.	SHOPC
	One note in this regard—I can see that with a small project of only 8 units, a 20% affordability requirement would effectively mean that at least 2 of the 8 units would need to be affordable (which would basically/necessarily translate into 25% of the 8 units, which that may see as a deterrent to development). One suggestion to help reconcile this might be to make the % slide based on the size of the project—e.g., if the project is only 8 housing units or less, only 12.5% would need to be affordable, but if there were 9 or more units, then the affordability requirement would be 20%.	SHOPC
	If we want to include affordable housing, then we should add 25% and a minimum of 1 unit. Otherwise, I am not sure we will accomplish any affordable.	C. Malinowski
	Need a struture that will provide more incentive/requirement for affordable housing; make these rental units?? Make this "four or more units"?? Look to J Barrett for ideas about how to make this happen (experience from other communities?).	S. Stivers

	COMMENTS RESOLUTION MATRIX: SOUTHBOROUGH TOWN CENTER ZONING updated 11/9/20	
Section	*Comments*	*Commenter*
Part V. 174-10.1	Amend Section 174-10.1 Village Business District plan review	
	Is site plan approval required for all uses in DVB?	M. Luttrell
	COMMENT: The guidelines under B. as written in the current bylaw all seem very subjective. Would it make sense to write separate guidelines and remove it from the bylaw? An independent Design Review Board could review plans with developer before site plan and/or special permit process.	EDC
	The purpose of the new district is to allow for mixed-use but also make the process more transparent for developers as well as the town. Include objective clear standards and remove the subjective guidelines was what we aimed to do with the overlay.	EDC
	DESIGN GUIDELINES SEPARATE FROM BYLAW	EDC
	Major Site Plan from Planning Board triggers a Stormwater Management Permit from Conservation. It is also triggered if a land owner disturbs more than 50% of the lot. With small thresholds for lot creation, the Conservation Commission would be concerned with the amount of applications that would need to be submitted for an SMP. Where could there be language to for applicants to seek a waiver from the SMP? Can there be an exclusion within these amendments on lots of a specific size can be exempt or would we need to amend our SMP bylaw? With smaller lots, there would not be a feasible amount of space to implement many stormwater features	Conservation
	We would like to have the site plan review requirements remain the same as they are today for Village business District but with additional criteria to trigger it if needed.	Open Space
	We need clarification on this. The word “except” was unclear to us. Is this section in addition to or instead of current site plan requirements?	Open Space
	It appears that the only site plan required would be for lots that need a special permit for use as defined in the new code for example, a special permit is required for height increase but this would not trigger a site plan review as we read this section. We would like to keep the same requirements that exist today for Village business District in the new town center business with this as an addition to current requirements	Open Space
	A 2. Why is there an exclusion for medical and dental offices? Then listed again as allowable	D. Cahill
	A 8. Is a Co Work Center in conflict with multi use of the property? I am for Co Worker Center as allowable, but it's very board	D. Cahill

	COMMENTS RESOLUTION MATRIX: SOUTHBOROUGH TOWN CENTER ZONING updated 11/9/20	
Section	*Comments*	*Commenter*
	H. 4 stories are high for the proposed special permit even when squeezed in. Not sure how you get 10 foot ceilings, a roof line of 5 feet. It's not really with the character of the main street. Most structures are 2 and 3 floors.	D. Cahill
	I 2 Open space and landscape of at least 5% seems low in relation to the lot size starting at 10,000 Square feet. . Perhaps ad the word contiguous so the space is not dotted throughout the front.	D. Cahill
174-12	Parking and loading regulations	
	Only comment on this section is to change Downtown Village Business District to Downtown Business Village District or just Downtown District.	EDC
	Parking remains to be the most significant challenge in this proposal, particularly (4) if maximum units is not defined	M. Hoolahan
	Parking: The Library parking lot is now used to full capacity during business hours of library operation, it is entirely for use by library patrons. We have concerns about mixed use development creating inappropriate spillover into our parking lot.	Library
	General Comment of section:	
	Appears the bylaw incentivizes the destruction of the historic buildings downtown rather than renovation. Most of the buildings currently downtown don't meet the min ground floor height of 12' so couldn't be added onto.	M. Luttrell
	How can historic preservation be incentivized?	M. Luttrell
	Without any design guidelines there is no ability ensure village style development	M. Luttrell
	Is Parking addressed in proposal?	Building Inspector
	If a pre-existing building, what are the requirements for PB/ZBA, etc.? if any?	Building Inspector
	I do not see any real mix use coming to Southborough as a result of this bylaw change. I do see more apartment housing along Main St as a result, which is not ideal. Please reconsider.	T. Martel
	If we increase housing density, we need to plan for playgrounds, green spaces and sidewalks.	Open Space
	Who will be able to walk to new business if there are no sidewalks?	Open Space

	COMMENTS RESOLUTION MATRIX: SOUTHBOROUGH TOWN CENTER ZONING updated 11/9/20	
Section	*Comments*	*Commenter*
	How will residents in the denser housing be able to walk to business village shops unless it's in their building?	Open Space
	There are no green spaces or parks, no requirements for trees. With climate change and urban areas creating heat sinks this seems short sighted. Without trees, this district will increase energy use for heat and cooling.	Open Space
	The state is promoting and focusing funding om Nature-Based Solutions to offset climate change impact, we should be planning new zoning t with this in mind, not creating a district that will need future public funding to fix.	Open Space
	This bylaw has been promoted as creating and promoting green space, parks, walkability etc. but we could find nothing in the bylaw that does so	Open Space
	Comments on "Purpose" from prior documents	
	There is nothing in the bylaw that creates bicycle and pedestrian friendly village. Over 50% of the lots have no public sidewalks, and the town has no current plans to add them.	Open Space
	Sidewalks on Boston Road and Newton street are on the East side not the West side where the new zoning is proposed. There are no sidewalks on park street. How will people get to shops or residences by walking? They will have to be crossing streets back and forth to access sidewalks without any way to get to a crosswalk.	Open Space
	"Encourage a vibrant environment to live, work and play, and create pedestrian and bicycle-friendly walking spaces where the community can gather."	Open Space
	Increased housing development with no green spaces – where are children supposed to play? How would they get there without sidewalks? What is the plan for bicycles on these streets?	Open Space

October 28, 2020

Dear Mark Purple,

Please accept this letter as my formal resignation from my role as Technology Manager. My last day with the Town of Southborough will be Friday, November 27, 2020.

To ease the transition after my departure, I am happy to assist you with any training tasks during my final weeks on the job. I intend to leave thorough instructions and up-to-date records for my replacement. Additionally, I will be available to provide reasonable assistance after my departure.

I would like to take this opportunity to thank you for the knowledge and experience I have gained by working here. I am very grateful for the time I have spent on our team and the professional relationships I've built. It's been a pleasure working for you, and I hope our paths will cross again in the future.

Sincerely,

Thomas P Laflamme

TOWN OF SOUTHBOROUGH

BOARD OF SELECTMEN Meeting Minutes

Meeting Date: Tuesday, October 27, 2020, 6:30 P.M.
Location: Virtual Meeting through Zoom
Present: Marty Healey, Lisa Braccio, Chelsea Malinowski, Brian Shea, Sam Stivers and Town Administrator Mark Purple

I. Chairman Healey called the meeting to order at 6:30 P.M. Chairman Healey read the following statement:

Pursuant to Governor Baker's March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, §18, and the Governor's March 15, 2020 Order imposing strict limitation on the number of people that may gather in one place, this meeting of the Southborough Board of Selectmen will be conducted via remote participation to the greatest extent possible. Specific information and the general guidelines for remote participation by members of the public and/or parties with a right and/or requirement to attend this meeting can be found on the Town of Southborough's website, at https://www.southboroughtown.com/. For this meeting, members of the public who wish to watch or participate in the meeting may do so in the following manner by finding the meeting at: https://www.southboroughtown.com/remotemeetings. No in-person attendance of members of the public will be permitted, but every effort will be made to ensure that the public can adequately access the proceedings in real time, via technological means. In the event that we are unable to do so, despite best efforts, we will post on Southborough's website an audio or video recording, transcript, or other comprehensive record of proceedings as soon as possible after the meeting.

II. **Public Comment**

III. **Scheduled Appointments**

6:30 P.M. – Joint Meeting with Capital Planning Committee

i. Review and Discussion, RE: Proposed FY22 Capital Plan

Mr. Malinowski walked the Board through the presentation included in the packet. He explained what capital improvements were not included, what was deferred and what should be accelerated. He stated that the Committee reviewed and voted on all fiscal year 2022 capital items. Mr. Malinowski explained the process followed for capital needs and requests by department. He gave a review of what has been approved by Town Meeting the prior year and what is coming in the next years to understand what is still being paid and what is anticipated in the future. Mr. Malinowski walked the Board through capital items by department as included in the packet. Mr. Stivers asked if any of the vehicles listed for replacement at the DPW were considered to be leased instead of purchased. Mr. Malinowski stated that is an ongoing conversation and explained which vehicles were being considered for lease and how Ms. Galligan purchases vehicles. Chairman Healey asked if the Library renovation and the exterior renovation and window work at the Town House could be CPC funded. Mr. Malinowski stated it was his understanding that they could not. Mr. Parent explained that the majority of the Library work will be done on the newer non-historical section and would not qualify for CPA funding. He explained that the renovations at the Town House include bringing the bathroom to meet building codes.

Mr. Malinowski described the capital needs and requests for the Fire Department. Ms. Malinowski asked the process for the turnout gear fund for new hires and Chief Achilles explained. Mr. Stivers asked about grants for the fire turnout gear fund and Ms. Malinowski replied that a grant for turnout gear could be disadvantageous as it would require the department to replace all the gear at once instead of using the turnout gear lifecycle process described earlier. Chief Achilles agreed and explained the grant process.

Mr. LaFlamme explained his need to replace the physical servers and the vendors he uses for his hardware. Mr. Stivers suggested seeking a connection at DELL to receive additional discounts. Mr. Malinowski walked the Board through the needs of the Police Department and Recreation projects. He then summarized the items deferred or removed from the capital budget. Ms. Malinowski asked what needed to be done to ensure the Cordaville Road project was shovel ready. Mr. Malinowski described the process proposed by Ms. Galligan and her hesitations of holding public hearings a Zoom environment. Mr. Shea asked if easements were required for this project and Mr. Malinowski stated he was told there were not. Mr. Stivers supported the idea of a shovel ready project list and asked if it were possible to move funds from the Chapter 90 allocation for shovel ready projects. Mr. Malinowski replied that he would like the Committee to collaborate with the Public Works Planning Board to look into this further. Mr. Stivers agreed. Chairman Healey stated he was in favor of deferring the Cordaville Hall project and explained his reservations of staying below a funding threshold to avoid additional ADA requirements. Mr. Malinowski explained that Cordaville Hall would be evaluated differently if the school discussion falls through. He stated that this location may not be the right site for the seniors and there could possibly be a better long-term solution. He said there will be better clarity on this matter in January.

Chairman Healey asked if an emergency generator is needed at the Town House. Mr. Parent explained the risk of not having a generator is the same as prior years. He then explained plans put in place to ensure the building would be protected and the phone lines supported during a weather emergency. Mr. Malinowski explained the items the Committee is reviewing for future funding and requested the Boards vote on multiple items. Mr. Malinowski added that if there are any hesitations regarding the items discussed this evening, that the Board provide feedback. Chairman Healey asked for clarification on the vote and Mr. Malinowski and Mr. Purple explained. Ms. Malinowski stated that she supports the list presented with one concern that if the operating budget creates a larger increase than what is palatable for the Town, an option to bond items over a long period or look at other resources be reviewed. Mr. Shea stated he supports the items recommended by the Committee and suggested Mr. Purple and Mr. Ballantine use these numbers in their initial budget. He added that depending on the proposed tax rate increase, the Board may have to revisit these items. Mr. Stivers and Ms. Braccio agreed.

Chairman Healey made a motion to support the recommendations the Capital Committee presented tonight for items to go forward for fiscal year 2022 and other items be deferred or not put forward in fiscal year 2022 and consistent with that, the Town Administrator and Finance Team include those numbers into the fiscal year 2022 ongoing budget process. Mr. Shea seconded. The motion passed all in favor (5-0-0) by roll call vote, Braccio, aye; Malinowski, aye; Shea, aye; Stivers, aye; Healey, aye.

Mr. Shea made a motion to support the setup of a warrant article for a fire turnout gear replacement fund. Ms. Malinowski seconded. The motion passed all in favor (5-0-0) by roll call vote, Braccio, aye; Malinowski, aye; Shea, aye; Stivers, aye; Healey, aye.

Chairman Healey made a motion to declare the emergency generator from the old Fire Station at 21 Main Street as surplus property. Mr. Shea Seconded. The motion passed all in favor (5-0-0) by roll call vote, Braccio, aye; Malinowski, aye; Shea, aye; Stivers, aye; Healey, aye.

ii. Discussion, RE: Proposed Capital Planning policy

Mr. Malinowski stated the Committee has been looking at other policies from similar towns and asked the Board to review and solicit feedback to him. He stated they hope to have a policy submitted to the Board for approval in November. Chairman Healey stated that there is a bylaw about the Advisory Committee which limits their ability to volunteer for other committees. He stated that the bylaw is appropriate but Advisory members should be able to sit on a Capital Committee. Mr. Malinowski asked if he was advocating that the Capital Committee convert from an ad-hoc committee at some point and Chairman Healey replied that he felt it had to. He added that he believes the Capital Planning Committee should be a permanent committee with specific guidance provided for and it is advantageous for Advisory members to serve. Ms. Cook stated that she fully supports this but does not support making it mandatory that Advisory members serve on the Capital Planning Committee. Mr. Malinowski stated he will circulate the research the Committee has done regarding the policy and stated that the Committee has some points they feel strongly about. Mr. Malinowski made a motion to adjourn his meeting at 8:13 P.M. Ms. Braccio seconded. The motion passed by roll call all in favor.

Review of latest VMUD draft for Downtown Initiative

Ms. Braccio gave a brief update of when the EDC and Planning Board will be meeting to review this document. She stated the goal is to present this as a warrant article at Spring Town Meeting. She asked the Board to hold another joint meeting after feedback from all stakeholders was given to Ms. Barrett regarding her first draft. Feedback from all parties are to be turned in to Ms. Esposito on November 6th. Chairman Healey agreed to a joint meeting and asked that additional stakeholders be made aware of the meeting. Ms. Braccio stated she felt the affordable housing component needed more work. She provided more feedback and stated she will include her comments in the feedback document provided by Ms. Barrett. Chairman Healey asked that residents and businesses in the downtown district and abutters get notice of the meeting. Mr. Purple stated he will make sure all board and committees receive the meeting information, he will send the meeting information to MySouthborough.com, post on Twitter and the Town Website and make sure the EDC does direct emails to businesses.

Ms. Braccio stated that Ms. Reynolds was working on creating a redlined version of the document. She added that the EDC is discussing the possibility of adding more parcels to the district. She stated that outreach would need to be done to homeowners. Chairman Healey agreed and stated that if there is going to be any significant resistance from those whose parcels would be affected, that the Board take that into careful consideration. Ms. Malinowski agreed with that approach and does not want to push this issue if it would tie up the project. Mr. Stivers stated that the affordable housing piece was weak and described some clerical errors in the document he would like to clean up. He added it was worth exploring the idea of adding parcels. Mr. Shea stated he supported the approach discussed. Ms. Malinowski and Mr. Stivers gave

feedback on the document and they agreed to include their comments in the written feedback document provided by Ms. Barrett.

Ms. Malinowski asked about the timeline. Ms. Braccio explained the timeline and that the goal was to stay as closely to it as possible for future grant opportunities. Ms. Braccio asked that all comments be sent to Mr. Purple by Friday. The Board agreed.

IV. Consent Agenda

a. Chairman Healey made a motion to accept a $100.00 donation for the Fire Department Ambulance Fund. Mr. Shea seconded. The motion passed all in favor (5-0-0) by roll call vote, Braccio, aye; Malinowski, aye; Shea, aye; Stivers, aye; Healey, aye.

V. Other Matters Properly Before the Board

Rent & Mortgage Assistance program approval

Ms. Braccio gave a general update and thanked the Emergency Fund Committee, Mr. Purple, Ms. Esposito, Mr. Ballantine and Ms. McAuliffe for their assistance in creating the program. Ms. Braccio requested a brief meeting with the Board and the Affordable Housing Trust. She explained the Affordable Housing Trust is a backup fund if the CARES Act does not reimburse the funds. She also stated that the Affordable Housing Trust will need to approve of Ms. Malinowski reviewing redacted applications before submitting them to Ms. McAuliffe. Ms. Braccio stated that Town Counsel is reviewing the applications and guidelines and they will receive his feedback tomorrow. She reviewed the changes made since the last draft was presented. Ms. Braccio explained the application submittal process and the timeframe it takes for approval. Ms. Malinowski stated the goal is to have application submissions open for acceptance from November 1st to December 1st. She explained this will give Ms. McAuliffe time to file the reimbursement for the December 30th deadline. Chairman Healey asked if the Board needs to determine if applicants meet the criteria and Ms. Braccio explained that all applications are submitted to the Emergency Fund Committee, then reviewed by Ms. Malinowski and then submitted to Ms. McAuliffe. Ms. Malinowski stated it is not outlined in the documents and Ms. Braccio offered to create a one-page document that outlines this process. Mr. Stivers asked if the initial $25,000 allocated for the program is enough. Ms. Malinowski stated the reason for the December 1st deadline was to have time to reassess the need of Southborough residents. The Board agreed to meet with the Affordable Housing Trust on Friday at noon.

Chairman Healey made a motion to approve the rental mortgage assistance guidelines as proposed, the mortgage rent assistance application as proposed and the criteria and approval process as proposed pending review and approval by Town Counsel. Ms. Malinowski seconded. The motion passed all in favor (5-0-0) by roll call vote, Braccio, aye; Malinowski, aye; Shea, aye; Stivers, aye; Healey, aye.

VI. Public Comment

None

VII. On a motion made by Chairman Healey, seconded by Mr. Shea and voted all in favor by roll call vote, Braccio, aye; Malinowski, aye; Shea, aye; Stivers, aye; Healey, aye, the meeting was adjourned at 9:10 P.M.

Upcoming Meetings

November 4, 2020
November 17, 2020

Respectfully submitted,

Kathleen Barry, Recording Secretary

List of Documents referred to at the October 27, 2020 BOS Meeting:

- Capital Planning Committee Presentation 10.27.20
- Draft VMUD for Downtown Initiative
- Letter from Chief Achilles to BOS dated 10.15.20
- Draft Rental/Mortgage Assistance Guidelines

DRAFT

August 27, 2020

Mark Purple, Town Administrator
Town of Southborough
17 Common Street
Southborough, MA 01772

RE: Retirement Date

Dear Mark,

I am formally letting you know that I plan to retire on November 30, 2020.
I plan to use vacation time starting Monday, November 23, 2020 to November 30, 2020.
Therefore, my last day in the office will be November 19, 2020.

I have enjoyed working here, but with the current medical climate and my age I feel it is the best option for me.

Sincerely,

Carolyn A. Ostresh

RECEIVED
By Town Clerk/rhc at 10:21 am, Dec 03, 2020

TOWN OF SOUTHBOROUGH

BOARD OF SELECTMEN Meeting Minutes

Meeting Date: Tuesday, November 17, 2020, 6:30 P.M.
Location: Virtual Meeting through Zoom
Present: Marty Healey, Lisa Braccio, Chelsea Malinowski, Brian Shea, Sam Stivers and Town Administrator Mark Purple

I. Chairman Healey called the meeting to Open Session at 6:30 P.M. Chairman Healey read the following statement:

Pursuant to Governor Baker's March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, §18, and the Governor's March 15, 2020 Order imposing strict limitation on the number of people that may gather in one place, this meeting of the Southborough Board of Selectmen will be conducted via remote participation to the greatest extent possible. Specific information and the general guidelines for remote participation by members of the public and/or parties with a right and/or requirement to attend this meeting can be found on the Town of Southborough's website, at https://www.southboroughtown.com/. For this meeting, members of the public who wish to watch or participate in the meeting may do so in the following manner by finding the meeting at: https://www.southboroughtown.com/remotemeetings. No in-person attendance of members of the public will be permitted, but every effort will be made to ensure that the public can adequately access the proceedings in real time, via technological means. In the event that we are unable to do so, despite best efforts, we will post on Southborough's website an audio or video recording, transcript, or other comprehensive record of proceedings as soon as possible after the meeting.

II. Public Comment
None

III. Scheduled Appointments
Update from Youth and Family Services
Ms. Cassell reviewed Youth and Family Services goals and issues they wanted to discuss. She described the shifting of services to online or phone platforms which required adjustments to consent forms. She described their stronger partnership with the Police Department and the increase and addition of needs due to the pandemic. Ms. Cassell stated they created a Facebook Live show called Coffee Talk. She described the success of the show and stated Representative Dykema will be on December 1st to talk about housing instability. She stated they are working on new trainings and webinars and welcomed a new administrative assistant on October 1st. Ms. Cassell described the referral services offered by Youth and Family Services before the pandemic and the plan to hire more clinicians. She added that there were many challenges with this system and outlined a new system with Interface Referral Services. She said a generous grant from the Southborough Community Fund could be used to institute a one-year contract with Interface Referral Services for January 1, 2021. She stated this would be more economical for the Town versus hiring more staff. Chairman Healey asked if there were any identifiable trends since March. Ms. Cassell described the months from March to November which included an uptick in people seeking services. Ms. Braccio asked about modelling other communities and Ms. Cassell stated that Westborough, Northborough, Hopkinton and Holliston are using Interface Referral

Services. Ms. Malinowski asked if there is a spot open at Interface for Southborough. Ms. Cassell replied that they are holding a spot for January. Mr. Stivers asked about Coffee Talk. Ms. Cassell stated that it is livestreamed on Facebook every Tuesday at 10:00 A.M. and is also available on Southborough Access Media. Mr. Stivers stated he is in support of the Interface Referral Services platform from a budget and services standpoint.

Update from Arts Council

Ms. Piekarz reviewed events that were taking place before the pandemic including exhibits of local artists featured at the Library and grants received. She explained projects various local artists completed throughout the year including one at Chestnut Hill Farm that is available for viewing on SAM and YouTube. Ms. Piekarz said the Arts Council received a grant from the Southborough Community Fund and they were able to buy structures and portable display pieces for pop-up exhibits. Chairman Healey suggested the Arts Council partner with the EDC and DPW for equipment. Ms. Malinowski asked if they had connected with local businesses in Town to display the artwork. Ms. Piekarz stated she reached out to Reliant Medical Group and did not receive a call back. Mr. Purple suggested working with the EDC and Christopher Robbins to work with Reliant. Mr. Shea suggested incorporating a food truck and other events with the local businesses on Main Street. Mr. Stivers suggested partnering with the schools. Ms. Braccio asked about virtual events and Ms. Piekarz described a virtual open mic night and other possible events.

Update from Recreation Commission

Mr. Davis described the programming that opened in August including drive-in movie nights, a small soccer camp with BEST soccer and after school programs. He added that after school programs will begin again in January after considering the details of moving inside. He stated the Gobble Wobble will be virtual this year and asked for guidance regarding the new basketball court at Fayville Park. There was discussion regarding tying the net to dissuade people from using the court during the spike in COVID-19 numbers and it was agreed to keep it open to the public.

Mr. Davis described the current Mooney Field lighting project and the Planning Board process. He stated that their hearing has been continued three times and the Planning Board is waiting for a third-party peer review from Fuss & O'Neil which was not received as anticipated. He described the details to which the Recreation Department has altered their plans and stated they will not agree to any more extensions and will be holding firm to receive judgement on November 30th. Ms. Hansen stated that Mr. Davis has been working with the Town Planner on this project for over a year and he has gone above and beyond to deliver exactly what the Planning Board has asked for. Chairman Healey stated he was supportive of what has been discussed and suggested a post-mortem conversation be had once the project is approved so this situation does not happen again. Mr. Shea asked if there was a response from Fuss & O'Neil and Mr. Davis said not as of yet but it is expected by the end of the week. Mr. Shea stated that they should be pushed to respond as the holidays are approaching and will slow the project down even more. Ms. Braccio agreed and stated Recreation needed time to review the response from Fuss & O'Neil to address any outstanding items for the next Planning Board meeting. David Fialkow (10 Lyman Street) stated he is the Vice President of Southborough Little League and gave a timeline of the process with the Planning Board. He stated that Town Counsel opinied that the Planning Board should give a reasonable site plan review and Mr. Fialkow said he felt Planning did not follow this and it has not been reasonable. He voiced his concern about the amount of Town funds the Planning Board used for their review. Kristin LeVault (12 Southwood Drive)

requested that Fuss & O'Neil appear at the hearings. Chairman Healey stated that was outside of the Board's scope and stated the Town spending Mr. Fialkow spoke to could be a Board matter.

Town Accountant Carla McAuliffe and Finance Director Brian Ballantine

i. Quarterly financial report

Mr. Ballantine walked the Board through the Fiscal Year 2021, Quarter 1 Finance report included in the packet. The Board gave Mr. Ballantine feedback on information they would like presented during the next update. Ms. Malinowski asked questions regarding 9-11 Field, the ambulance fund and water expenses. Ms. Braccio asked questions regarding legal services and public buildings. Ms. Malinowski highlighted her observations after touching base with Ms. McAuliffe and Mr. Ballantine earlier in the week. These included an update regarding Norfolk County Agricultural High School, the future of the IT department and questions regarding expenses in arrears. There was additional feedback from the Board regarding items they would like to see in the next presentation. The Board extended their appreciation to Mr. Ballantine and Ms. McAuliffe for their presentation.

ii. Update on FEMA and CARES Act reimbursements

Ms. McAuliffe stated that she filed for CARES Act and FEMA reimbursements in October and has received the first amount of approximately $55,487 from the CARES Act. She thanked Lieutenant Aspisi for his assistance with FEMA. She explained that some categories in the CARES Act are fully funded and others are funded 25% with the expectation that FEMA will cover the remaining 75%. She explained the FEMA requirements for reimbursement and stated that anything denied by FEMA will be applied for through the CARES Act in the next round. She explained that CARES sends the money up front and does compliance auditing after the fact which leaves a chance that money given could be deemed ineligible and need to be returned. She stated the schools are also applying to the CARES Act as will the Rent and Mortgage Assistance Program. She asked that she be made aware of any other applications. She stated that round three of reimbursement has a deadline of December 12th. Mr. Shea asked if the PPE for pubic safety was only covered through FEMA and Ms. McAuliffe stated that FEMA covers 75% and the CARES Act covers the remaining 25%. Mr. Shea suggested that they be as aggressive as possible for reimbursement and tie any previous COVID-19 related expenses to these refunds. Ms. McAuliffe explained the risk of receiving CARES Act reimbursements only to have to return them once the compliance audit is done. Ms. Braccio asked if the Board was sent the submittal forms for the $138,000 sent for reimbursement. Mr. Purple said he would distribute them to the Board. There was discussion regarding aggressively seeking reimbursements and the risks including in doing so. Chairman Healey stated if the Finance Team is generally operating in good faith and something is thought to be potentially reimbursable but down the line it is not, the Board will approve and accept that determination. Mr. Purple publicly thanked Ms. McAuliffe and Lieutenant Aspisi for their work during the reimbursement period.

iii. Updated Town financial policy – monitoring of expenses

Mr. Ballantine explained the draft policy to ensure large overages of line items in budgets were identified and acted upon. He stated the thought was if the line items exceed approximately $100, the Board does not need to be informed. He added if a department was going to spend between $5,000 - $10,000 in overages on a line item from any department, the Town Administrator would have to approve and anything over $10,000 in overages would need Board approval. Ms. Braccio stated she was in support of the policy and Mr. Stivers stated that the language in Section 2 (E) should read "item to be in deficit." Chairman Healey made a motion to adopt the Updated Town Financial Policy as amended. Mr. Stivers seconded. The motion passed

by roll call all in favor (5-0-0) by roll call, Braccio, aye; Malinowski, aye; Shea, aye; Stivers, aye; Healey, aye.

Ms. LeVault stated she would have asked the Board to delay a vote for other boards and committees to weigh in on this policy. Chairman Healey stated this was included in the packet and available to the public and Ms. Malinowski gave details about how the policy would limitedly pertain to the Recreation Commission.

IV. Reports

Chairman's Report

None

Members' Reports

Mr. Shea stated he attended the Veteran's Day observance last week and congratulated Mr. Whynot and Mr. Kolenda for planning an event that honored veterans while being respectful of the pandemic safety measures. He thanked members of the public safety departments and the Phaneufs for their continued maintenance of the memorial. He thanked the Eagle Scout for his project at the memorial and Southborough Access Media for recording the ceremony.

Ms. Braccio congratulated Southborough Youth and Family Services for being selected by the 100 Women of Southborough for their Gift Card Giving Program. She thanked the 100 Women of Southborough and added the donation could be $10,000 - $13,000.

Town Administrator's Report

Mr. Purple stated that many boards and committees continue to have evening meetings through Zoom and this has been a challenge with only two Zoom rooms available at one time. He stated that after speaking with Mr. Laflamme it was decided the best option was to add another Zoom room to accommodate for all the evening meetings. He requested the Board to approve $450 to acquire a license for a third Zoom room with full public access. Mr. Shea stated he was in support and suggested this be included in the CARES Act reimbursements. The Board agreed to the additional room and including the expense in the CARES Act reimbursements.

Mr. Purple reviewed the advertised position for an IT Manager, the ten current applicants for the position and the conversation regarding consolidating IT services with the schools. He stated he will have more information at the next meeting. Chairman Healey asked if it is decided to consolidate IT services with the schools, who will bridge the gap while the integration is taking place. Mr. Purple responded that in either solution, the schools will help with the transition.

Mr. Purple stated that AT&T is in the process of relocating their antennae off of the flagpole on Common Street and into the Pilgrim Church. He stated the lease agreement document should be executed over the coming week or so and stated they have concerns about the time between services coming off of the flagpole and into the church. He added this may be an agenda item on the upcoming meeting.

Mr. Purple stated that the warrant for the March 20, 2021 Town Meeting is scheduled to close in December and suggested the Board doe so for articles at the December 15th meeting. He added that there are fifteen articles carried over from the postponed meeting last spring, there are the normal financial articles and one new article submitted from the Assessor's Office.

Mr. Purple said MASSDOT is conducting routine utility work on the Mass Pike east and westbound between 11:00 A.M. and 12:00 P.M. this Saturday and between 6:00 A.M. – 7:00 P.M. on Sunday. He said to expect only one lane open to traffic.

V. Consent Agenda

a. Ms. Malinowski asked to hold agenda item "a." Ms. Malinowski stated that on page four it should read that Chairman Healey met with Mr. Purple and the Advisory Chair to discuss the budget. She added that on page five Mr. Stivers asked questions regarding the timeline of the report and not her. She stated on page six is should read, "Mr. Norris." Mr. Stivers suggested adding line numbers to the minutes and the Board agreed. Chairman Healey made a motion to approve the Open Session Minutes: November 4, 2020 as amended. Ms. Braccio seconded. The motion passed by roll call all in favor (5-0-0) by roll call, Braccio, aye; Malinowski, aye; Shea, aye; Stivers, aye; Healey, aye.

b. Chairman Healey made a motion to accept the Library Donation of $15.00 from Xi Lu, for deposit to Library Donation Account. Mr. Shea seconded. The motion passed by roll call all in favor (5-0-0) by roll call, Braccio, aye; Malinowski, aye; Shea, aye; Stivers, aye; Healey, aye.

c. Chairman Healey made a motion to approve the Winter Parking Ban for 2020-2021. The motion passed by roll call all in favor (5-0-0) by roll call, Braccio, aye; Malinowski, aye; Shea, aye; Stivers, aye; Healey, aye.

VI. Other Matters Properly Before the Board

<u>Performance evaluation policies</u>

Chairman Healey updated the Board on the policies and Mr. Norris and Mr. Mulholland's review of them. He stated that documents could be ready for December 1st. He asked Ms. Malinowski if she would like to participate and she said she would provide feedback before December 1st. The Board agreed to the timeline proposed.

<u>Update and discussion, RE: FY21 Goals</u>

Chairman Healey asked that this item be moved to the November 24th meeting.

<u>Discussion regarding 45 Highland Street</u>

Chairman Healey summarized the issue at 45 Highland Street and told the Board they are to discuss a possible way forward. He summarized his conversations with Mr. Weishan and Ms. Livoli. He stated that it was proposed to reconstruct a structure that fits in the neighborhood and meets the criteria of the Historical Commission. Ms. Livoli added that it is a non-conforming lot and that all technical issues will need to be addressed as well. Chairman Healey stated that this situation has brought to light some areas of the demolition delay bylaw that need improvement and clarity. He explained the issues he found with the bylaw and stated he is in support of the construction of a similar building that meets the criteria of the Historical Commission with the jurisdiction of the Building Department. Ms. Braccio asked about the process moving forward as the Historical Commission has the expertise of what the building should look like. Mr. Weishan clarified that the Historical Commission's purview only extends to the façade that is visible from the street. He added that he hoped this concession does not set precedent for other historical homes. Ms. Braccio agreed. Ms. Malinowski stated this solution sounds reasonable given the situation and stated that she is comfortable with this if Ms. Livoli and Mr. Weishan agree. Mr. Weishan reviewed the origin of the bylaw and reasoning for the two-year penalty. Chairman Healey stated he thinks the jurisdiction should lie with the Building Commissioner and Mr. Stivers agreed to the process presented. Mr. Stivers suggested the bylaw be updated and thought a

subgroup could be created to bring a warrant article to Town Meeting. Chairman Healey outlined the gaps in communication that he felt lead to the situation. Mr. Weishan described the measures the Historical Commission are taking to ensure this does not happen again. Ms. Braccio stated that an enforcement procedure should be included in any revisions of the bylaw.

VII. Public Comment

None

VIII. Executive Session

At 10:12 P.M. Chairman Healey made a motion for the Board to enter into Executive Session per M.G.L. Chapter 30A, Section 21, and not returning to Open Session, for the following matters – to discuss the disposition of real property (Exemption 6) concerning the Arts Center, as the Chair declares that an open meeting may have a detrimental effect on the negotiating position of the public body; and to comply with, or act under the authority of, any general or special law (Exemption 7) to review and approve the Executive Session minutes of November 4, 2020. Mr. Shea seconded. The motion passed by roll call all in favor (5-0-0) by roll call, Braccio, aye; Malinowski, aye; Shea, aye; Stivers, aye; Healey, aye.

Upcoming Meetings
November 24, 2020
December 1, 2020

Respectfully submitted,

Kathleen Barry, Recording Secretary

List of Documents referred to at the November 17, 2020 BOS Meeting:

- Ledger History 7.1.20 - 9.30.20
- FY21 Q1 Finance Report
- Letter from Carla McAuliffe to Mark Purple re - CARES/FEMA Update
- Draft Financial Management Policies
- Regular Session Minutes, November 4, 2020
- Letter from Ryan Donovan to Board re - Donation to Library dated 11.9.20
- Winter Parking Ban 2020-2021
- BOS FY2021 Goals

FY 2021 Goals - Boards and Committees.	In Progress	Recent Steps	Completed
OML training and support/training for running Open Meetings.	XX	XX	
Promote and enforce Town Email Use Policy.	XX		
Update, consolidate and promote compliance with general policies.	XX		
Encourage and provide support for televising meetings.			
Encourage and provide support for composite agendas and packets.			
Enhance informational outreach and recruiting for volunteers (forum).	XX		
Conduct public comment at beginning & end of meetings			XX
Review and update descriptions and charges.	XX	XX	
FY 2021 Goals - Community Initiatives			
Coordinate and oversee Downtown Initiative.	XX	XX	
Coordiate communication/roundtables with local businesses.	XX	XX	
Pursue PILOT initiatives, including community center and projects.	XX		
Pursue "bike friendly" policies and explore Biking Committee.			
300th Anniversary planning, including Committee creation.	XX		
FY 2021 Goals - Employees			
Create Employee Handbook.			
Update job descriptions for BoS staff.	XX	XX	
BoS review of annual staff performance reviews.	XX	XX	
Review staffing and BoS office organization.	XX	XX	
Analyze Personnel Board/Town Administrator authority.	XX	XX	
FY 2021 Goals - Infrastructure			
Explore municipal electric plant.			
Natl Grid parcel 54-40	XX		
Assimilate Pine Hill Rd into Town Water re: Fire (via MWRA)	XX	XX	
FY 2021 Goals - Long Range/Strategic Planning			
Explore establishing grant writing position(s).	XX	XX	
BoS training, reporting and hiring initiatives re: diversity and inclusion.	XX	XX	
FY 2021 Goals - Municipal Finance			
Additional approval/oversight on appropriation line items.	XX	XX	
Schedule quarterly budget updates (Finance Director).			XX
Establish budget narratives, including long-term impacts.			
Establish BoS budget liaisons.	XX	XX	
Communicate BoS position to departments re: new FTEs.			XX
Establish long-term capital plans (with Capital Committee).	XX	XX	
Explore generating additional commercial tax revenue.			
Identify and establish a roster of Town service contracts.	XX	XX	
Review contracted services and explore re-bidding.	XX		
Maximize potential Covid-19 reimbursements and grants.	XX		
Coordinated budget discussions with Advisory, Capital and Schools.	XX	XX	
FY 2021 Goals - Organizational			
Quarterly newsletter.	XX		
Explore public safety regional dispatch.	XX	XX	
Evaluate organizational processes: postage; mailings; data exchanges.			
Budget software implementation.	XX	XX	
Pursue policies and projects for 40B threshold.	XX	XX	
Customer service survey re: Town departments.			

TOWN OF SOUTHBOROUGH
FINANCIAL MANAGEMENT POLICIES

I. OVERVIEW

It is the policy of the Town of Southborough that financial management is conducted with the objectives of providing municipal service in an efficient, effective and consistent manner that aligns with public policy goals as set forth by the Board of Selectmen.

To help ensure the Town's financial stewardship, an established program of managing the Town's finances is essential. To this end, the Board of Selectmen promulgates policies and procedures that are financially prudent and in the Town's best economic interest.

In adherence to this policy, the Town shall pursue the following objectives:

- To set forth operational principles that minimize the cost of government to the extent consistent with services desired by the public and that minimize financial risk;
- To continue effective financial management within the Town that conforms to generally accepted accounting principles;
- To simplify, clarify and modernize the financial systems of the Town as the need occurs;
- To provide increased public confidence in public financial management;
- To protect and enhance the Town's credit rating and prevent default on any municipal debts;
- To diminish the risk of significant service reductions as a result of economic cycles and downturns;
- To responsibly plan for future liabilities and to maintain funding sources and/or reserves to meet those expenses;
- And to provide safeguards to ensure the quality and integrity of the financial systems.

In order to attain the above objectives, the Board of Selectmen adopts the following policies.

II. ACCOUNTING, AUDITING AND FINANCIAL REPORTING

A. The Town will utilize accounting practices that conform to generally accepted accounting principles (GAAP) as set forth by the Government Accounting Standards Board (GASB), including compliance with GASB Statements 34, 40 and 45.

B. An annual audit will be performed by an independent public accounting firm.

C. A Management Letter shall be provided by the independent public accounting firm as a companion document to the annual audit which details any potential financial concerns that need to be attended to. The letter will be responded to by the Administration and presented to the Board of Selectmen.

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D. Quarterly reports to be filed with Board of Selectmen and Advisory Committee illustrating local revenues received and Departmental expenses incurred in the prior three month period ending either September, December, March, or June.

~~C.~~ E. Monitoring of expenses: Department Heads will actively monitor their approved budgets. Any expense that will cause a budget line item to be in deficit in excess of $5,000-$10,000 or greater than $10,000 should~~will~~ have this expense approved prior to release for payment by the Town Administrator (notification to the BoS) or the Board of Selectmen, respectively. ~~Board of Selectmen prior to it being released for payment.~~ Since budgets are put together based on estimates, there are circumstances when unbudgeted expenses may be warranted. Additionally, the Town Accountant along with the Finance Director will review YTD budget to actual reports on a monthly basis. They will evaluate any potential line items that are trending to go over budget by more than the stated $5,000 and report any concerns under reporting in Section D or sooner if necessary.

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III. GENERAL FUND

A. Budget Goals and Objectives shall be determined annually by the Board of Selectmen in consultation with the Town Administrator. However, the annual operating budget as submitted to the Town must be balanced with the estimate of proposed expenditures for a given period less than or equal to the proposed means of financing these expenditures (from various sources of funds or revenues). In short, for a budget to be balanced, proposed expenditures shall not exceed projected resources for the given period.

B. The Town will carefully and routinely monitor all amounts due the Town. An aggressive policy of collection will be followed for all receivables, including property taxes. An average collection rate of at least 95% of current levy shall be maintained. The Finance Director and Town Counsel annually will utilize the appropriate legal tools in satisfying any real estate and personal property delinquent accounts.

C. Charges for services and other revenues shall be reviewed on a regular on-going basis at least every three years. Charges shall be adjusted as necessary to respond to changes in the cost of providing services and shall fully cover the cost of providing said services. The Board of Selectmen may set specific cost recovery goals for individual departments or services as appropriate.

1. Recreation and Water Department—Recreational and municipal water usage user charges and fees will be set to recover approximately 100% of the total direct costs associated with these operations.

IV. RESERVES

A. Reserves reflect a community's ability to react to unforeseen circumstances and to minimize or avoid borrowing for capital expenditures. Reserves should normally average between 5% and 10% of the Town's General Fund operating budget. The Town will endeavor to maintain reserves at 5% of the operating budget. Reserves are defined to include the Town's Stabilization Fund and Free Cash, but not the OPEB Trust Fund.

FY21 Q1 Finance Report

November 17, 2020

FY21 Q1 Local Receipts 1 of 3

	FY20 BUDGET	9/30/2019	FY20. vs Estimate	FY21 BUDGET	9/30/2020	FY21 vs Estimate	REVENUE CHG 1 YEAR	NOTES
Motor Vehicle Excise	2,075,000	175,803	(1,899,197)	2,125,000	129,590	(1,995,410)	(46,213.23)	**A**
Other Excise	85,000	38,502	(46,498)	85,000	-	(85,000)	(38,502.27)	**B**
Fees/Int. - Taxes	70,000	23,600	(46,400)	60,000	47,178	(12,822)	23,578.45	**C**
Real Estate and PP		13,827			13,374			
MVE		1,553			2,749			
Tax Title		7,300			30,242			
FY Septic Bett Int		920			813			
Pymnts in Lieu of Taxes	400,000	7,298	(392,702)	430,000	7,355	(422,645)	57.05	
Fees	395,000	105,268	(289,732)	350,000	132,178	(217,822)	26,910.69	
Town		9,528			9,777			
Redemption		310			-			
Building		51,163			109,398			**D**
Cons- Stormwater App		550			50			
AdminCostPl		4,524			520			
Police- Detail Admin Fee		22,343			9,089			**E**
Trench Permit Fee		250			150			
Rec Fields		16,600			3,195			

NOTES:

A Comm 1 Feb-March 2022

B Revenue Received 10/13/20 - $33,000

C Large Acct was Paid

D July 2020 Large Permit - 10 Turnpike Road

E Main Street and PS Building last year (Oct 2020 up)

FY21 Q1 Local Receipts 2 of 3

	FY20 BUDGET	9/30/2019	FY20. vs Estimate	FY21 BUDGET	9/30/2020	FY21 vs Estimate	REVENUE CHG 1 YEAR	NOTES
Rentals - Cell Tower	25,000	9,022	(15,978)	25,000	9,293	(15,707)	270.66	**F**
Dept Rev - Libraries	2,400	603	(1,797)	1,000	10	(990)	(593.44)	
Fees (437)		186			10			
Fines (477)		418			-			
Dept Rev - Cemetery	25,000	5,342	(19,658)	25,000	6,423	(18,577)	1,081.66	
Other Dept Revenue	6,000	8,080	2,080	12,000	5,791	(6,209)	(2,289.15)	
Assessors		197			164			
Town Clerk		4,792			3,737			
Zoning Board		150			450			
Technology Fees		1,949			1,131			
Police Reports		993			310			
Licenses and Permits	420,000	390,429	(29,571)	425,000	387,937	(37,063)	(2,492.00)	
Alcoholic Bev		700			600			
Dog Licenses		3,184			2,481			
Firearms		750			1,175			
Transfer Stickers		375,670			367,421			**G**
Fire Dept		3,235			2,825			
Health		6,890			13,436			

NOTES:

F Flag pole payments end this year

G Stickers Oct – Revenue $12,890

FY21 Q1 Local Receipts 3 of 3

	FY20 BUDGET	9/30/2019	FY20. vs Estimate	FY21 BUDGET	9/30/2020	FY21 vs Estimate	REVENUE CHG 1 YEAR	NOTES
Fines and Forfeits	75,000	29,692	(45,308)	75,000	14,793	(60,207)	(14,899.08)	
Fore Fines - Default		(40)			(89)			
False Alarm		-			1,200			
RMV Fines		18,977			6,155			
Court Fines		7,830			2,677			
Municipal Lien		2,700			4,050			
Trans Station Violation		-			250			
Dog Fines		225			550			
Investment Income	165,000	75,366	(89,634)	70,000	19,689	(50,311)	(55,676.84)	**H**
Misc Revenue		40,627	40,627		34,202	34,202	(6,425.04)	
Medicaid Reimb		-	-		5,751	5,751	5,751.48	
Misc/State Revenue (Non Recurring)		76,145	76,145		1,089	1,089	(75,055.75)	**I**
G-Fund TOTAL Est. vs. Actual	3,743,400	985,778	(2,757,622)	3,683,000	801,282	(2,881,718)	(184,496.81)	
W-FUND TOTAL	2,001,966	400,062	(1,601,904)	2,340,692	586,175	(1,754,517)	186,113.08	
Grand Total	5,745,366	1,385,840	(4,359,526)	6,023,692	1,387,456	(4,636,236)	1,616.27	

NOTES:

H Investment rates extremely low; PS money expensed

I FY20 Schools returned one time unused funds in Q1

FY21 Q1 Expenses

- Other Operations (Utilities) will be budgeted by building FY22. As of 9/30 spending is on target at 24.15%.
- Town Clerk: Significant voting expenses – will determine any possible reimbursement (some available state & private grant money). Election expenses related to COVID are reimbursable.
- BOH: Several reimbursement tasks are in progress, some grant money available. Will need further analysis next several months. The amount of $7,135 has been moved out of salaries in FY21 for possible FEMA/CARES reimbursement.
- DPW: Several issues will have to monitor over remainder of year. These include -
  - The contracted services line item, 53880 often runs over budget. It is where DPW places most emergency services that don't fall into another line item (i.e. vehicle towing, transfer station breakdown operations, fuel pump issues) as well as maintenance that DPW cannot do (i.e. transfer station, stump dump clean-out, catch basin cleaning, police details, mobile vehicle and equipment inspections).
  - 0100-5-400-425-53880 is currently over in location 425-vehicle, (-10,777.60). The Mechanic quit in July this year (2020). Since the DPW is responsible to keep vehicles in Recreation, Facilities, Building, Police and DPW running, sustaining mechanic operations was mandatory. DPW located a road service mechanic that comes to the DPW and works one day per week. The salary savings is currently offsetting the contracted service. This line item will continue in the red until DPW replaces the mechanic and is back to full staff. This expense is not anticipated to be recurring in next year's budget.
  - 0100-5-400-492-53880 is currently over budget in location 492-tree (- 7,529.44). This line item is in the red because DPW did extra clean-up in the stump dump on School Street this summer. This line item will run deeper into the red because of police details for tree work. Clean up of the stump dump is a yearly maintenance item, but the cost has increased, so there will be an increase in the line item in the FY22 budget request.
- Court Judgements: over by $2,586.19 – this is the annual agreement with Northborough and part of amount due is determined by earnings from their stabilization fund. Slightly higher earnings than anticipated occurred in FY20. Will be adjusted upward in FY22 budget. At year end we will recommend either a Departmental transfer or Advisory reserve fund transfer.

FY21 Q2 Preliminary Issues - Expenses

- Further information will be available with FEMA and CARES Act action and any updates to these programs will be documented.
- DPW: Additional issues to report on next quarter will be:
  - Account 0100-5-400-433-53880 (Solid Waste): The hopper had unexpected repairs that may be able to be covered in Departmental budget.
  - Account 0100-5-400-494-52320 (Grounds Keeping/Supply): Water Irrigation – Depietri Field needed water irrigation and the contractor working on this had to unexpectedly do this. There was a problem with locating the water main.
  - Account 0100-5-400-433-52320 (Solid Waste): Refuse Disposal – Tonnage up 11%. Recycling costs are also double what was anticipated. The reason for this may be more residents at home during these times. Could be significant shortfall for the year and this may require a Reserve Fund transfer.

Final Thoughts

- Should BOS want any format changes or other data in future quarters please advise.
- BOS should consider one liasion to meet quarterly before reports issued to understand outstanding issues and help facilitate public discussion.
- Financial Policy may be updated as to overspending on line items, however there will remain a de minimus amount as a limit.

Filter by: Segment 1: 0100
Segment 2: 5

Group as: ****-*-111-***-*****

Parameters: Fiscal Year: 2021 Start Date: 7/1/2020 end: 09/30/2020

Ledger History - Variance - with PO - Expenditure Ledger

Account Number	Budget	Transfer: This Period		Journal Entry: This Period	Receipt: This Period	Payment: This Period	PO Enc	
	Encumbered	To Date	Allocated	To Date	To Date	To Date	Ending	% Var.
0100-5-114-000-51110	50.00	0.00		0.00	0.00	0.00	0.00	
SALARIES PART-TIME	0.00	0.00	50.00	0.00	0.00	0.00	50.00	0.00
0100-5-114-000-57300	25.00	0.00		0.00	0.00	0.00	0.00	
DUES	0.00	0.00	25.00	0.00	0.00	0.00	25.00	0.00
Total Group 1: Segment 3: Department	**75.00**	**0.00**		**0.00**	**0.00**	**0.00**	**0.00**	
Code: 114 - MODERATOR	**0.00**	**0.00**	**75.00**	**0.00**	**0.00**	**0.00**	**75.00**	**0.00**

Group as: ****-*-111-***-*****

Parameters: Fiscal Year: 2021 Start Date: 7/1/2020 end: 09/30/2020

Ledger History - Variance - with PO - Expenditure Ledger

Account Number	Budget Encumbered	Transfer: This Period To Date	Allocated	Journal Entry: This Period To Date	Receipt: This Period To Date	Payment: This Period To Date	PO Enc Ending	% Var.
0100-5-121-000-51110	4,000.00	0.00		0.00	0.00	-800.00	0.00	
SALARIES PART-TIME	0.00	0.00	4,000.00	0.00	0.00	-800.00	3,200.00	20.00
Total Group 1: Segment 3: Department	**4,000.00**	**0.00**		**0.00**	**0.00**	**-800.00**	**0.00**	
Code: 121 - ELECTED BOARD OF	**0.00**	**0.00**	**4,000.00**	**0.00**	**0.00**	**-800.00**	**3,200.00**	**20.00**

Group as: ****-*-111-***-*****

Parameters: Fiscal Year: 2021 Start Date: 7/1/2020 end: 09/30/2020

Ledger History - Variance - with PO - Expenditure Ledger

Account Number	Budget	Transfer: This Period		Journal Entry: This Period	Receipt: This Period	Payment: This Period	PO Enc	
	Encumbered	To Date	Allocated	To Date	To Date	To Date	Ending	% Var.
0100-5-122-000-51100	376,942.00	0.00		0.00	0.00	-87,290.89	0.00	
SALARIES FULL-TIME	0.00	0.00	376,942.00	0.00	0.00	-87,290.89	289,651.11	23.16
0100-5-122-000-51450	2,350.00	0.00		0.00	0.00	-700.00	0.00	
LONGEVITY	0.00	0.00	2,350.00	0.00	0.00	-700.00	1,650.00	29.79
0100-5-122-000-51460	10,510.00	0.00		0.00	0.00	-581.88	0.00	
DEFERRED COMPENSATION	0.00	0.00	10,510.00	0.00	0.00	-581.88	9,928.12	5.54
0100-5-122-000-51940	4,000.00	0.00		0.00	0.00	0.00	0.00	
MILEAGE STIPEND	0.00	0.00	4,000.00	0.00	0.00	0.00	4,000.00	0.00
0100-5-122-000-52300	500.00	0.00		0.00	0.00	-56.33	0.00	
WATER	0.00	0.00	500.00	0.00	0.00	-56.33	443.67	11.27
0100-5-122-000-52460	1,500.00	0.00		0.00	0.00	-731.30	0.00	
OFFICE EQUIPMENT REPAIR MAINTENAN	0.00	0.00	1,500.00	0.00	0.00	-731.30	768.70	48.75
0100-5-122-000-53000	600.00	0.00		0.00	0.00	0.00	0.00	
MEDICAL DENTAL PROF. TECH.	0.00	0.00	600.00	0.00	0.00	0.00	600.00	0.00
0100-5-122-000-53070	4,635.00	0.00		0.00	0.00	-20.00	0.00	
EMPLOYEE TRAINING PROF. TECH.	0.00	0.00	4,635.00	0.00	0.00	-20.00	4,615.00	0.43
0100-5-122-000-53100	700.00	0.00		0.00	0.00	0.00	0.00	
ADVERTISING PROF. TECH.	0.00	0.00	700.00	0.00	0.00	0.00	700.00	0.00
0100-5-122-000-53420	22,000.00	0.00		0.00	0.00	-11,187.40	0.00	
POSTAGE COMMUNICATION	0.00	0.00	22,000.00	0.00	0.00	-11,187.40	10,812.60	50.85
0100-5-122-000-53440	3,000.00	0.00		0.00	0.00	0.00	0.00	
PRINT MAIL COMMUNICATIONS	0.00	0.00	3,000.00	0.00	0.00	0.00	3,000.00	0.00
0100-5-122-000-53880	6,850.00	0.00		0.00	0.00	0.00	0.00	
MISC. CONTRACTED SERVICES	0.00	0.00	6,850.00	0.00	0.00	0.00	6,850.00	0.00
0100-5-122-000-54210	4,000.00	0.00		0.00	0.00	-1,633.50	0.00	
PHOTOCOPY SUPPLIES	0.00	0.00	4,000.00	0.00	0.00	-1,633.50	2,366.50	40.84
0100-5-122-000-54220	1,000.00	0.00		0.00	0.00	-161.03	0.00	
OTHER OFFICE SUPPLIES	0.00	0.00	1,000.00	0.00	0.00	-161.03	838.97	16.10
0100-5-122-000-54900	1,000.00	0.00		0.00	0.00	0.00	0.00	
FOOD AND FOOD SERVICE SUPPLIES	0.00	0.00	1,000.00	0.00	0.00	0.00	1,000.00	0.00
0100-5-122-000-55470	0.00	0.00		0.00	0.00	-4.32	0.00	
MISCELLANEOUS-OTHER CHARGES EXPE	0.00	0.00	0.00	0.00	0.00	-4.32	-4.32	0.00
0100-5-122-000-57100	6,340.00	0.00		0.00	0.00	0.00	0.00	
IN-STATE TRAVEL	0.00	0.00	6,340.00	0.00	0.00	0.00	6,340.00	0.00

Group as: ****-*-111-***-*****

Parameters: Fiscal Year: 2021 Start Date: 7/1/2020 end: 09/30/2020

Ledger History - Variance - with PO - Expenditure Ledger

Account Number	Budget Encumbered	Transfer: This Period To Date	Allocated	Journal Entry: This Period To Date	Receipt: This Period To Date	Payment: This Period To Date	PO Enc Ending	% Var.
0100-5-122-000-57200	1,550.00	0.00		0.00	0.00	0.00	0.00	
OUT-OF-STATE TRAVEL	0.00	0.00	1,550.00	0.00	0.00	0.00	1,550.00	0.00
0100-5-122-000-57300	4,813.00	0.00		0.00	0.00	-3,835.10	0.00	
DUES	0.00	0.00	4,813.00	0.00	0.00	-3,835.10	977.90	79.68
Total Group 1: Segment 3: Department	**452,290.00**	**0.00**		**0.00**	**0.00**	**-106,201.75**	**0.00**	
Code: 122 - BOARD OF SELECTMEN	**0.00**	**0.00**	**452,290.00**	**0.00**	**0.00**	**-106,201.75**	**346,088.25**	**23.48**

Group as: ****-*-111-***-*****

Parameters: Fiscal Year: 2021 Start Date: 7/1/2020 end: 09/30/2020

Ledger History - Variance - with PO - Expenditure Ledger

Account Number	Budget Encumbered	Transfer: This Period To Date	Allocated	Journal Entry: This Period To Date	Receipt: This Period To Date	Payment: This Period To Date	PO Enc Ending	% Var.
0100-5-131-000-53880	1,450.00	0.00		0.00	0.00	0.00	0.00	
MISC. CONTRACTED SERVICES	0.00	0.00	1,450.00	0.00	0.00	0.00	1,450.00	0.00
0100-5-131-000-54210	50.00	0.00		0.00	0.00	0.00	0.00	
PHOTOCOPYING OFFICE SUPPLIES	0.00	0.00	50.00	0.00	0.00	0.00	50.00	0.00
0100-5-131-000-57300	1,000.00	0.00		0.00	0.00	-180.00	0.00	
DUES	0.00	0.00	1,000.00	0.00	0.00	-180.00	820.00	18.00
Total Group 1: Segment 3: Department	**2,500.00**	**0.00**		**0.00**	**0.00**	**-180.00**	**0.00**	
Code: 131 - ADVISORY	**0.00**	**0.00**	**2,500.00**	**0.00**	**0.00**	**-180.00**	**2,320.00**	**7.20**

Group as: ****-*-111-***-*****

Parameters: Fiscal Year: 2021 Start Date: 7/1/2020 end: 09/30/2020

Ledger History - Variance - with PO - Expenditure Ledger

Account Number	Budget Encumbered	Transfer: This Period To Date	Allocated	Journal Entry: This Period To Date	Receipt: This Period To Date	Payment: This Period To Date	PO Enc Ending	% Var.
0100-5-132-000-57840	180,000.00	0.00		0.00	0.00	0.00	0.00	
RESERVE FUND APPROP.	0.00	0.00	180,000.00	0.00	0.00	0.00	180,000.00	0.00
Total Group 1: Segment 3: Department	**180,000.00**	**0.00**		**0.00**	**0.00**	**0.00**	**0.00**	
Code: 132 - RESERVE FUND	**0.00**	**0.00**	**180,000.00**	**0.00**	**0.00**	**0.00**	**180,000.00**	**0.00**

Group as: ****-*-111-***-*****

Parameters: Fiscal Year: 2021 Start Date: 7/1/2020 end: 09/30/2020

Ledger History - Variance - with PO - Expenditure Ledger

Account Number	Budget	Transfer: This Period		Journal Entry: This Period	Receipt: This Period	Payment: This Period	PO Enc	
	Encumbered	To Date	Allocated	To Date	To Date	To Date	Ending	% Var.
0100-5-135-000-51100	168,055.00	0.00		0.00	0.00	-42,417.36	0.00	
SALARIES FULL-TIME	0.00	0.00	168,055.00	0.00	0.00	-42,417.36	125,637.64	25.24
0100-5-135-000-51450	700.00	0.00		0.00	0.00	-700.00	0.00	
LONGEVITY	0.00	0.00	700.00	0.00	0.00	-700.00	0.00	100.00
0100-5-135-000-53070	780.00	0.00		0.00	0.00	0.00	0.00	
EMPLOYEE TRAINING PROF. TECH.	0.00	0.00	780.00	0.00	0.00	0.00	780.00	0.00
0100-5-135-000-53880	0.00	0.00		0.00	0.00	-66.25	0.00	
CONTRACTED SERVICE OTHER SERV.	0.00	0.00	0.00	0.00	0.00	-66.25	-66.25	0.00
0100-5-135-000-54220	450.00	0.00		0.00	0.00	-131.05	0.00	
OTHER OFFICE SUPPLIES	0.00	0.00	450.00	0.00	0.00	-131.05	318.95	29.12
0100-5-135-000-57100	540.00	0.00		0.00	0.00	0.00	0.00	
IN-STATE TRAVEL	0.00	0.00	540.00	0.00	0.00	0.00	540.00	0.00
0100-5-135-000-57300	110.00	0.00		0.00	0.00	-140.00	0.00	
DUES	0.00	0.00	110.00	0.00	0.00	-140.00	-30.00	127.27
Total Group 1: Segment 3: Department	**170,635.00**	**0.00**		**0.00**	**0.00**	**-43,454.66**	**0.00**	
Code: 135 - TOWN ACCOUNTANT	**0.00**	**0.00**	**170,635.00**	**0.00**	**0.00**	**-43,454.66**	**127,180.34**	**25.47**

Group as: ****-*-111-***-*****

Parameters: Fiscal Year: 2021 Start Date: 7/1/2020 end: 09/30/2020

Ledger History - Variance - with PO - Expenditure Ledger

Account Number	Budget Encumbered	Transfer: This Period To Date	Allocated	Journal Entry: This Period To Date	Receipt: This Period To Date	Payment: This Period To Date	PO Enc Ending	% Var.
0100-5-136-000-53080	28,010.00	0.00		0.00	0.00	-210.00	0.00	
AUDITING PROF. TECH.	0.00	0.00	28,010.00	0.00	0.00	-210.00	27,800.00	0.75
Total Group 1: Segment 3: Department	**28,010.00**	**0.00**		**0.00**	**0.00**	**-210.00**	**0.00**	
Code: 136 - AUDIT	**0.00**	**0.00**	**28,010.00**	**0.00**	**0.00**	**-210.00**	**27,800.00**	**0.75**

Group as: ****-*-111-***-*****

Parameters: Fiscal Year: 2021 Start Date: 7/1/2020 end: 09/30/2020

Ledger History - Variance - with PO - Expenditure Ledger

Account Number	Budget Encumbered	Transfer: This Period To Date	Allocated	Journal Entry: This Period To Date	Receipt: This Period To Date	Payment: This Period To Date	PO Enc Ending	% Var.
0100-5-140-000-51110	2,250.00	0.00		0.00	0.00	0.00	0.00	
SALARIES PART-TIME	0.00	0.00	2,250.00	0.00	0.00	0.00	2,250.00	0.00
Total Group 1: Segment 3: Department	**2,250.00**	**0.00**		**0.00**	**0.00**	**0.00**	**0.00**	
Code: 140 - ELECTED BOARD OF	**0.00**	**0.00**	**2,250.00**	**0.00**	**0.00**	**0.00**	**2,250.00**	**0.00**

Group as: ****-*-111-***-*****

Parameters: Fiscal Year: 2021 Start Date: 7/1/2020 end: 09/30/2020

Ledger History - Variance - with PO - Expenditure Ledger

Account Number	Budget	Transfer: This Period		Journal Entry: This Period	Receipt: This Period	Payment: This Period	PO Enc	
	Encumbered	To Date	Allocated	To Date	To Date	To Date	Ending	% Var.
0100-5-141-000-51100	179,754.00	0.00		0.00	0.00	-42,002.16	0.00	
SALARIES FULL-TIME	0.00	0.00	179,754.00	0.00	0.00	-42,002.16	137,751.84	23.37
0100-5-141-000-51450	1,010.00	0.00		0.00	0.00	0.00	0.00	
LONGEVITY	0.00	0.00	1,010.00	0.00	0.00	0.00	1,010.00	0.00
0100-5-141-000-52540	7,125.00	0.00		0.00	0.00	-5,400.00	0.00	
COMPUTER SOFTWARE SERVICE AND SU	0.00	0.00	7,125.00	0.00	0.00	-5,400.00	1,725.00	75.79
0100-5-141-000-53020	37,000.00	0.00		0.00	0.00	-24,700.00	0.00	
MANAGEMENT CONSULT. PROF. TECH.	0.00	0.00	37,000.00	0.00	0.00	-24,700.00	12,300.00	66.76
0100-5-141-000-53070	2,100.00	0.00		0.00	0.00	-945.00	0.00	
EMPLOYEE TRAINING PROF. TECH.	0.00	0.00	2,100.00	0.00	0.00	-945.00	1,155.00	45.00
0100-5-141-000-53860	150.00	0.00		0.00	0.00	-4.00	0.00	
DEEDS OTHER SERVICES	0.00	0.00	150.00	0.00	0.00	-4.00	146.00	2.67
0100-5-141-000-54220	1,000.00	0.00		0.00	0.00	-42.95	0.00	
OTHER OFFICE SUPPLIES	0.00	0.00	1,000.00	0.00	0.00	-42.95	957.05	4.30
0100-5-141-000-55930	3,630.00	0.00		0.00	0.00	-782.20	0.00	
OTHER SUPPLIES-ASSESSORS	0.00	0.00	3,630.00	0.00	0.00	-782.20	2,847.80	21.55
0100-5-141-000-57100	3,300.00	0.00		0.00	0.00	-120.76	0.00	
IN-STATE TRAVEL	0.00	0.00	3,300.00	0.00	0.00	-120.76	3,179.24	3.66
0100-5-141-000-57300	740.00	0.00		0.00	0.00	-250.00	0.00	
DUES	0.00	0.00	740.00	0.00	0.00	-250.00	490.00	33.78
Total Group 1: Segment 3: Department	**235,809.00**	**0.00**		**0.00**	**0.00**	**-74,247.07**	**0.00**	
Code: 141 - ASSESSORS	**0.00**	**0.00**	**235,809.00**	**0.00**	**0.00**	**-74,247.07**	**161,561.93**	**31.49**

Group as: ****-*-111-***-*****

Parameters: Fiscal Year: 2021 Start Date: 7/1/2020 end: 09/30/2020

Ledger History - Variance - with PO - Expenditure Ledger

Account Number	Budget	Transfer: This Period		Journal Entry: This Period	Receipt: This Period	Payment: This Period	PO Enc	
	Encumbered	To Date	Allocated	To Date	To Date	To Date	Ending	% Var.
0100-5-145-000-51100	216,494.00	0.00		0.00	0.00	-50,613.59	0.00	
SALARIES FULL-TIME	0.00	0.00	216,494.00	0.00	0.00	-50,613.59	165,880.41	23.38
0100-5-145-000-51450	1,100.00	0.00		0.00	0.00	-400.00	0.00	
LONGEVITY	0.00	0.00	1,100.00	0.00	0.00	-400.00	700.00	36.36
0100-5-145-000-51460	3,108.00	0.00		0.00	0.00	-3,094.50	0.00	
DEFERRED COMPENSATION	0.00	0.00	3,108.00	0.00	0.00	-3,094.50	13.50	99.57
0100-5-145-000-53070	550.00	0.00		0.00	0.00	0.00	0.00	
EMPLOYEE TRAINING PROF. TECH.	0.00	0.00	550.00	0.00	0.00	0.00	550.00	0.00
0100-5-145-000-53880	5,169.00	0.00		0.00	0.00	-301.29	0.00	
CONTRACTED SERV. OTHER SERVICES	0.00	0.00	5,169.00	0.00	0.00	-301.29	4,867.71	5.83
0100-5-145-000-54220	525.00	0.00		0.00	0.00	-32.26	0.00	
OTHER OFFICE SUPPLIES	0.00	0.00	525.00	0.00	0.00	-32.26	492.74	6.14
0100-5-145-000-57100	350.00	0.00		0.00	0.00	0.00	0.00	
IN-STATE TRAVEL	0.00	0.00	350.00	0.00	0.00	0.00	350.00	0.00
0100-5-145-000-57300	350.00	0.00		0.00	0.00	-140.00	0.00	
DUES	0.00	0.00	350.00	0.00	0.00	-140.00	210.00	40.00
0100-5-145-000-57800	1,950.00	0.00		0.00	0.00	-1,110.00	0.00	
BONDS	0.00	0.00	1,950.00	0.00	0.00	-1,110.00	840.00	56.92
Total Group 1: Segment 3: Department	**229,596.00**	**0.00**		**0.00**	**0.00**	**-55,691.64**	**0.00**	
Code: 145 - TREASURERCOLLECTOR	**0.00**	**0.00**	**229,596.00**	**0.00**	**0.00**	**-55,691.64**	**173,904.36**	**24.26**

Group as: ****-*-111-***-*****

Parameters: Fiscal Year: 2021 Start Date: 7/1/2020 end: 09/30/2020

Ledger History - Variance - with PO - Expenditure Ledger

Account Number	Budget Encumbered	Transfer: This Period To Date	Allocated	Journal Entry: This Period To Date	Receipt: This Period To Date	Payment: This Period To Date	PO Enc Ending	% Var.
0100-5-151-000-53090	95,000.00	0.00		0.00	0.00	-15,954.33	-75,750.00	
LEGAL SERVICES PROF TECH.	0.00	0.00	95,000.00	0.00	0.00	-15,954.33	3,295.67	96.53
Total Group 1: Segment 3: Department	**95,000.00**	**0.00**		**0.00**	**0.00**	**-15,954.33**	**-75,750.00**	
Code: 151 - LEGAL SERVICES	**0.00**	**0.00**	**95,000.00**	**0.00**	**0.00**	**-15,954.33**	**3,295.67**	**96.53**

Group as: ****-*-111-***-*****

Parameters: Fiscal Year: 2021 Start Date: 7/1/2020 end: 09/30/2020

Ledger History - Variance - with PO - Expenditure Ledger

Account Number	Budget Encumbered	Transfer: This Period To Date	Allocated	Journal Entry: This Period To Date	Receipt: This Period To Date	Payment: This Period To Date	PO Enc Ending	% Var.
0100-5-152-000-51900	5,000.00	0.00		0.00	0.00	0.00	0.00	
TUITION REIMBURSEMENT	0.00	0.00	5,000.00	0.00	0.00	0.00	5,000.00	0.00
0100-5-152-000-53020	13,000.00	0.00		0.00	0.00	-3,499.00	0.00	
MANAGEMENT CONSULT. PROF.TECH.	0.00	0.00	13,000.00	0.00	0.00	-3,499.00	9,501.00	26.92
0100-5-152-000-53070	3,200.00	0.00		0.00	0.00	0.00	0.00	
EMPLOYEE DEVELOPMENT	0.00	0.00	3,200.00	0.00	0.00	0.00	3,200.00	0.00
0100-5-152-000-54220	500.00	0.00		0.00	0.00	0.00	0.00	
OTHER OFFICE SUPPLIES	0.00	0.00	500.00	0.00	0.00	0.00	500.00	0.00
Total Group 1: Segment 3: Department	**21,700.00**	**0.00**		**0.00**	**0.00**	**-3,499.00**	**0.00**	
Code: 152 - PERSONNEL BOARD	**0.00**	**0.00**	**21,700.00**	**0.00**	**0.00**	**-3,499.00**	**18,201.00**	**16.12**

Group as: ****-*-111-***-*****

Parameters: Fiscal Year: 2021 Start Date: 7/1/2020 end: 09/30/2020

Ledger History - Variance - with PO - Expenditure Ledger

Account Number	Budget Encumbered	Transfer: This Period To Date	Allocated	Journal Entry: This Period To Date	Receipt: This Period To Date	Payment: This Period To Date	PO Enc Ending	% Var.
0100-5-153-000-53090	50,000.00	0.00		0.00	0.00	-3,890.00	0.00	
LEGAL PROF. TECH.	0.00	0.00	50,000.00	0.00	0.00	-3,890.00	46,110.00	7.78
Total Group 1: Segment 3: Department	**50,000.00**	**0.00**		**0.00**	**0.00**	**-3,890.00**	**0.00**	
Code: 153 - SPECIAL LEGAL COUNSEL	**0.00**	**0.00**	**50,000.00**	**0.00**	**0.00**	**-3,890.00**	**46,110.00**	**7.78**

Group as: ****-*-111-***-*****

Parameters: Fiscal Year: 2021 Start Date: 7/1/2020 end: 09/30/2020

Ledger History - Variance - with PO - Expenditure Ledger

Account Number	Budget Encumbered	Transfer: This Period To Date	Allocated	Journal Entry: This Period To Date	Receipt: This Period To Date	Payment: This Period To Date	PO Enc Ending	% Var.
0100-5-154-000-53880	1,000.00	0.00		0.00	0.00	-384.00	0.00	
CONTRACTED SERVICES	0.00	0.00	1,000.00	0.00	0.00	-384.00	616.00	38.40
Total Group 1: Segment 3: Department	**1,000.00**	**0.00**		**0.00**	**0.00**	**-384.00**	**0.00**	
Code: 154 - MUNICIPAL TECHNOLOGY	**0.00**	**0.00**	**1,000.00**	**0.00**	**0.00**	**-384.00**	**616.00**	**38.40**

Group as: ****-*-111-***-*****

Parameters: Fiscal Year: 2021 Start Date: 7/1/2020 end: 09/30/2020

Ledger History - Variance - with PO - Expenditure Ledger

Account Number	Budget	Transfer: This Period		Journal Entry: This Period	Receipt: This Period	Payment: This Period	PO Enc	
	Encumbered	To Date	Allocated	To Date	To Date	To Date	Ending	% Var.
0100-5-155-020-52540	7,900.00	0.00		0.00	0.00	-7,500.00	0.00	
COMPUTER EQUIP. REPAIR MAINT.	0.00	0.00	7,900.00	0.00	0.00	-7,500.00	400.00	94.94
0100-5-155-020-53070	1,000.00	0.00		0.00	0.00	0.00	0.00	
EMPLOYEE TRAINING PROF. TECH.	0.00	0.00	1,000.00	0.00	0.00	0.00	1,000.00	0.00
0100-5-155-020-53880	5,000.00	0.00		0.00	0.00	0.00	0.00	
CONTRACTED SERV. OTHER SERVICES	0.00	0.00	5,000.00	0.00	0.00	0.00	5,000.00	0.00
0100-5-155-021-51100	102,462.00	0.00		0.00	0.00	-23,545.70	0.00	
SALARIES FULL-TIME	0.00	0.00	102,462.00	0.00	0.00	-23,545.70	78,916.30	22.98
0100-5-155-021-51110	26,283.00	0.00		0.00	0.00	0.00	0.00	
SALARIES PART-TIME	0.00	0.00	26,283.00	0.00	0.00	0.00	26,283.00	0.00
0100-5-155-021-52540	124,708.00	0.00		168.04	0.00	-95,018.36	0.00	
COMPUTER EQUIP. REPAIR MAINT.	0.00	0.00	124,708.00	168.04	0.00	-95,018.36	29,857.68	76.06
0100-5-155-021-53070	1,000.00	0.00		0.00	0.00	0.00	0.00	
EMPLOYEE TRAINING PROF. TECH	0.00	0.00	1,000.00	0.00	0.00	0.00	1,000.00	0.00
0100-5-155-021-53430	3,420.00	0.00		0.00	0.00	-922.20	0.00	
DATA COMMUNICATIONS	0.00	0.00	3,420.00	0.00	0.00	-922.20	2,497.80	26.96
0100-5-155-021-53880	27,846.00	0.00		0.00	0.00	-12,597.47	0.00	
CONTRACTED SERVICES OTHER SERVICE	0.00	0.00	27,846.00	0.00	0.00	-12,597.47	15,248.53	45.24
0100-5-155-021-55840	9,000.00	0.00		0.00	0.00	-3,558.33	0.00	
COMPUTER SUPPLIES	0.00	0.00	9,000.00	0.00	0.00	-3,558.33	5,441.67	39.54
0100-5-155-021-57100	600.00	0.00		0.00	0.00	0.00	0.00	
IN-STATE TRAVEL	0.00	0.00	600.00	0.00	0.00	0.00	600.00	0.00
0100-5-155-021-58700	40,000.00	0.00		0.00	0.00	-28,867.44	-285.30	
REPLACEMENT EQUIPMENT	0.00	0.00	40,000.00	0.00	0.00	-28,867.44	10,847.26	72.88
Total Group 1: Segment 3: Department	**349,219.00**	**0.00**		**168.04**	**0.00**	**-172,009.50**	**-285.30**	
Code: 155 - MANAGEMENT INFORMATION	**0.00**	**0.00**	**349,219.00**	**168.04**	**0.00**	**-172,009.50**	**177,092.24**	**49.29**

Group as: ****-*-111-***-*****

Parameters: Fiscal Year: 2021 Start Date: 7/1/2020 end: 09/30/2020

Ledger History - Variance - with PO - Expenditure Ledger

Account Number	Budget	Transfer: This Period		Journal Entry: This Period	Receipt: This Period	Payment: This Period	PO Enc	
	Encumbered	To Date	Allocated	To Date	To Date	To Date	Ending	% Var.
0100-5-159-000-52100	294,001.00	0.00		0.00	0.00	0.00	0.00	
ELECTRICITY	0.00	0.00	294,001.00	0.00	0.00	0.00	294,001.00	0.00
0100-5-159-000-52110	57,225.00	0.00		0.00	0.00	0.00	0.00	
HEAT	0.00	0.00	57,225.00	0.00	0.00	0.00	57,225.00	0.00
0100-5-159-000-53410	27,800.00	0.00		0.00	0.00	-3,995.95	0.00	
TELEPHONE COMMUNICATIONS	0.00	0.00	27,800.00	0.00	0.00	-3,995.95	23,804.05	14.37
0100-5-159-000-53430	20,974.00	0.00		0.00	0.00	-5,636.54	0.00	
WIRELESS PHONE COMMUNICATIONS	0.00	0.00	20,974.00	0.00	0.00	-5,636.54	15,337.46	26.87
0100-5-159-001-52100	0.00	0.00		0.00	0.00	-4,596.71	0.00	
TOWN HOUSE-ELECTRICITY	0.00	0.00	0.00	0.00	0.00	-4,596.71	-4,596.71	0.00
0100-5-159-001-52110	0.00	0.00		0.00	0.00	-57.00	0.00	
TOWN HOUSE-HEAT	0.00	0.00	0.00	0.00	0.00	-57.00	-57.00	0.00
0100-5-159-002-52100	0.00	0.00		0.00	0.00	-331.17	0.00	
HISTORICAL BLDG-ELECTRICITY	0.00	0.00	0.00	0.00	0.00	-331.17	-331.17	0.00
0100-5-159-002-52110	0.00	0.00		0.00	0.00	-93.09	0.00	
HISTORICAL BLDG-HEAT	0.00	0.00	0.00	0.00	0.00	-93.09	-93.09	0.00
0100-5-159-003-52100	0.00	0.00		0.00	0.00	-5,641.56	0.00	
LIBRARY-ELECTRICITY	0.00	0.00	0.00	0.00	0.00	-5,641.56	-5,641.56	0.00
0100-5-159-003-52110	0.00	0.00		0.00	0.00	-57.00	0.00	
LIBRARY-HEAT	0.00	0.00	0.00	0.00	0.00	-57.00	-57.00	0.00
0100-5-159-004-52100	0.00	0.00		0.00	0.00	-26,735.51	0.00	
FIRE-ELECTRICITY	0.00	0.00	0.00	0.00	0.00	-26,735.51	-26,735.51	0.00
0100-5-159-004-52110	0.00	0.00		0.00	0.00	-526.78	0.00	
FIRE-HEAT	0.00	0.00	0.00	0.00	0.00	-526.78	-526.78	0.00
0100-5-159-006-52100	0.00	0.00		0.00	0.00	-45,243.20	0.00	
DPW-ELECTRICITY	0.00	0.00	0.00	0.00	0.00	-45,243.20	-45,243.20	0.00
0100-5-159-006-52110	0.00	0.00		0.00	0.00	-307.62	0.00	
DPW-HEAT	0.00	0.00	0.00	0.00	0.00	-307.62	-307.62	0.00
0100-5-159-011-52100	0.00	0.00		0.00	0.00	-1,568.26	0.00	
CORDAVILLE-ELECTRICITY	0.00	0.00	0.00	0.00	0.00	-1,568.26	-1,568.26	0.00
0100-5-159-011-52110	0.00	0.00		0.00	0.00	-322.48	0.00	
CORDAVILLE-HEAT	0.00	0.00	0.00	0.00	0.00	-322.48	-322.48	0.00
0100-5-159-012-52100	0.00	0.00		0.00	0.00	-1,497.63	0.00	
CULTURAL ARTS-ELECTRICITY	0.00	0.00	0.00	0.00	0.00	-1,497.63	-1,497.63	0.00
Total Group 1: Segment 3: Department	**400,000.00**	**0.00**		**0.00**	**0.00**	**-96,610.50**	**0.00**	

Group as: ****-*-111-***-*****

Parameters: Fiscal Year: 2021 Start Date: 7/1/2020 end: 09/30/2020

Ledger History - Variance - with PO - Expenditure Ledger

Account Number	Budget Encumbered	Transfer: This Period To Date	Allocated	Journal Entry: This Period To Date	Receipt: This Period To Date	Payment: This Period To Date	PO Enc Ending	% Var.
Code: 159 - OTHER OPERATION SUPPORT	**0.00**	**0.00**	**400,000.00**	**0.00**	**0.00**	**-96,610.50**	**303,389.50**	**24.15**

Group as: ****-*-111-***-*****

Parameters: Fiscal Year: 2021 Start Date: 7/1/2020 end: 09/30/2020

Ledger History - Variance - with PO - Expenditure Ledger

Account Number	Budget Encumbered	Transfer: This Period To Date	Allocated	Journal Entry: This Period To Date	Receipt: This Period To Date	Payment: This Period To Date	PO Enc Ending	% Var.
0100-5-160-000-51110	87,695.00	0.00		0.00	0.00	-21,923.76	0.00	
SALARIES PART-TIME	0.00	0.00	87,695.00	0.00	0.00	-21,923.76	65,771.24	25.00
Total Group 1: Segment 3: Department	**87,695.00**	**0.00**		**0.00**	**0.00**	**-21,923.76**	**0.00**	
Code: 160 - ELECTED TOWN CLERK	**0.00**	**0.00**	**87,695.00**	**0.00**	**0.00**	**-21,923.76**	**65,771.24**	**25.00**

Group as: ****-*-111-***-*****

Parameters: Fiscal Year: 2021 Start Date: 7/1/2020 end: 09/30/2020

Ledger History - Variance - with PO - Expenditure Ledger

Account Number	Budget	Transfer: This Period		Journal Entry: This Period	Receipt: This Period	Payment: This Period	PO Enc	
	Encumbered	To Date	Allocated	To Date	To Date	To Date	Ending	% Var.
0100-5-161-000-51100	88,984.00	0.00		0.00	0.00	-21,969.80	0.00	
SALARIES FULL-TIME	0.00	0.00	88,984.00	0.00	0.00	-21,969.80	67,014.20	24.69
0100-5-161-000-51200	37,599.00	0.00		-729.76	0.00	-13,075.95	0.00	
TEMPORARY POSITIONS	0.00	0.00	37,599.00	-729.76	0.00	-13,075.95	23,793.29	36.72
0100-5-161-000-51300	4,663.00	0.00		0.00	0.00	-4,059.40	0.00	
SALARIES OVERTIME	0.00	0.00	4,663.00	0.00	0.00	-4,059.40	603.60	87.06
0100-5-161-000-52460	600.00	0.00		0.00	0.00	0.00	0.00	
OFFICE EQUIPMENT REPAIR MAINT.	0.00	0.00	600.00	0.00	0.00	0.00	600.00	0.00
0100-5-161-000-53070	3,225.00	0.00		0.00	0.00	-1,135.00	0.00	
EMPLOYEE TRAINING PROF. TECH.	0.00	0.00	3,225.00	0.00	0.00	-1,135.00	2,090.00	35.19
0100-5-161-000-53440	6,500.00	0.00		0.00	0.00	0.00	0.00	
PRINT MAIL COMMUNICATIONS	0.00	0.00	6,500.00	0.00	0.00	0.00	6,500.00	0.00
0100-5-161-000-53880	14,225.00	0.00		0.00	0.00	-1,408.20	0.00	
CONTRACTED SERV. OTHER SERVICES	0.00	0.00	14,225.00	0.00	0.00	-1,408.20	12,816.80	9.90
0100-5-161-000-54220	18,150.00	0.00		-0.30	0.00	-7,350.35	0.00	
OTHER OFFICE SUPPLIES	0.00	0.00	18,150.00	-0.30	0.00	-7,350.35	10,799.35	40.50
0100-5-161-000-54900	1,841.00	0.00		0.00	0.00	-1,699.85	0.00	
FOOD FOOD SERVICE SUPPLIES	0.00	0.00	1,841.00	0.00	0.00	-1,699.85	141.15	92.33
0100-5-161-000-55880	200.00	0.00		0.00	0.00	-1,150.41	0.00	
OTHER SUPPLIES-DOG TAGS	0.00	0.00	200.00	0.00	0.00	-1,150.41	-950.41	575.21
0100-5-161-000-57100	2,761.00	0.00		0.00	0.00	0.00	0.00	
IN-STATE TRAVEL	0.00	0.00	2,761.00	0.00	0.00	0.00	2,761.00	0.00
0100-5-161-000-57300	165.00	0.00		0.00	0.00	-150.00	0.00	
DUES	0.00	0.00	165.00	0.00	0.00	-150.00	15.00	90.91
0100-5-161-000-57400	600.00	0.00		0.00	0.00	0.00	0.00	
INSURANCE PREMIUMS	0.00	0.00	600.00	0.00	0.00	0.00	600.00	0.00
Total Group 1: Segment 3: Department	**179,513.00**	**0.00**		**-730.06**	**0.00**	**-51,998.96**	**0.00**	
Code: 161 - TOWN CLERK	**0.00**	**0.00**	**179,513.00**	**-730.06**	**0.00**	**-51,998.96**	**126,783.98**	**29.37**

Group as: ****-*-111-***-*****

Parameters: Fiscal Year: 2021 Start Date: 7/1/2020 end: 09/30/2020

Ledger History - Variance - with PO - Expenditure Ledger

Account Number	Budget	Transfer: This Period		Journal Entry: This Period	Receipt: This Period	Payment: This Period	PO Enc	
	Encumbered	To Date	Allocated	To Date	To Date	To Date	Ending	% Var.
0100-5-171-000-51100	70,252.00	0.00		0.00	0.00	-16,447.79	0.00	
SALARIES FULL-TIME	0.00	0.00	70,252.00	0.00	0.00	-16,447.79	53,804.21	23.41
0100-5-171-000-53070	800.00	0.00		0.00	0.00	0.00	0.00	
EMPLOYEE TRAINING PROF. TECH.	0.00	0.00	800.00	0.00	0.00	0.00	800.00	0.00
0100-5-171-000-53100	150.00	0.00		0.00	0.00	0.00	0.00	
ADVERTISING PROF. TECH.	0.00	0.00	150.00	0.00	0.00	0.00	150.00	0.00
0100-5-171-000-53840	25,000.00	0.00		0.00	0.00	-4,694.45	-846.31	
CONSERV. PROPERTIES ACCESS. MAINT.	0.00	0.00	25,000.00	0.00	0.00	-4,694.45	19,459.24	22.16
0100-5-171-000-53880	3,110.00	0.00		0.00	0.00	0.00	0.00	
CONTRACTED SERVICES	0.00	0.00	3,110.00	0.00	0.00	0.00	3,110.00	0.00
0100-5-171-000-54220	700.00	0.00		0.00	0.00	-67.77	0.00	
OTHER OFFICE SUPPLIES	0.00	0.00	700.00	0.00	0.00	-67.77	632.23	9.68
0100-5-171-000-57100	500.00	0.00		0.00	0.00	0.00	0.00	
IN-STATE TRAVEL	0.00	0.00	500.00	0.00	0.00	0.00	500.00	0.00
0100-5-171-000-57300	900.00	0.00		0.00	0.00	-777.00	0.00	
DUES	0.00	0.00	900.00	0.00	0.00	-777.00	123.00	86.33
0100-5-171-000-57850	75.00	0.00		0.00	0.00	0.00	0.00	
RECORDING INSTRUMENTS	0.00	0.00	75.00	0.00	0.00	0.00	75.00	0.00
Total Group 1: Segment 3: Department	**101,487.00**	**0.00**		**0.00**	**0.00**	**-21,987.01**	**-846.31**	
Code: 171 - CONSERVATION COMMISSION	**0.00**	**0.00**	**101,487.00**	**0.00**	**0.00**	**-21,987.01**	**78,653.68**	**22.50**

Group as: ****-*-111-***-*****

Parameters: Fiscal Year: 2021 Start Date: 7/1/2020 end: 09/30/2020

Ledger History - Variance - with PO - Expenditure Ledger

Account Number	Budget	Transfer: This Period		Journal Entry: This Period	Receipt: This Period	Payment: This Period	PO Enc	
	Encumbered	To Date	Allocated	To Date	To Date	To Date	Ending	% Var.
0100-5-175-000-51100	143,668.00	0.00		0.00	0.00	-33,039.64	0.00	
SALARIES FULL-TIME	0.00	0.00	143,668.00	0.00	0.00	-33,039.64	110,628.36	23.00
0100-5-175-000-53070	3,200.00	0.00		0.00	0.00	0.00	0.00	
EMPLOYEE TRAINING PROF. TECH.	0.00	0.00	3,200.00	0.00	0.00	0.00	3,200.00	0.00
0100-5-175-000-53100	1,000.00	0.00		0.00	0.00	0.00	0.00	
ADVERTISING PROF. TECH.	0.00	0.00	1,000.00	0.00	0.00	0.00	1,000.00	0.00
0100-5-175-000-53880	17,400.00	0.00		0.00	0.00	-600.00	0.00	
MISC. CONTRACTED SERVICES	0.00	0.00	17,400.00	0.00	0.00	-600.00	16,800.00	3.45
0100-5-175-000-54200	200.00	0.00		0.00	0.00	0.00	0.00	
STATIONERY OFFICE SUPPLIES	0.00	0.00	200.00	0.00	0.00	0.00	200.00	0.00
0100-5-175-000-54220	1,000.00	0.00		0.00	0.00	0.00	0.00	
OTHER OFFICE SUPPLIES	0.00	0.00	1,000.00	0.00	0.00	0.00	1,000.00	0.00
0100-5-175-000-57100	700.00	0.00		0.00	0.00	0.00	0.00	
IN-STATE TRAVEL	0.00	0.00	700.00	0.00	0.00	0.00	700.00	0.00
0100-5-175-000-57200	150.00	0.00		0.00	0.00	0.00	0.00	
OUT-OF-STATE TRAVEL	0.00	0.00	150.00	0.00	0.00	0.00	150.00	0.00
0100-5-175-000-57300	4,070.00	0.00		0.00	0.00	-242.00	0.00	
DUES	0.00	0.00	4,070.00	0.00	0.00	-242.00	3,828.00	5.95
Total Group 1: Segment 3: Department	**171,388.00**	**0.00**		**0.00**	**0.00**	**-33,881.64**	**0.00**	
Code: 175 - PLANNING BOARD	**0.00**	**0.00**	**171,388.00**	**0.00**	**0.00**	**-33,881.64**	**137,506.36**	**19.77**

Group as: ****-*-111-***-*****

Parameters: Fiscal Year: 2021 Start Date: 7/1/2020 end: 09/30/2020

Ledger History - Variance - with PO - Expenditure Ledger

Account Number	Budget Encumbered	Transfer: This Period To Date	Allocated	Journal Entry: This Period To Date	Receipt: This Period To Date	Payment: This Period To Date	PO Enc Ending	% Var.
0100-5-176-000-51100	22,854.00	0.00		0.00	0.00	-5,286.94	0.00	
SALARIES FULL-TIME	0.00	0.00	22,854.00	0.00	0.00	-5,286.94	17,567.06	23.13
0100-5-176-000-53070	250.00	0.00		0.00	0.00	0.00	0.00	
EMPL. TRAINING PROF TECH	0.00	0.00	250.00	0.00	0.00	0.00	250.00	0.00
0100-5-176-000-53100	150.00	0.00		0.00	0.00	0.00	0.00	
ADVERTISING PROF. TECH.	0.00	0.00	150.00	0.00	0.00	0.00	150.00	0.00
0100-5-176-000-53880	2,500.00	0.00		0.00	0.00	0.00	0.00	
CONTRACTED SERV. OTHER SERVICES	0.00	0.00	2,500.00	0.00	0.00	0.00	2,500.00	0.00
0100-5-176-000-54220	300.00	0.00		0.00	0.00	0.00	0.00	
OTHER OFFICE SUPPLIES	0.00	0.00	300.00	0.00	0.00	0.00	300.00	0.00
Total Group 1: Segment 3: Department	**26,054.00**	**0.00**		**0.00**	**0.00**	**-5,286.94**	**0.00**	
Code: 176 - ZONING BOARD OF APPEALS	**0.00**	**0.00**	**26,054.00**	**0.00**	**0.00**	**-5,286.94**	**20,767.06**	**20.29**

Group as: ****-*-111-***-*****

Parameters: Fiscal Year: 2021 Start Date: 7/1/2020 end: 09/30/2020

Ledger History - Variance - with PO - Expenditure Ledger

Account Number	Budget Encumbered	Transfer: This Period To Date	Allocated	Journal Entry: This Period To Date	Receipt: This Period To Date	Payment: This Period To Date	PO Enc Ending	% Var.
0100-5-177-000-53070	750.00	0.00		0.00	0.00	0.00	0.00	
EMPLOYEE TRAINING PROF. TECH.	0.00	0.00	750.00	0.00	0.00	0.00	750.00	0.00
0100-5-177-000-54220	500.00	0.00		0.00	0.00	0.00	0.00	
OTHER OFFICE SUPPLIES	0.00	0.00	500.00	0.00	0.00	0.00	500.00	0.00
0100-5-177-000-55100	750.00	0.00		0.00	0.00	0.00	0.00	
EDUCATION SUPPLIES	0.00	0.00	750.00	0.00	0.00	0.00	750.00	0.00
Total Group 1: Segment 3: Department	**2,000.00**	**0.00**		**0.00**	**0.00**	**0.00**	**0.00**	
Code: 177 - OPEN SPACE	**0.00**	**0.00**	**2,000.00**	**0.00**	**0.00**	**0.00**	**2,000.00**	**0.00**

Group as: ****-*-111-***-*****

Parameters: Fiscal Year: 2021 Start Date: 7/1/2020 end: 09/30/2020

Ledger History - Variance - with PO - Expenditure Ledger

Account Number	Budget	Transfer: This Period		Journal Entry: This Period	Receipt: This Period	Payment: This Period	PO Enc	
	Encumbered	To Date	Allocated	To Date	To Date	To Date	Ending	% Var.
0100-5-182-000-51110	26,563.00	0.00		0.00	0.00	-6,224.69	0.00	
SALARIES PART-TIME	0.00	0.00	26,563.00	0.00	0.00	-6,224.69	20,338.31	23.43
0100-5-182-000-53440	3,500.00	0.00		0.00	0.00	0.00	0.00	
PRINTING SERVICES	0.00	0.00	3,500.00	0.00	0.00	0.00	3,500.00	0.00
0100-5-182-000-53800	10,000.00	0.00		0.00	0.00	0.00	0.00	
OTHER CONTRACTED SERVICES	0.00	0.00	10,000.00	0.00	0.00	0.00	10,000.00	0.00
0100-5-182-000-54210	500.00	0.00		0.00	0.00	0.00	0.00	
OTHER OFFICE SUPPLIES	0.00	0.00	500.00	0.00	0.00	0.00	500.00	0.00
0100-5-182-000-57100	100.00	0.00		0.00	0.00	0.00	0.00	
IN-STATE TRAVEL	0.00	0.00	100.00	0.00	0.00	0.00	100.00	0.00
0100-5-182-000-57300	800.00	0.00		0.00	0.00	0.00	0.00	
DUES AND MEMBERSHIPS	0.00	0.00	800.00	0.00	0.00	0.00	800.00	0.00
Total Group 1: Segment 3: Department	**41,463.00**	**0.00**		**0.00**	**0.00**	**-6,224.69**	**0.00**	
Code: 182 - ECONOMIC DEVELOPMENT	**0.00**	**0.00**	**41,463.00**	**0.00**	**0.00**	**-6,224.69**	**35,238.31**	**15.01**

Group as: ****-*-111-***-*****

Parameters: Fiscal Year: 2021 Start Date: 7/1/2020 end: 09/30/2020

Ledger History - Variance - with PO - Expenditure Ledger

Account Number	Budget	Transfer: This Period		Journal Entry: This Period	Receipt: This Period	Payment: This Period	PO Enc	
	Encumbered	To Date	Allocated	To Date	To Date	To Date	Ending	% Var.
0100-5-192-000-51100	319,073.00	0.00		21.45	0.00	-74,300.83	0.00	
SALARIES FULL-TIME	0.00	0.00	319,073.00	21.45	0.00	-74,300.83	244,793.62	23.28
0100-5-192-000-51110	33,587.00	0.00		0.00	0.00	-2,795.85	0.00	
SALARIES PART-TIME	0.00	0.00	33,587.00	0.00	0.00	-2,795.85	30,791.15	8.32
0100-5-192-000-51300	0.00	0.00		0.00	0.00	-390.56	0.00	
SALARIES OVERTIME	0.00	0.00	0.00	0.00	0.00	-390.56	-390.56	0.00
0100-5-192-000-51450	1,200.00	0.00		0.00	0.00	-600.00	0.00	
LONGEVITY	0.00	0.00	1,200.00	0.00	0.00	-600.00	600.00	50.00
0100-5-192-000-51950	13,808.00	0.00		-21.45	0.00	-3,209.44	0.00	
STIPEND	0.00	0.00	13,808.00	-21.45	0.00	-3,209.44	10,577.11	23.40
0100-5-192-000-52420	500.00	0.00		0.00	0.00	0.00	0.00	
VEHICLE REPAIR MAINTENANCE	0.00	0.00	500.00	0.00	0.00	0.00	500.00	0.00
0100-5-192-000-52540	2,600.00	0.00		0.00	0.00	-2,675.00	0.00	
COMPUTER EQUIP REPAIR MAINTENANCE	0.00	0.00	2,600.00	0.00	0.00	-2,675.00	-75.00	102.88
0100-5-192-000-52840	3,000.00	0.00		0.00	0.00	-474.00	0.00	
EQUIPMENT RENTALS	0.00	0.00	3,000.00	0.00	0.00	-474.00	2,526.00	15.80
0100-5-192-000-52930	8,430.00	0.00		0.00	0.00	-1,728.00	0.00	
REFUSE DISPOSAL	0.00	0.00	8,430.00	0.00	0.00	-1,728.00	6,702.00	20.50
0100-5-192-000-52940	6,390.00	0.00		0.00	0.00	-4,165.00	0.00	
SEPTIC PUMPING OTHER PROPERTY	0.00	0.00	6,390.00	0.00	0.00	-4,165.00	2,225.00	65.18
0100-5-192-000-53070	500.00	0.00		0.00	0.00	0.00	0.00	
EMPLOYEE TRAINING PROF. TECH.	0.00	0.00	500.00	0.00	0.00	0.00	500.00	0.00
0100-5-192-000-53100	175.00	0.00		0.00	0.00	-46.08	0.00	
ADVERTISING PROF. TECH.	0.00	0.00	175.00	0.00	0.00	-46.08	128.92	26.33
0100-5-192-000-53880	78,295.00	0.00		728.00	0.00	-11,479.50	0.00	
CONTRACTED SVCS-CLEANING	0.00	0.00	78,295.00	728.00	0.00	-11,479.50	67,543.50	13.73
0100-5-192-000-54220	750.00	0.00		0.00	0.00	-264.12	0.00	
OTHER OFFICE SUPPLIES	0.00	0.00	750.00	0.00	0.00	-264.12	485.88	35.22
0100-5-192-000-54500	6,825.00	0.00		90.48	0.00	-2,630.12	0.00	
CUSTODIAL SUPPLIES	0.00	0.00	6,825.00	90.48	0.00	-2,630.12	4,285.36	37.21
0100-5-192-000-55410	2,275.00	0.00		0.00	0.00	-681.01	0.00	
SMALL TOOLS	0.00	0.00	2,275.00	0.00	0.00	-681.01	1,593.99	29.93
0100-5-192-000-55420	5,723.00	0.00		938.52	0.00	-2,823.70	0.00	
SERVICE SUPPLIES	0.00	0.00	5,723.00	938.52	0.00	-2,823.70	3,837.82	32.94

Group as: ****-*-111-***-*****

Parameters: Fiscal Year: 2021 Start Date: 7/1/2020 end: 09/30/2020

Ledger History - Variance - with PO - Expenditure Ledger

Account Number	Budget	Transfer: This Period		Journal Entry: This Period	Receipt: This Period	Payment: This Period	PO Enc	
	Encumbered	To Date	Allocated	To Date	To Date	To Date	Ending	% Var.
0100-5-192-000-55850	1,500.00	0.00		0.00	0.00	-1,164.65	0.00	
UNIFORMS	0.00	0.00	1,500.00	0.00	0.00	-1,164.65	335.35	77.64
0100-5-192-000-57100	600.00	0.00		0.00	0.00	0.00	0.00	
IN-STATE TRAVEL	0.00	0.00	600.00	0.00	0.00	0.00	600.00	0.00
0100-5-192-000-57300	400.00	0.00		0.00	0.00	-325.00	0.00	
DUES	0.00	0.00	400.00	0.00	0.00	-325.00	75.00	81.25
0100-5-192-000-58500	2,000.00	0.00		0.00	0.00	0.00	0.00	
ADDITIONAL EQUIPMENT	0.00	0.00	2,000.00	0.00	0.00	0.00	2,000.00	0.00
0100-5-192-001-52400	13,522.00	0.00		0.00	0.00	-1,766.88	0.00	
TOWN HOUSE BUILDING MAINT.	0.00	0.00	13,522.00	0.00	0.00	-1,766.88	11,755.12	13.07
0100-5-192-001-53880	6,447.00	0.00		0.00	0.00	-2,540.00	0.00	
TOWN HOUSE CONTRACTED SERVICES	0.00	0.00	6,447.00	0.00	0.00	-2,540.00	3,907.00	39.40
0100-5-192-003-52400	1,779.00	0.00		0.00	0.00	-197.28	0.00	
LIBRARY BUILDING MAINT.	0.00	0.00	1,779.00	0.00	0.00	-197.28	1,581.72	11.09
0100-5-192-003-53880	2,442.00	0.00		0.00	0.00	-1,280.20	0.00	
LIBRARY CONTRACTED SERVICES	0.00	0.00	2,442.00	0.00	0.00	-1,280.20	1,161.80	52.42
0100-5-192-004-52400	0.00	0.00		0.00	0.00	-1,048.86	0.00	
FIRE HEADQUARTERS-BUILDING MAINT.	0.00	0.00	0.00	0.00	0.00	-1,048.86	-1,048.86	0.00
0100-5-192-004-53880	0.00	0.00		0.00	0.00	-798.88	0.00	
FIRE DEPT CONTRACTED SERVICES	0.00	0.00	0.00	0.00	0.00	-798.88	-798.88	0.00
0100-5-192-005-53880	21,123.00	0.00		0.00	0.00	0.00	0.00	
POLICE CONTRACTED SERVICES	0.00	0.00	21,123.00	0.00	0.00	0.00	21,123.00	0.00
0100-5-192-006-52400	257.00	0.00		0.00	0.00	-29.68	0.00	
DPW BUILDING MAINT.	0.00	0.00	257.00	0.00	0.00	-29.68	227.32	11.55
0100-5-192-006-53880	1,680.00	0.00		0.00	0.00	-1,147.00	0.00	
DPW CONTRACTED SERVICES	0.00	0.00	1,680.00	0.00	0.00	-1,147.00	533.00	68.27
0100-5-192-007-53880	840.00	0.00		0.00	0.00	-490.00	0.00	
TRANSFER STATION CONTRACTED SERVI	0.00	0.00	840.00	0.00	0.00	-490.00	350.00	58.33
0100-5-192-008-53880	686.00	0.00		0.00	0.00	-400.00	0.00	
FIRE STATION II CONTRACTED SERVICES	0.00	0.00	686.00	0.00	0.00	-400.00	286.00	58.31
0100-5-192-011-52300	350.00	0.00		0.00	0.00	-34.36	0.00	
WATER-DOMESTIC CORDAVILLE HALL	0.00	0.00	350.00	0.00	0.00	-34.36	315.64	9.82
0100-5-192-011-52400	1,418.00	0.00		0.00	0.00	-450.83	0.00	
9 CORDAVILLE RD. MAINT.	0.00	0.00	1,418.00	0.00	0.00	-450.83	967.17	31.79

Group as: ****-*-111-***-*****

Parameters: Fiscal Year: 2021 Start Date: 7/1/2020 end: 09/30/2020

Ledger History - Variance - with PO - Expenditure Ledger

Account Number	Budget Encumbered	Transfer: This Period To Date	Allocated	Journal Entry: This Period To Date	Receipt: This Period To Date	Payment: This Period To Date	PO Enc Ending	% Var.
0100-5-192-011-53880	8,417.00	0.00		0.00	0.00	-1,670.00	0.00	
9 CORDAVILLE CONTRACTED SERVICES	0.00	0.00	8,417.00	0.00	0.00	-1,670.00	6,747.00	19.84
0100-5-192-012-52300	200.00	0.00		0.00	0.00	-34.36	0.00	
CULTURAL ARTS - WATER	0.00	0.00	200.00	0.00	0.00	-34.36	165.64	17.18
0100-5-192-012-52400	0.00	0.00		0.00	0.00	-509.20	0.00	
CULTURAL ARTS -GENERAL EXPENSES	0.00	0.00	0.00	0.00	0.00	-509.20	-509.20	0.00
0100-5-192-012-53880	1,122.00	0.00		0.00	0.00	-541.00	0.00	
CULTURAL ARTS-CONTRACTED SERVICES	0.00	0.00	1,122.00	0.00	0.00	-541.00	581.00	48.22
Total Group 1: Segment 3: Department	**547,914.00**	**0.00**		**1,757.00**	**0.00**	**-122,691.39**	**0.00**	
Code: 192 - PUBLIC BUILDINGS	**0.00**	**0.00**	**547,914.00**	**1,757.00**	**0.00**	**-122,691.39**	**426,979.61**	**22.07**

Group as: ****-*-111-***-*****

Parameters: Fiscal Year: 2021 Start Date: 7/1/2020 end: 09/30/2020

Ledger History - Variance - with PO - Expenditure Ledger

Account Number	Budget Encumbered	Transfer: This Period To Date	Allocated	Journal Entry: This Period To Date	Receipt: This Period To Date	Payment: This Period To Date	PO Enc Ending	% Var.
0100-5-193-000-53880	2,500.00	0.00		0.00	0.00	0.00	0.00	
CONTRACTED SERVICES	0.00	0.00	2,500.00	0.00	0.00	0.00	2,500.00	0.00
Total Group 1: Segment 3: Department	**2,500.00**	**0.00**		**0.00**	**0.00**	**0.00**	**0.00**	
Code: 193 - ADA COMMITTEE	**0.00**	**0.00**	**2,500.00**	**0.00**	**0.00**	**0.00**	**2,500.00**	**0.00**

Group as: ****-*-111-***-*****

Parameters: Fiscal Year: 2021 Start Date: 7/1/2020 end: 09/30/2020

Ledger History - Variance - with PO - Expenditure Ledger

Account Number	Budget	Transfer: This Period		Journal Entry: This Period	Receipt: This Period	Payment: This Period	PO Enc	
	Encumbered	To Date	Allocated	To Date	To Date	To Date	Ending	% Var.
0100-5-210-000-51100	1,721,275.00	0.00		477.30	0.00	-383,181.07	0.00	
SALARIES FULL-TIME	0.00	0.00	1,721,275.00	477.30	0.00	-383,181.07	1,338,571.23	22.23
0100-5-210-000-51110	17,307.00	0.00		0.00	0.00	-5,591.50	0.00	
SALARIES PART-TIME	0.00	0.00	17,307.00	0.00	0.00	-5,591.50	11,715.50	32.31
0100-5-210-000-51300	155,884.00	0.00		1,459.52	0.00	-48,389.13	0.00	
SALARIES OVERTIME	0.00	0.00	155,884.00	1,459.52	0.00	-48,389.13	108,954.39	30.11
0100-5-210-000-51410	70,551.00	0.00		0.00	0.00	-1,012.88	0.00	
HOLIDAY	0.00	0.00	70,551.00	0.00	0.00	-1,012.88	69,538.12	1.44
0100-5-210-000-51430	34,376.00	0.00		0.00	0.00	-7,017.00	0.00	
SHIFT DIFFERENTIAL	0.00	0.00	34,376.00	0.00	0.00	-7,017.00	27,359.00	20.41
0100-5-210-000-51440	49,297.00	0.00		2,000.00	0.00	-14,557.60	0.00	
EDUCATION INCENTIVE	0.00	0.00	49,297.00	2,000.00	0.00	-14,557.60	36,739.40	25.47
0100-5-210-000-51450	9,600.00	0.00		0.00	0.00	-8,200.00	0.00	
LONGEVITY	0.00	0.00	9,600.00	0.00	0.00	-8,200.00	1,400.00	85.42
0100-5-210-000-51540	8,610.00	0.00		0.00	0.00	-379.92	0.00	
COURT LEAVE FRINGE BENEFITS	0.00	0.00	8,610.00	0.00	0.00	-379.92	8,230.08	4.41
0100-5-210-000-51900	10,000.00	0.00		0.00	0.00	0.00	0.00	
TUITION REIMBURSEMENT	0.00	0.00	10,000.00	0.00	0.00	0.00	10,000.00	0.00
0100-5-210-000-51910	81,914.00	0.00		0.00	0.00	-18,972.38	0.00	
CAREER INCENTIVE QUINN BILL	0.00	0.00	81,914.00	0.00	0.00	-18,972.38	62,941.62	23.16
0100-5-210-000-51950	23,000.00	0.00		0.00	0.00	-11,807.67	0.00	
STIPENDS	0.00	0.00	23,000.00	0.00	0.00	-11,807.67	11,192.33	51.34
0100-5-210-000-51951	1,896.00	0.00		0.00	0.00	-700.50	0.00	
OFFICER-IN-CHARGE	0.00	0.00	1,896.00	0.00	0.00	-700.50	1,195.50	36.95
0100-5-210-000-52540	18,805.00	0.00		0.00	0.00	-17,282.38	-1,609.35	
COMPUTER EQUIP. REPAIR MAINT.	0.00	0.00	18,805.00	0.00	0.00	-17,282.38	-86.73	100.46
0100-5-210-000-52560	1,100.00	0.00		0.00	0.00	0.00	0.00	
RADIO REPAIR REPAIR MAINT.	0.00	0.00	1,100.00	0.00	0.00	0.00	1,100.00	0.00
0100-5-210-000-53000	1,992.00	0.00		0.00	0.00	0.00	0.00	
MEDICAL DENTAL PROF. TECH.	0.00	0.00	1,992.00	0.00	0.00	0.00	1,992.00	0.00
0100-5-210-000-53070	11,000.00	0.00		0.00	0.00	-1,229.00	0.00	
EMPLOYEE TRAINING PROF. TECH.	0.00	0.00	11,000.00	0.00	0.00	-1,229.00	9,771.00	11.17
0100-5-210-000-53410	3,480.00	0.00		0.00	0.00	-560.10	0.00	
DATA PROCESS LINES COMMUNICATION	0.00	0.00	3,480.00	0.00	0.00	-560.10	2,919.90	16.09

Group as: ****-*-111-***-*****

Parameters: Fiscal Year: 2021 Start Date: 7/1/2020 end: 09/30/2020

Ledger History - Variance - with PO - Expenditure Ledger

Account Number	Budget	Transfer: This Period		Journal Entry: This Period	Receipt: This Period	Payment: This Period	PO Enc	
	Encumbered	To Date	Allocated	To Date	To Date	To Date	Ending	% Var.
0100-5-210-000-53420	610.00	0.00		0.00	0.00	-32.32	0.00	
POSTAGE COMMUNICATIONS	0.00	0.00	610.00	0.00	0.00	-32.32	577.68	5.30
0100-5-210-000-53880	16,500.00	4,750.00		0.00	0.00	-2,411.69	-108.75	
MISC. CONTRACTED SERVICES	0.00	4,750.00	21,250.00	0.00	0.00	-2,411.69	18,729.56	11.86
0100-5-210-000-54200	4,000.00	0.00		0.00	0.00	-222.47	0.00	
STATIONERY OFFICE SUPPLIES	0.00	0.00	4,000.00	0.00	0.00	-222.47	3,777.53	5.56
0100-5-210-000-54220	2,000.00	0.00		0.00	0.00	-15.00	0.00	
OTHER OFFICE SUPPLIES	0.00	0.00	2,000.00	0.00	0.00	-15.00	1,985.00	0.75
0100-5-210-000-54820	5,540.00	0.00		0.00	0.00	-2,456.46	0.00	
BATTERIES VEHICLE SUPPLIES	0.00	0.00	5,540.00	0.00	0.00	-2,456.46	3,083.54	44.34
0100-5-210-000-54850	13,750.00	-4,750.00		0.00	0.00	-791.05	-264.90	
PARTS ACCESS. VEHICLE SUPPLIES	0.00	-4,750.00	9,000.00	0.00	0.00	-791.05	7,944.05	11.73
0100-5-210-000-54900	1,000.00	0.00		0.00	0.00	-72.40	0.00	
FOOD FOOD SERVICE SUPPLIES	0.00	0.00	1,000.00	0.00	0.00	-72.40	927.60	7.24
0100-5-210-000-55000	1,600.00	0.00		0.00	0.00	-600.00	0.00	
MEDICAL SURGICAL SUPPLIES	0.00	0.00	1,600.00	0.00	0.00	-600.00	1,000.00	37.50
0100-5-210-000-55820	10,000.00	0.00		0.00	0.00	0.00	0.00	
AMMUNITION CRIME PREVENTION SUPPLI	0.00	0.00	10,000.00	0.00	0.00	0.00	10,000.00	0.00
0100-5-210-000-55830	920.00	0.00		0.00	0.00	-450.00	0.00	
SUBSCRIPTIONS	0.00	0.00	920.00	0.00	0.00	-450.00	470.00	48.91
0100-5-210-000-55850	26,650.00	0.00		0.00	0.00	-6,663.43	0.00	
UNIFORMS	0.00	0.00	26,650.00	0.00	0.00	-6,663.43	19,986.57	25.00
0100-5-210-000-57100	200.00	0.00		0.00	0.00	-12.30	0.00	
IN-STATE TRAVEL	0.00	0.00	200.00	0.00	0.00	-12.30	187.70	6.15
0100-5-210-000-57200	543.00	0.00		0.00	0.00	0.00	0.00	
OUT-OF-STATE TRAVEL	0.00	0.00	543.00	0.00	0.00	0.00	543.00	0.00
0100-5-210-000-57300	2,610.00	0.00		0.00	0.00	-356.00	0.00	
DUES	0.00	0.00	2,610.00	0.00	0.00	-356.00	2,254.00	13.64
0100-5-210-000-58500	4,000.00	0.00		0.00	0.00	-69.97	0.00	
NEW EQUIPMENT	0.00	0.00	4,000.00	0.00	0.00	-69.97	3,930.03	1.75
0100-5-210-000-58700	4,100.00	0.00		0.00	0.00	-512.00	0.00	
REPLACEMENT EQUIPMENT	0.00	0.00	4,100.00	0.00	0.00	-512.00	3,588.00	12.49
Total Group 1: Segment 3: Department	**2,314,110.00**	**0.00**		**3,936.82**	**0.00**	**-533,546.22**	**-1,983.00**	
Code: 210 - POLICE DEPARTMENT	**0.00**	**0.00**	**2,314,110.00**	**3,936.82**	**0.00**	**-533,546.22**	**1,782,517.60**	**22.97**

Group as: ****-*-111-***-*****

Parameters: Fiscal Year: 2021 Start Date: 7/1/2020 end: 09/30/2020

Ledger History - Variance - with PO - Expenditure Ledger

Account Number	Budget	Transfer: This Period		Journal Entry: This Period	Receipt: This Period	Payment: This Period	PO Enc	
	Encumbered	To Date	Allocated	To Date	To Date	To Date	Ending	% Var.
0100-5-220-000-51100	1,630,233.00	0.00		0.00	0.00	-377,729.84	0.00	
SALARIES FULL-TIME	0.00	0.00	1,630,233.00	0.00	0.00	-377,729.84	1,252,503.16	23.17
0100-5-220-000-51110	10,000.00	0.00		0.00	0.00	0.00	0.00	
SALARIES PART-TIME	0.00	0.00	10,000.00	0.00	0.00	0.00	10,000.00	0.00
0100-5-220-000-51300	273,500.00	0.00		707.62	0.00	-64,999.66	0.00	
SALARIES OVERTIME	0.00	0.00	273,500.00	707.62	0.00	-64,999.66	209,207.96	23.51
0100-5-220-000-51410	22,000.00	0.00		0.00	0.00	0.00	0.00	
HOLIDAY	0.00	0.00	22,000.00	0.00	0.00	0.00	22,000.00	0.00
0100-5-220-000-51440	2,700.00	0.00		0.00	0.00	0.00	0.00	
EDUCATION INCENTIVE	0.00	0.00	2,700.00	0.00	0.00	0.00	2,700.00	0.00
0100-5-220-000-51450	11,100.00	0.00		0.00	0.00	-5,100.00	0.00	
LONGEVITY	0.00	0.00	11,100.00	0.00	0.00	-5,100.00	6,000.00	45.95
0100-5-220-000-51900	9,850.00	0.00		0.00	0.00	-877.34	0.00	
TUITION REIMBURSEMENT	0.00	0.00	9,850.00	0.00	0.00	-877.34	8,972.66	8.91
0100-5-220-000-51950	130,376.00	0.00		0.00	0.00	-580.00	0.00	
STIPENDS	0.00	0.00	130,376.00	0.00	0.00	-580.00	129,796.00	0.44
0100-5-220-000-51960	2,000.00	0.00		0.00	0.00	0.00	0.00	
FIRE OTHER - EMT	0.00	0.00	2,000.00	0.00	0.00	0.00	2,000.00	0.00
0100-5-220-000-52300	2,000.00	0.00		0.00	0.00	-363.35	0.00	
WATER-DOMESTIC	0.00	0.00	2,000.00	0.00	0.00	-363.35	1,636.65	18.17
0100-5-220-000-52420	50,000.00	0.00		0.00	0.00	-4,567.37	0.00	
VEHICLE MAINT. REPAIR	0.00	0.00	50,000.00	0.00	0.00	-4,567.37	45,432.63	9.13
0100-5-220-000-52470	4,000.00	0.00		0.00	0.00	-4,227.41	0.00	
MEDICAL EQUIP. REPAIR MAINT.	0.00	0.00	4,000.00	0.00	0.00	-4,227.41	-227.41	105.69
0100-5-220-000-52540	9,000.00	0.00		0.00	0.00	-3,530.25	0.00	
COMPUTER EQUIP. REPAIR MAINT.	0.00	0.00	9,000.00	0.00	0.00	-3,530.25	5,469.75	39.23
0100-5-220-000-52560	4,800.00	0.00		0.00	0.00	-845.32	0.00	
RADIOS REPAIR MAINT.	0.00	0.00	4,800.00	0.00	0.00	-845.32	3,954.68	17.61
0100-5-220-000-52590	8,000.00	0.00		0.00	0.00	-1,815.10	0.00	
FIRERESCUE REPAIR MAINT.	0.00	0.00	8,000.00	0.00	0.00	-1,815.10	6,184.90	22.69
0100-5-220-000-53000	1,500.00	0.00		0.00	0.00	0.00	0.00	
MEDICAL DENTAL PROF. TECH	0.00	0.00	1,500.00	0.00	0.00	0.00	1,500.00	0.00
0100-5-220-000-53070	9,000.00	0.00		0.00	0.00	-2,832.00	0.00	
EMPLOYEE TRAINING PROF. TECH.	0.00	0.00	9,000.00	0.00	0.00	-2,832.00	6,168.00	31.47

Group as: ****-*-111-***-*****

Parameters: Fiscal Year: 2021 Start Date: 7/1/2020 end: 09/30/2020

Ledger History - Variance - with PO - Expenditure Ledger

Account Number	Budget Encumbered	Transfer: This Period To Date	Allocated	Journal Entry: This Period To Date	Receipt: This Period To Date	Payment: This Period To Date	PO Enc Ending	% Var.
0100-5-220-000-53100	800.00	0.00		0.00	0.00	0.00	0.00	
ADVERTISING PROF. TECH.	0.00	0.00	800.00	0.00	0.00	0.00	800.00	0.00
0100-5-220-000-53120	450.00	0.00		0.00	0.00	-740.00	0.00	
FIRE PUBLIC SAFETY PROF AND TECH	0.00	0.00	450.00	0.00	0.00	-740.00	-290.00	164.44
0100-5-220-000-53410	1,800.00	0.00		0.00	0.00	0.00	0.00	
DATA PROCESS COMMUNICATION	0.00	0.00	1,800.00	0.00	0.00	0.00	1,800.00	0.00
0100-5-220-000-53430	3,300.00	0.00		0.00	0.13	-395.48	0.00	
WIRELESS PHONES COMMUNICATION	0.00	0.00	3,300.00	0.00	0.13	-395.48	2,904.65	11.98
0100-5-220-000-53880	40,000.00	0.00		0.00	0.00	-5,794.45	0.00	
CONTRACTED SERV. OTHER SERVICES	0.00	0.00	40,000.00	0.00	0.00	-5,794.45	34,205.55	14.49
0100-5-220-000-54220	3,000.00	0.00		0.00	0.00	-546.10	0.00	
OTHER OFFICE SUPPLIES	0.00	0.00	3,000.00	0.00	0.00	-546.10	2,453.90	18.20
0100-5-220-000-54510	500.00	0.00		0.00	0.00	-169.43	0.00	
BED LINENS CUSTODIAL SUPPLIES	0.00	0.00	500.00	0.00	0.00	-169.43	330.57	33.89
0100-5-220-000-54850	7,000.00	0.00		0.00	0.00	-1,680.10	0.00	
PARTS ACCESS.VEHICLE SUPPLIES	0.00	0.00	7,000.00	0.00	0.00	-1,680.10	5,319.90	24.00
0100-5-220-000-54900	500.00	0.00		0.00	0.00	-131.50	0.00	
FOOD FOOD SERVICE SUPPLIES	0.00	0.00	500.00	0.00	0.00	-131.50	368.50	26.30
0100-5-220-000-55000	23,000.00	0.00		275.00	0.00	-7,016.73	0.00	
MEDICAL SURGICAL SUPPLIES	0.00	0.00	23,000.00	275.00	0.00	-7,016.73	16,258.27	29.31
0100-5-220-000-55800	6,000.00	0.00		0.00	0.00	-3,059.84	0.00	
FIREFIGHTING OTHER SUPPLIES	0.00	0.00	6,000.00	0.00	0.00	-3,059.84	2,940.16	51.00
0100-5-220-000-55830	1,000.00	0.00		0.00	0.00	0.00	0.00	
MAGAZINES OTHER SUPPLIES	0.00	0.00	1,000.00	0.00	0.00	0.00	1,000.00	0.00
0100-5-220-000-55850	9,000.00	0.00		0.00	0.00	-1,590.70	0.00	
UNIFORMS OTHER SUPPLIES	0.00	0.00	9,000.00	0.00	0.00	-1,590.70	7,409.30	17.67
0100-5-220-000-55855	21,000.00	0.00		0.00	0.00	-3,676.78	0.00	
UNIFORM ALLOWANCE REIMB.	0.00	0.00	21,000.00	0.00	0.00	-3,676.78	17,323.22	17.51
0100-5-220-000-57100	100.00	0.00		0.00	0.00	0.00	0.00	
IN-STATE TRAVEL	0.00	0.00	100.00	0.00	0.00	0.00	100.00	0.00
0100-5-220-000-57300	5,400.00	0.00		0.00	0.00	-4,130.00	0.00	
DUES	0.00	0.00	5,400.00	0.00	0.00	-4,130.00	1,270.00	76.48
0100-5-220-000-58700	4,000.00	0.00		0.00	0.00	0.00	0.00	
REPLACEMENT EQUIPMENT	0.00	0.00	4,000.00	0.00	0.00	0.00	4,000.00	0.00
Total Group 1: Segment 3: Department	**2,306,909.00**	**0.00**		**982.62**	**0.13**	**-496,398.75**	**0.00**	

Group as: ****-*-111-***-*****

Parameters: Fiscal Year: 2021 Start Date: 7/1/2020 end: 09/30/2020

Ledger History - Variance - with PO - Expenditure Ledger

Account Number	Budget Encumbered	Transfer: This Period To Date	Allocated	Journal Entry: This Period To Date	Receipt: This Period To Date	Payment: This Period To Date	PO Enc Ending	% Var.
Code: 220 - FIRE DEPARTMENT	**0.00**	**0.00**	**2,306,909.00**	**982.62**	**0.13**	**-496,398.75**	**1,811,493.00**	**21.48**

Group as: ****-*-111-***-*****

Parameters: Fiscal Year: 2021 Start Date: 7/1/2020 end: 09/30/2020

Ledger History - Variance - with PO - Expenditure Ledger

Account Number	Budget Encumbered	Transfer: This Period To Date	Allocated	Journal Entry: This Period To Date	Receipt: This Period To Date	Payment: This Period To Date	PO Enc Ending	% Var.
0100-5-241-000-51100	149,584.00	0.00		0.00	0.00	-34,190.49	0.00	
SALARIES FULL-TIME	0.00	0.00	149,584.00	0.00	0.00	-34,190.49	115,393.51	22.86
0100-5-241-000-53070	1,500.00	0.00		0.00	0.00	0.00	0.00	
EMPLOYEE TRAINING PROF. TECH.	0.00	0.00	1,500.00	0.00	0.00	0.00	1,500.00	0.00
0100-5-241-000-53880	2,500.00	0.00		0.00	0.00	0.00	0.00	
CONTRACTED SERV. OTHER SERV.	0.00	0.00	2,500.00	0.00	0.00	0.00	2,500.00	0.00
0100-5-241-000-54220	1,000.00	0.00		0.00	0.00	-5.40	0.00	
OTHER OFFICE SUPPLIES	0.00	0.00	1,000.00	0.00	0.00	-5.40	994.60	0.54
0100-5-241-000-54850	500.00	0.00		0.00	0.00	0.00	0.00	
PARTS VEHICULAR SUPPLIES	0.00	0.00	500.00	0.00	0.00	0.00	500.00	0.00
0100-5-241-000-55100	600.00	0.00		0.00	0.00	0.00	0.00	
EDUCATIONAL SUPPLIES	0.00	0.00	600.00	0.00	0.00	0.00	600.00	0.00
0100-5-241-000-55910	1,000.00	0.00		0.00	0.00	0.00	0.00	
BUILDING OTHER SUPPLIES	0.00	0.00	1,000.00	0.00	0.00	0.00	1,000.00	0.00
0100-5-241-000-57300	325.00	0.00		0.00	0.00	0.00	0.00	
DUES	0.00	0.00	325.00	0.00	0.00	0.00	325.00	0.00
Total Group 1: Segment 3: Department	**157,009.00**	**0.00**		**0.00**	**0.00**	**-34,195.89**	**0.00**	
Code: 241 - BUILDING DEPARTMENT	**0.00**	**0.00**	**157,009.00**	**0.00**	**0.00**	**-34,195.89**	**122,813.11**	**21.78**

Group as: ****-*-111-***-*****

Parameters: Fiscal Year: 2021 Start Date: 7/1/2020 end: 09/30/2020

Ledger History - Variance - with PO - Expenditure Ledger

Account Number	Budget Encumbered	Transfer: This Period To Date	Allocated	Journal Entry: This Period To Date	Receipt: This Period To Date	Payment: This Period To Date	PO Enc Ending	% Var.
0100-5-291-000-51950	2,926.00	0.00		0.00	0.00	0.00	0.00	
STIPENDS	0.00	0.00	2,926.00	0.00	0.00	0.00	2,926.00	0.00
0100-5-291-000-53880	5,665.00	0.00		0.00	0.00	-5,270.00	0.00	
MISC CONTRACTED SERVICES	0.00	0.00	5,665.00	0.00	0.00	-5,270.00	395.00	93.03
0100-5-291-000-54220	367.00	0.00		0.00	0.00	-303.55	0.00	
OTHER OFFICE SUPPLIES	0.00	0.00	367.00	0.00	0.00	-303.55	63.45	82.71
0100-5-291-000-54800	1,000.00	0.00		0.00	0.00	0.00	0.00	
GASOLINE VEHICULAR SUPPLIES	0.00	0.00	1,000.00	0.00	0.00	0.00	1,000.00	0.00
0100-5-291-000-57300	60.00	0.00		0.00	0.00	0.00	0.00	
DUES	0.00	0.00	60.00	0.00	0.00	0.00	60.00	0.00
Total Group 1: Segment 3: Department	**10,018.00**	**0.00**		**0.00**	**0.00**	**-5,573.55**	**0.00**	
Code: 291 - CIVIL DEFENSE	**0.00**	**0.00**	**10,018.00**	**0.00**	**0.00**	**-5,573.55**	**4,444.45**	**55.64**

Group as: ****-*-111-***-*****

Parameters: Fiscal Year: 2021 Start Date: 7/1/2020 end: 09/30/2020

Ledger History - Variance - with PO - Expenditure Ledger

Account Number	Budget	Transfer: This Period		Journal Entry: This Period	Receipt: This Period	Payment: This Period	PO Enc	
	Encumbered	To Date	Allocated	To Date	To Date	To Date	Ending	% Var.
0100-5-292-000-53830	180.00	0.00		0.00	0.00	-38.17	-141.83	
ANIMAL CONTROL OTHER SERVICES	0.00	0.00	180.00	0.00	0.00	-38.17	0.00	100.00
0100-5-292-000-53880	28,110.00	0.00		0.00	0.00	-6,888.99	-21,221.01	
CONTRACTED SERV. OTHER SERVICES	0.00	0.00	28,110.00	0.00	0.00	-6,888.99	0.00	100.00
0100-5-292-000-54220	200.00	0.00		0.00	0.00	0.00	-200.00	
OTHER OFFICE SUPPLIES	0.00	0.00	200.00	0.00	0.00	0.00	0.00	100.00
Total Group 1: Segment 3: Department	**28,490.00**	**0.00**		**0.00**	**0.00**	**-6,927.16**	**-21,562.84**	
Code: 292 - ANIMAL CONTROL OFFICER	**0.00**	**0.00**	**28,490.00**	**0.00**	**0.00**	**-6,927.16**	**0.00**	**100.00**

Group as: ****-*-111-***-*****

Parameters: Fiscal Year: 2021 Start Date: 7/1/2020 end: 09/30/2020

Ledger History - Variance - with PO - Expenditure Ledger

Account Number	Budget Encumbered	Transfer: This Period To Date	Allocated	Journal Entry: This Period To Date	Receipt: This Period To Date	Payment: This Period To Date	PO Enc Ending	% Var.
0100-5-300-000-51000	500.00	0.00		0.00	0.00	0.00	0.00	
ELECTED SCHOOL COMMITTEE	0.00	0.00	500.00	0.00	0.00	0.00	500.00	0.00
Total Group 1: Segment 3: Department	**500.00**	**0.00**		**0.00**	**0.00**	**0.00**	**0.00**	
Code: 300 - ELECTED SCHOOL COMMITTEE	**0.00**	**0.00**	**500.00**	**0.00**	**0.00**	**0.00**	**500.00**	**0.00**

Group as: ****-*-111-***-*****

Parameters: Fiscal Year: 2021 Start Date: 7/1/2020 end: 09/30/2020

Ledger History - Variance - with PO - Expenditure Ledger

Account Number	Budget	Transfer: This Period		Journal Entry: This Period	Receipt: This Period	Payment: This Period	PO Enc	
	Encumbered	To Date	Allocated	To Date	To Date	To Date	Ending	% Var.
0100-5-301-000-51100	17,026,262.00	0.00		1,881,537.67	0.00	-4,263,402.39	0.00	
SALARIES FULL-TIME	0.00	0.00	17,026,262.00	1,881,537.67	0.00	-4,263,402.39	14,644,397.28	13.99
0100-5-301-000-53800	0.00	0.00		0.00	0.00	-109,149.08	0.00	
MISC CONTRACTED SERVICES	0.00	0.00	0.00	0.00	0.00	-109,149.08	-109,149.08	0.00
0100-5-301-000-54220	0.00	0.00		2,524.85	0.00	-56,651.56	0.00	
OFFICE SUPPLIES	0.00	0.00	0.00	2,524.85	0.00	-56,651.56	-54,126.71	0.00
0100-5-301-000-55990	4,210,213.00	0.00		7,846.65	0.00	-11,993.65	0.00	
SERVICE SUPPLIES	0.00	0.00	4,210,213.00	7,846.65	0.00	-11,993.65	4,206,066.00	0.10
0100-5-301-000-57000	0.00	0.00		2,625.00	0.00	0.00	0.00	
OTHER CHARGES SCHOOLS	0.00	0.00	0.00	2,625.00	0.00	0.00	2,625.00	0.00
0100-5-301-000-57820	0.00	0.00		0.00	0.00	-78,517.69	0.00	
MISCELLANEOUS	0.00	0.00	0.00	0.00	0.00	-78,517.69	-78,517.69	0.00
0100-5-301-000-58500	0.00	0.00		3,916.00	0.00	-6,353.87	0.00	
NEW EQUIPMENT	0.00	0.00	0.00	3,916.00	0.00	-6,353.87	-2,437.87	0.00
Total Group 1: Segment 3: Department	**21,236,475.00**	**0.00**		**1,898,450.17**	**0.00**	**-4,526,068.24**	**0.00**	
Code: 301 - SCHOOL DEPARTMENT	**0.00**	**0.00**	**21,236,475.00**	**1,898,450.17**	**0.00**	**-4,526,068.24**	**18,608,856.93**	**12.37**

Group as: ****-*-111-***-*****

Parameters: Fiscal Year: 2021 Start Date: 7/1/2020 end: 09/30/2020

Ledger History - Variance - with PO - Expenditure Ledger

Account Number	Budget Encumbered	Transfer: This Period To Date	Allocated	Journal Entry: This Period To Date	Receipt: This Period To Date	Payment: This Period To Date	PO Enc Ending	% Var.
0100-5-302-000-56700	7,766,842.00	0.00		0.00	0.00	-1,941,710.00	0.00	
ALGONQUIN REG ASSESSMENT	0.00	0.00	7,766,842.00	0.00	0.00	-1,941,710.00	5,825,132.00	25.00
Total Group 1: Segment 3: Department	**7,766,842.00**	**0.00**		**0.00**	**0.00**	**-1,941,710.00**	**0.00**	
Code: 302 - ALGONQUIN ASSESSMENT	**0.00**	**0.00**	**7,766,842.00**	**0.00**	**0.00**	**-1,941,710.00**	**5,825,132.00**	**25.00**

Group as: ****-*-111-***-*****

Parameters: Fiscal Year: 2021 Start Date: 7/1/2020 end: 09/30/2020

Ledger History - Variance - with PO - Expenditure Ledger

Account Number	Budget Encumbered	Transfer: This Period To Date	Allocated	Journal Entry: This Period To Date	Receipt: This Period To Date	Payment: This Period To Date	PO Enc Ending	% Var.
0100-5-304-000-56700	385,798.00	0.00		0.00	0.00	-105,547.75	0.00	
ASSABET REGIONAL ASSESSMENT	0.00	0.00	385,798.00	0.00	0.00	-105,547.75	280,250.25	27.36
Total Group 1: Segment 3: Department	**385,798.00**	**0.00**		**0.00**	**0.00**	**-105,547.75**	**0.00**	
Code: 304 - ASSABET ASSESSMENT	**0.00**	**0.00**	**385,798.00**	**0.00**	**0.00**	**-105,547.75**	**280,250.25**	**27.36**

Group as: ****-*-111-***-*****

Parameters: Fiscal Year: 2021 Start Date: 7/1/2020 end: 09/30/2020

Ledger History - Variance - with PO - Expenditure Ledger

Account Number	Budget Encumbered	Transfer: This Period To Date	Allocated	Journal Entry: This Period To Date	Receipt: This Period To Date	Payment: This Period To Date	PO Enc Ending	% Var.
0100-5-305-000-56700	44,634.00	0.00		0.00	0.00	0.00	0.00	
NORFOLK REGIONAL ASSESSMENT	0.00	0.00	44,634.00	0.00	0.00	0.00	44,634.00	0.00
Total Group 1: Segment 3: Department	**44,634.00**	**0.00**		**0.00**	**0.00**	**0.00**	**0.00**	
Code: 305 - NORFOLK ASSESSMENT	**0.00**	**0.00**	**44,634.00**	**0.00**	**0.00**	**0.00**	**44,634.00**	**0.00**

Group as: ****-*-111-***-*****

Parameters: Fiscal Year: 2021 Start Date: 7/1/2020 end: 09/30/2020

Ledger History - Variance - with PO - Expenditure Ledger

Account Number	Budget	Transfer: This Period		Journal Entry: This Period	Receipt: This Period	Payment: This Period	PO Enc	
	Encumbered	To Date	Allocated	To Date	To Date	To Date	Ending	% Var.
0100-5-400-421-51100	787,905.00	0.00		0.00	0.00	-174,074.62	0.00	
SALARIES FULL-TIME	0.00	0.00	787,905.00	0.00	0.00	-174,074.62	613,830.38	22.09
0100-5-400-421-51200	22,500.00	0.00		0.00	0.00	-4,440.63	0.00	
TEMPORARY POSITIONS	0.00	0.00	22,500.00	0.00	0.00	-4,440.63	18,059.37	19.74
0100-5-400-421-51300	47,717.99	0.00		194.76	0.00	-9,914.00	0.00	
SALARIES DPW-ADMIN OVERTIME	0.00	0.00	47,717.99	194.76	0.00	-9,914.00	37,998.75	20.37
0100-5-400-421-51450	8,400.00	0.00		0.00	0.00	-1,600.00	0.00	
LONGEVITY	0.00	0.00	8,400.00	0.00	0.00	-1,600.00	6,800.00	19.05
0100-5-400-421-51470	20,800.00	0.00		0.00	0.00	-5,200.00	0.00	
STANDBY ADD. GROSS DIFF.	0.00	0.00	20,800.00	0.00	0.00	-5,200.00	15,600.00	25.00
0100-5-400-421-51950	16,350.00	0.00		0.00	0.00	-13,034.61	0.00	
STIPENDS	0.00	0.00	16,350.00	0.00	0.00	-13,034.61	3,315.39	79.72
0100-5-400-421-52300	594.00	0.00		0.00	0.00	-243.25	0.00	
WATER-DOMESTIC	0.00	0.00	594.00	0.00	0.00	-243.25	350.75	40.95
0100-5-400-421-52400	1,000.00	0.00		0.00	0.00	-2,253.03	0.00	
DPW ADMIN BUILDING MAINT	0.00	0.00	1,000.00	0.00	0.00	-2,253.03	-1,253.03	225.30
0100-5-400-421-52460	1,000.00	0.00		0.00	0.00	-82.74	0.00	
OFFICE EQUIP. MAINT. REPAIR	0.00	0.00	1,000.00	0.00	0.00	-82.74	917.26	8.27
0100-5-400-421-52540	4,200.00	0.00		0.00	0.00	-1,066.36	0.00	
COMPUTER EQUIP.REPAIR MAINT.	0.00	0.00	4,200.00	0.00	0.00	-1,066.36	3,133.64	25.39
0100-5-400-421-53000	1,500.00	0.00		0.00	0.00	-492.90	0.00	
MEDICAL DENTAL PROF. TECH.	0.00	0.00	1,500.00	0.00	0.00	-492.90	1,007.10	32.86
0100-5-400-421-53050	48,480.00	0.00		0.00	0.00	-6,705.20	0.00	
ENGINEERINGARCHITECT PROF. TECH.	0.00	0.00	48,480.00	0.00	0.00	-6,705.20	41,774.80	13.83
0100-5-400-421-53070	3,900.00	0.00		0.00	0.00	0.00	0.00	
EMPLOYEE TRAINING PROF.TECH.	0.00	0.00	3,900.00	0.00	0.00	0.00	3,900.00	0.00
0100-5-400-421-53100	1,000.00	0.00		0.00	0.00	-935.54	0.00	
ADVERTISING PROF.TECH.	0.00	0.00	1,000.00	0.00	0.00	-935.54	64.46	93.55
0100-5-400-421-53420	3,000.00	0.00		0.00	0.00	-1,909.01	0.00	
POSTAGE COMMUNICATIONS	0.00	0.00	3,000.00	0.00	0.00	-1,909.01	1,090.99	63.63
0100-5-400-421-53880	72,640.00	0.00		0.00	0.00	-36,983.08	0.00	
CONTRACTED SERV. OTHER SERV.	0.00	0.00	72,640.00	0.00	0.00	-36,983.08	35,656.92	50.91
0100-5-400-421-54220	2,600.00	0.00		0.00	0.00	-939.75	0.00	
OTHER OFFICE SUPPLIES	0.00	0.00	2,600.00	0.00	0.00	-939.75	1,660.25	36.14

Group as: ****-*-111-***-*****

Parameters: Fiscal Year: 2021 Start Date: 7/1/2020 end: 09/30/2020

Ledger History - Variance - with PO - Expenditure Ledger

Account Number	Budget	Transfer: This Period		Journal Entry: This Period	Receipt: This Period	Payment: This Period	PO Enc	
	Encumbered	To Date	Allocated	To Date	To Date	To Date	Ending	% Var.
0100-5-400-421-54800	75,000.00	0.00		0.00	0.00	-13,980.96	-36,019.04	
GASOLINE	0.00	0.00	75,000.00	0.00	0.00	-13,980.96	25,000.00	66.67
0100-5-400-421-55410	500.00	0.00		0.00	0.00	0.00	0.00	
SMALL TOOLS	0.00	0.00	500.00	0.00	0.00	0.00	500.00	0.00
0100-5-400-421-55420	3,875.00	0.00		0.00	0.00	-385.51	0.00	
SERVICE SUPPLIES	0.00	0.00	3,875.00	0.00	0.00	-385.51	3,489.49	9.95
0100-5-400-421-55850	11,870.00	0.00		0.00	0.00	-1,100.63	0.00	
UNIFORMS	0.00	0.00	11,870.00	0.00	0.00	-1,100.63	10,769.37	9.27
0100-5-400-421-56500	4,000.00	0.00		0.00	0.00	-1,000.00	0.00	
SUASCO	0.00	0.00	4,000.00	0.00	0.00	-1,000.00	3,000.00	25.00
0100-5-400-421-57100	200.00	0.00		0.00	0.00	0.00	0.00	
IN-STATE TRAVEL	0.00	0.00	200.00	0.00	0.00	0.00	200.00	0.00
0100-5-400-421-57300	545.00	0.00		0.00	0.00	0.00	0.00	
DUES	0.00	0.00	545.00	0.00	0.00	0.00	545.00	0.00
0100-5-400-421-58500	1,250.00	0.00		0.00	0.00	0.00	0.00	
ADDITIONAL EQUIPMENT	0.00	0.00	1,250.00	0.00	0.00	0.00	1,250.00	0.00
0100-5-400-422-52840	950.00	0.00		0.00	0.00	0.00	0.00	
OTHER EQUIPMENT RENTALS LEASES	0.00	0.00	950.00	0.00	0.00	0.00	950.00	0.00
0100-5-400-422-53880	26,720.00	0.00		0.00	0.00	-10,661.74	0.00	
CONTRACTED SERV. OTHER SERV.	0.00	0.00	26,720.00	0.00	0.00	-10,661.74	16,058.26	39.90
0100-5-400-422-55340	5,000.00	0.00		0.00	0.00	-1,349.35	0.00	
GRAVEL STONE FILL	0.00	0.00	5,000.00	0.00	0.00	-1,349.35	3,650.65	26.99
0100-5-400-422-55370	13,000.00	0.00		0.00	0.00	-811.74	0.00	
BITUMINOUS CONCRETE	0.00	0.00	13,000.00	0.00	0.00	-811.74	12,188.26	6.24
0100-5-400-422-55390	3,000.00	0.00		0.00	0.00	0.00	0.00	
DRAINAGE MATERIALS	0.00	0.00	3,000.00	0.00	0.00	0.00	3,000.00	0.00
0100-5-400-422-55410	1,000.00	0.00		0.00	0.00	-163.78	0.00	
SMALL TOOLS	0.00	0.00	1,000.00	0.00	0.00	-163.78	836.22	16.38
0100-5-400-422-55420	3,325.00	0.00		0.00	0.00	-530.61	0.00	
SERVICE SUPPLIES	0.00	0.00	3,325.00	0.00	0.00	-530.61	2,794.39	15.96
0100-5-400-422-58700	750.00	0.00		0.00	0.00	-439.80	0.00	
REPLACEMENT EQUIPMENT	0.00	0.00	750.00	0.00	0.00	-439.80	310.20	58.64
0100-5-400-423-51300	96,882.01	0.00		0.00	0.00	0.00	0.00	
SALARIES SNOW & ICE OVERTIME	0.00	0.00	96,882.01	0.00	0.00	0.00	96,882.01	0.00

Group as: ****-*-111-***-*****

Parameters: Fiscal Year: 2021 Start Date: 7/1/2020 end: 09/30/2020

Ledger History - Variance - with PO - Expenditure Ledger

Account Number	Budget	Transfer: This Period		Journal Entry: This Period	Receipt: This Period	Payment: This Period	PO Enc	
	Encumbered	To Date	Allocated	To Date	To Date	To Date	Ending	% Var.
0100-5-400-423-52910	163,850.00	-7,850.00		0.00	0.00	0.00	0.00	
SNOW REMOVAL CONTRACT	0.00	-7,850.00	156,000.00	0.00	0.00	0.00	156,000.00	0.00
0100-5-400-423-53880	1,040.00	0.00		0.00	0.00	-1,695.00	0.00	
CONTRACTED SERV. OTHER SERV.	0.00	0.00	1,040.00	0.00	0.00	-1,695.00	-655.00	162.98
0100-5-400-423-54900	1,750.00	0.00		0.00	0.00	0.00	0.00	
FOOD FOOD SERVICE SUPPLIES	0.00	0.00	1,750.00	0.00	0.00	0.00	1,750.00	0.00
0100-5-400-423-55350	185,000.00	0.00		0.00	0.00	0.00	0.00	
PUBLIC WORKS SUPPLIES	0.00	0.00	185,000.00	0.00	0.00	0.00	185,000.00	0.00
0100-5-400-423-58700	1,000.00	0.00		0.00	0.00	0.00	0.00	
REPLACEMENT EQUIPMENT	0.00	0.00	1,000.00	0.00	0.00	0.00	1,000.00	0.00
0100-5-400-425-52420	3,100.00	0.00		0.00	0.00	0.00	0.00	
VEHICLE REPAIR MAINT.	0.00	0.00	3,100.00	0.00	0.00	0.00	3,100.00	0.00
0100-5-400-425-52500	31,600.00	0.00		0.00	0.00	-5,276.59	0.00	
CONST. EQUIP. MAINT. REPAIR	0.00	0.00	31,600.00	0.00	0.00	-5,276.59	26,323.41	16.70
0100-5-400-425-52560	250.00	0.00		0.00	0.00	0.00	0.00	
RADIO REPAIR MAINT.	0.00	0.00	250.00	0.00	0.00	0.00	250.00	0.00
0100-5-400-425-53880	3,120.00	0.00		0.00	0.00	-13,897.60	0.00	
CONTRACTED SERV. OTHER SERV.	0.00	0.00	3,120.00	0.00	0.00	-13,897.60	-10,777.60	445.44
0100-5-400-425-54810	150.00	0.00		0.00	0.00	0.00	0.00	
ANTI-FREEZE VEHICLE SUPPLIES	0.00	0.00	150.00	0.00	0.00	0.00	150.00	0.00
0100-5-400-425-54820	1,000.00	0.00		0.00	0.00	-343.52	0.00	
BATTERIES VEHICLE SUPPLIES	0.00	0.00	1,000.00	0.00	0.00	-343.52	656.48	34.35
0100-5-400-425-54830	5,000.00	0.00		0.00	0.00	-1,492.01	0.00	
TIRES TUBES VEHICLE SUPPLIES	0.00	0.00	5,000.00	0.00	0.00	-1,492.01	3,507.99	29.84
0100-5-400-425-54840	5,000.00	0.00		0.00	0.00	-1,424.14	0.00	
MOTOR OIL LUBE VEHICLE SUPPLIES	0.00	0.00	5,000.00	0.00	0.00	-1,424.14	3,575.86	28.48
0100-5-400-425-54850	38,000.00	0.00		0.00	0.00	-9,589.72	0.00	
PARTS ACCESS. VEHICLE SUPPLIES	0.00	0.00	38,000.00	0.00	0.00	-9,589.72	28,410.28	25.24
0100-5-400-425-55410	3,000.00	0.00		0.00	0.00	0.00	0.00	
SMALL TOOLS	0.00	0.00	3,000.00	0.00	0.00	0.00	3,000.00	0.00
0100-5-400-425-55420	4,875.00	0.00		0.00	0.00	-276.13	0.00	
SERVICE SUPPLIES	0.00	0.00	4,875.00	0.00	0.00	-276.13	4,598.87	5.66
0100-5-400-425-58500	1,500.00	0.00		0.00	0.00	0.00	0.00	
ADDITIONAL EQUIPMENT	0.00	0.00	1,500.00	0.00	0.00	0.00	1,500.00	0.00

Group as: ****-*-111-***-*****

Parameters: Fiscal Year: 2021 Start Date: 7/1/2020 end: 09/30/2020

Ledger History - Variance - with PO - Expenditure Ledger

Account Number	Budget	Transfer: This Period		Journal Entry: This Period	Receipt: This Period	Payment: This Period	PO Enc	
	Encumbered	To Date	Allocated	To Date	To Date	To Date	Ending	% Var.
0100-5-400-425-58700	1,000.00	0.00		0.00	0.00	0.00	0.00	
REPLACEMENT EQUIPMENT	0.00	0.00	1,000.00	0.00	0.00	0.00	1,000.00	0.00
0100-5-400-433-52300	297.00	0.00		0.00	0.00	-34.36	0.00	
WATER-DOMESTIC	0.00	0.00	297.00	0.00	0.00	-34.36	262.64	11.57
0100-5-400-433-52400	500.00	0.00		0.00	0.00	0.00	0.00	
SOLID WASTE BUILDING MAINT	0.00	0.00	500.00	0.00	0.00	0.00	500.00	0.00
0100-5-400-433-52420	2,600.00	0.00		0.00	0.00	0.00	0.00	
VEHICLE MAINT. REPAIR	0.00	0.00	2,600.00	0.00	0.00	0.00	2,600.00	0.00
0100-5-400-433-52830	1,050.00	0.00		0.00	0.00	-267.39	0.00	
RENTAL PORT-O-LETS	0.00	0.00	1,050.00	0.00	0.00	-267.39	782.61	25.47
0100-5-400-433-52840	750.00	0.00		0.00	0.00	0.00	0.00	
OTHER EQUIPMENT RENTALS LEASES	0.00	0.00	750.00	0.00	0.00	0.00	750.00	0.00
0100-5-400-433-52930	235,000.00	0.00		0.00	0.00	-68,687.32	-149,731.50	
REFUSE DISPOSAL	0.00	0.00	235,000.00	0.00	0.00	-68,687.32	16,581.18	92.94
0100-5-400-433-53050	6,520.00	0.00		0.00	0.00	0.00	0.00	
ENGINEERINGARCHITECT PROF.TECH.	0.00	0.00	6,520.00	0.00	0.00	0.00	6,520.00	0.00
0100-5-400-433-53880	6,240.00	0.00		0.00	0.00	-1,648.31	0.00	
CONTRACTED SERVICES-OTHER SERVICE	0.00	0.00	6,240.00	0.00	0.00	-1,648.31	4,591.69	26.42
0100-5-400-433-55410	250.00	0.00		0.00	0.00	0.00	0.00	
SMALL TOOLS	0.00	0.00	250.00	0.00	0.00	0.00	250.00	0.00
0100-5-400-433-55420	1,085.00	0.00		0.00	0.00	-54.83	0.00	
SERVICE SUPPLIES	0.00	0.00	1,085.00	0.00	0.00	-54.83	1,030.17	5.05
0100-5-400-491-52300	1,215.00	0.00		0.00	0.00	-100.00	0.00	
WATER-DOMESTIC	0.00	0.00	1,215.00	0.00	0.00	-100.00	1,115.00	8.23
0100-5-400-491-52320	0.00	0.00		0.00	0.00	-93.75	0.00	
WATER -IRRIGATION	0.00	0.00	0.00	0.00	0.00	-93.75	-93.75	0.00
0100-5-400-491-52400	500.00	0.00		0.00	0.00	0.00	0.00	
CEMETERY BUILDING MAINT	0.00	0.00	500.00	0.00	0.00	0.00	500.00	0.00
0100-5-400-491-52420	1,700.00	0.00		0.00	0.00	0.00	0.00	
VEHICLE REPAIR MAINT.	0.00	0.00	1,700.00	0.00	0.00	0.00	1,700.00	0.00
0100-5-400-491-52840	100.00	0.00		0.00	0.00	0.00	0.00	
OTHER EQUIPMENT RENTALS LEASES	0.00	0.00	100.00	0.00	0.00	0.00	100.00	0.00
0100-5-400-491-53880	4,160.00	0.00		0.00	0.00	0.00	0.00	
CONTRACTED SERV.-OTHER SERVICES	0.00	0.00	4,160.00	0.00	0.00	0.00	4,160.00	0.00

Group as: ****-*-111-***-*****

Parameters: Fiscal Year: 2021 Start Date: 7/1/2020 end: 09/30/2020

Ledger History - Variance - with PO - Expenditure Ledger

Account Number	Budget	Transfer: This Period		Journal Entry: This Period	Receipt: This Period	Payment: This Period	PO Enc	
	Encumbered	To Date	Allocated	To Date	To Date	To Date	Ending	% Var.
0100-5-400-491-54600	1,500.00	0.00		0.00	0.00	0.00	0.00	
GROUNDSKEEPING SUPPLIES	0.00	0.00	1,500.00	0.00	0.00	0.00	1,500.00	0.00
0100-5-400-491-55340	1,000.00	0.00		0.00	0.00	-192.00	0.00	
GRAVEL STONE FILL	0.00	0.00	1,000.00	0.00	0.00	-192.00	808.00	19.20
0100-5-400-491-55410	500.00	0.00		0.00	0.00	0.00	0.00	
SMALL TOOLS	0.00	0.00	500.00	0.00	0.00	0.00	500.00	0.00
0100-5-400-491-55420	2,015.00	0.00		0.00	0.00	-1,725.67	0.00	
SERVICE SUPPLIES	0.00	0.00	2,015.00	0.00	0.00	-1,725.67	289.33	85.64
0100-5-400-491-57300	150.00	0.00		0.00	0.00	0.00	0.00	
CEMETERY DUES	0.00	0.00	150.00	0.00	0.00	0.00	150.00	0.00
0100-5-400-491-58500	1,250.00	0.00		0.00	0.00	0.00	0.00	
ADDITIONAL EQUIPMENT	0.00	0.00	1,250.00	0.00	0.00	0.00	1,250.00	0.00
0100-5-400-491-58700	400.00	0.00		0.00	0.00	-96.00	0.00	
REPLACEMENT EQUIPMENT	0.00	0.00	400.00	0.00	0.00	-96.00	304.00	24.00
0100-5-400-492-53070	1,000.00	0.00		0.00	0.00	0.00	0.00	
EMPLOYEE TRAINING PROF.TECH.	0.00	0.00	1,000.00	0.00	0.00	0.00	1,000.00	0.00
0100-5-400-492-53160	85,000.00	7,850.00		0.00	0.00	-16,435.32	0.00	
TREE EXPERTS PROF.TECH.	0.00	7,850.00	92,850.00	0.00	0.00	-16,435.32	76,414.68	17.70
0100-5-400-492-53880	6,080.00	0.00		0.00	0.00	-13,609.44	0.00	
CONTRACTED SERV. OTHER SERV.	0.00	0.00	6,080.00	0.00	0.00	-13,609.44	-7,529.44	223.84
0100-5-400-492-55410	500.00	0.00		0.00	0.00	0.00	0.00	
SMALL TOOLS	0.00	0.00	500.00	0.00	0.00	0.00	500.00	0.00
0100-5-400-492-55850	600.00	0.00		0.00	0.00	0.00	0.00	
UNIFORMS	0.00	0.00	600.00	0.00	0.00	0.00	600.00	0.00
0100-5-400-492-57300	205.00	0.00		0.00	0.00	0.00	0.00	
TREE DUES	0.00	0.00	205.00	0.00	0.00	0.00	205.00	0.00
0100-5-400-492-58700	400.00	0.00		0.00	0.00	0.00	0.00	
REPLACEMENT EQUIPMENT	0.00	0.00	400.00	0.00	0.00	0.00	400.00	0.00
0100-5-400-493-52430	20,000.00	0.00		0.00	0.00	0.00	0.00	
TRAFFIC SIGNAL MAINT.	0.00	0.00	20,000.00	0.00	0.00	0.00	20,000.00	0.00
0100-5-400-493-52530	18,000.00	0.00		0.00	0.00	-285.00	0.00	
STREET PAVING MARKING	0.00	0.00	18,000.00	0.00	0.00	-285.00	17,715.00	1.58
0100-5-400-493-55310	1,500.00	0.00		0.00	0.00	-2,164.08	0.00	
HIGHWAY PAINT	0.00	0.00	1,500.00	0.00	0.00	-2,164.08	-664.08	144.27

Group as: ****-*-111-***-*****

Parameters: Fiscal Year: 2021 Start Date: 7/1/2020 end: 09/30/2020

Ledger History - Variance - with PO - Expenditure Ledger

Account Number	Budget	Transfer: This Period		Journal Entry: This Period	Receipt: This Period	Payment: This Period	PO Enc	
	Encumbered	To Date	Allocated	To Date	To Date	To Date	Ending	% Var.
0100-5-400-493-55380	6,500.00	0.00		0.00	0.00	-1,842.60	0.00	
SIGNS	0.00	0.00	6,500.00	0.00	0.00	-1,842.60	4,657.40	28.35
0100-5-400-493-55420	250.00	0.00		0.00	0.00	0.00	0.00	
SMALL TOOLS	0.00	0.00	250.00	0.00	0.00	0.00	250.00	0.00
0100-5-400-494-52300	594.00	0.00		0.00	0.00	0.00	0.00	
WATER-DOMESTIC	0.00	0.00	594.00	0.00	0.00	0.00	594.00	0.00
0100-5-400-494-52320	12,000.00	0.00		0.00	0.00	-10,430.41	0.00	
WATER IRRIGATION	0.00	0.00	12,000.00	0.00	0.00	-10,430.41	1,569.59	86.92
0100-5-400-494-52400	500.00	0.00		0.00	0.00	0.00	0.00	
BUILDING MAINTENANCE	0.00	0.00	500.00	0.00	0.00	0.00	500.00	0.00
0100-5-400-494-52420	2,600.00	0.00		0.00	0.00	0.00	0.00	
VEHICLE REPAIR MAINT.	0.00	0.00	2,600.00	0.00	0.00	0.00	2,600.00	0.00
0100-5-400-494-52500	2,400.00	0.00		0.00	0.00	0.00	0.00	
CONST EQUIP REPAIR MAINT	0.00	0.00	2,400.00	0.00	0.00	0.00	2,400.00	0.00
0100-5-400-494-52580	175,000.00	0.00		0.00	0.00	-48,936.20	-21,063.80	
GROUNDS REC FIELD MAINT	0.00	0.00	175,000.00	0.00	0.00	-48,936.20	105,000.00	40.00
0100-5-400-494-52830	6,050.00	0.00		0.00	0.00	-70.00	0.00	
PORT-O-LET RENTAL	0.00	0.00	6,050.00	0.00	0.00	-70.00	5,980.00	1.16
0100-5-400-494-52840	700.00	0.00		0.00	0.00	0.00	0.00	
EQUIPMENT RENTALS	0.00	0.00	700.00	0.00	0.00	0.00	700.00	0.00
0100-5-400-494-53070	1,500.00	0.00		0.00	0.00	0.00	0.00	
EMPLOYEE TRAINING	0.00	0.00	1,500.00	0.00	0.00	0.00	1,500.00	0.00
0100-5-400-494-54600	23,500.00	0.00		0.00	0.00	-7,133.34	0.00	
GROUNDSKEEPING SUPPLIES	0.00	0.00	23,500.00	0.00	0.00	-7,133.34	16,366.66	30.35
0100-5-400-494-55340	4,000.00	0.00		0.00	0.00	-4,125.27	0.00	
GRAVEL STONE AND FILL	0.00	0.00	4,000.00	0.00	0.00	-4,125.27	-125.27	103.13
0100-5-400-494-55390	2,000.00	0.00		0.00	0.00	0.00	0.00	
DRAINAGE MATERIALS	0.00	0.00	2,000.00	0.00	0.00	0.00	2,000.00	0.00
0100-5-400-494-55410	1,500.00	0.00		0.00	0.00	-640.25	0.00	
SMALL TOOLS	0.00	0.00	1,500.00	0.00	0.00	-640.25	859.75	42.68
0100-5-400-494-55420	2,825.00	0.00		0.00	0.00	-544.81	0.00	
SERVICE SUPPLIES	0.00	0.00	2,825.00	0.00	0.00	-544.81	2,280.19	19.29
0100-5-400-494-57300	250.00	0.00		0.00	0.00	-175.00	0.00	
DUES	0.00	0.00	250.00	0.00	0.00	-175.00	75.00	70.00

Group as: ****-*-111-***-*****

Parameters: Fiscal Year: 2021 Start Date: 7/1/2020 end: 09/30/2020

Ledger History - Variance - with PO - Expenditure Ledger

Account Number	Budget	Transfer: This Period		Journal Entry: This Period	Receipt: This Period	Payment: This Period	PO Enc	
	Encumbered	To Date	Allocated	To Date	To Date	To Date	Ending	% Var.
0100-5-400-494-58500	4,000.00	0.00		0.00	0.00	0.00	0.00	
NEW EQUIPMENT	0.00	0.00	4,000.00	0.00	0.00	0.00	4,000.00	0.00
0100-5-400-494-58700	450.00	0.00		0.00	0.00	0.00	0.00	
REPLACEMENT EQUIPMENT	0.00	0.00	450.00	0.00	0.00	0.00	450.00	0.00
Total Group 1: Segment 3: Department	**2,390,375.00**	**0.00**		**194.76**	**0.00**	**-503,584.90**	**-206,814.34**	
Code: 400 - DEPARTMENT OF PUBLIC	**0.00**	**0.00**	**2,390,375.00**	**194.76**	**0.00**	**-503,584.90**	**1,680,170.52**	**29.71**

Group as: ****-*-111-***-*****

Parameters: Fiscal Year: 2021 Start Date: 7/1/2020 end: 09/30/2020

Ledger History - Variance - with PO - Expenditure Ledger

Account Number	Budget Encumbered	Transfer: This Period To Date	Allocated	Journal Entry: This Period To Date	Receipt: This Period To Date	Payment: This Period To Date	PO Enc Ending	% Var.
0100-5-510-000-51110	450.00	0.00		0.00	0.00	0.00	0.00	
SALARIES. PART-TIME	0.00	0.00	450.00	0.00	0.00	0.00	450.00	0.00
Total Group 1: Segment 3: Department	**450.00**	**0.00**		**0.00**	**0.00**	**0.00**	**0.00**	
Code: 510 - ELECTED BOARD OF HEALTH	**0.00**	**0.00**	**450.00**	**0.00**	**0.00**	**0.00**	**450.00**	**0.00**

Group as: ****-*-111-***-*****

Parameters: Fiscal Year: 2021 Start Date: 7/1/2020 end: 09/30/2020

Ledger History - Variance - with PO - Expenditure Ledger

Account Number	Budget	Transfer: This Period		Journal Entry: This Period	Receipt: This Period	Payment: This Period	PO Enc	
	Encumbered	To Date	Allocated	To Date	To Date	To Date	Ending	% Var.
0100-5-512-000-51100	30,962.00	0.00		0.00	0.00	-7,263.47	0.00	
SALARIES FULL-TIME	0.00	0.00	30,962.00	0.00	0.00	-7,263.47	23,698.53	23.46
0100-5-512-000-51110	81,445.00	0.00		7,135.00	0.00	-26,631.34	0.00	
SALARIES PART TIME	0.00	0.00	81,445.00	7,135.00	0.00	-26,631.34	61,948.66	23.94
0100-5-512-000-51200	0.00	0.00		0.00	0.00	-189.75	0.00	
TEMPORARY SALARIES	0.00	0.00	0.00	0.00	0.00	-189.75	-189.75	0.00
0100-5-512-000-51450	480.00	0.00		0.00	0.00	0.00	0.00	
LONGEVITY	0.00	0.00	480.00	0.00	0.00	0.00	480.00	0.00
0100-5-512-000-52460	250.00	0.00		0.00	0.00	0.00	0.00	
OFFICE EQUIPMENT REPAIR MAINT.	0.00	0.00	250.00	0.00	0.00	0.00	250.00	0.00
0100-5-512-000-53070	1,200.00	0.00		0.00	0.00	0.00	0.00	
EMPLOYEE TRAINING PROF. TECH.	0.00	0.00	1,200.00	0.00	0.00	0.00	1,200.00	0.00
0100-5-512-000-53100	0.00	0.00		0.00	0.00	-75.00	0.00	
ADVERTISING PROF. TECH.	0.00	0.00	0.00	0.00	0.00	-75.00	-75.00	0.00
0100-5-512-000-53430	1,550.00	0.00		0.00	0.00	-228.93	0.00	
WIRELESS PHONES COMMUNICATIONS	0.00	0.00	1,550.00	0.00	0.00	-228.93	1,321.07	14.77
0100-5-512-000-53440	150.00	0.00		0.00	0.00	0.00	0.00	
PRINT MAIL COMMUNICATIONS	0.00	0.00	150.00	0.00	0.00	0.00	150.00	0.00
0100-5-512-000-53880	52,080.00	0.00		0.00	0.00	-10,048.50	0.00	
CONTRACTED SERV. OTHER SERVICES	0.00	0.00	52,080.00	0.00	0.00	-10,048.50	42,031.50	19.29
0100-5-512-000-54220	525.00	0.00		0.00	0.00	-81.60	0.00	
OTHER OFFICE SUPPLIES	0.00	0.00	525.00	0.00	0.00	-81.60	443.40	15.54
0100-5-512-000-57100	1,525.00	0.00		0.00	0.00	-76.48	0.00	
IN-STATE TRAVEL	0.00	0.00	1,525.00	0.00	0.00	-76.48	1,448.52	5.02
0100-5-512-000-57300	550.00	0.00		0.00	0.00	-190.00	0.00	
DUES	0.00	0.00	550.00	0.00	0.00	-190.00	360.00	34.55
Total Group 1: Segment 3: Department	**170,717.00**	**0.00**		**7,135.00**	**0.00**	**-44,785.07**	**0.00**	
Code: 512 - BOARD OF HEALTH	**0.00**	**0.00**	**170,717.00**	**7,135.00**	**0.00**	**-44,785.07**	**133,066.93**	**22.05**

Group as: ****-*-111-***-*****

Parameters: Fiscal Year: 2021 Start Date: 7/1/2020 end: 09/30/2020

Ledger History - Variance - with PO - Expenditure Ledger

Account Number	Budget	Transfer: This Period		Journal Entry: This Period	Receipt: This Period	Payment: This Period	PO Enc	
	Encumbered	To Date	Allocated	To Date	To Date	To Date	Ending	% Var.
0100-5-541-000-51100	211,811.00	0.00		0.00	0.00	-59,298.70	0.00	
SALARIES FULL TIME	0.00	0.00	211,811.00	0.00	0.00	-59,298.70	152,512.30	28.00
0100-5-541-000-51110	63,681.00	0.00		0.00	0.00	0.00	0.00	
SALARIES PART-TIME	0.00	0.00	63,681.00	0.00	0.00	0.00	63,681.00	0.00
0100-5-541-000-51450	2,350.00	0.00		0.00	0.00	0.00	0.00	
LONGEVITY	0.00	0.00	2,350.00	0.00	0.00	0.00	2,350.00	0.00
0100-5-541-000-52540	1,700.00	0.00		0.00	0.00	-790.00	0.00	
COMPUTER EQUIP. REPAIR MAINT.	0.00	0.00	1,700.00	0.00	0.00	-790.00	910.00	46.47
0100-5-541-000-53070	600.00	0.00		0.00	0.00	0.00	0.00	
EMPLOYEE TRAINING PROF. TECH.	0.00	0.00	600.00	0.00	0.00	0.00	600.00	0.00
0100-5-541-000-53420	1,725.00	0.00		0.00	0.00	-250.00	0.00	
POSTAGE COMMUNICATIONS	0.00	0.00	1,725.00	0.00	0.00	-250.00	1,475.00	14.49
0100-5-541-000-53440	900.00	0.00		0.00	0.00	-243.00	0.00	
PRINT MAIL COMMUNICATIONS	0.00	0.00	900.00	0.00	0.00	-243.00	657.00	27.00
0100-5-541-000-53500	42,345.00	0.00		-1,800.00	0.00	-2,215.00	0.00	
RECREATIONAL ACTIVITES	0.00	0.00	42,345.00	-1,800.00	0.00	-2,215.00	38,330.00	9.48
0100-5-541-000-53880	3,170.00	0.00		0.00	0.00	-306.40	0.00	
CONTRACTED SERV. OTHER SERVICES	0.00	0.00	3,170.00	0.00	0.00	-306.40	2,863.60	9.67
0100-5-541-000-54220	650.00	0.00		1,800.00	0.00	-2,111.23	0.00	
OTHER OFFICE SUPPLIES	0.00	0.00	650.00	1,800.00	0.00	-2,111.23	338.77	47.88
0100-5-541-000-54900	250.00	0.00		0.00	0.00	0.00	0.00	
FOOD AND FOOD SERVICE SUPPLIES	0.00	0.00	250.00	0.00	0.00	0.00	250.00	0.00
0100-5-541-000-55000	950.00	0.00		0.00	0.00	0.00	0.00	
MEDICAL SURGICAL SUPPLIES	0.00	0.00	950.00	0.00	0.00	0.00	950.00	0.00
0100-5-541-000-55840	4,500.00	0.00		0.00	0.00	-1,525.69	0.00	
RECREATIONAL OTHER SUPPLIES	0.00	0.00	4,500.00	0.00	0.00	-1,525.69	2,974.31	33.90
0100-5-541-000-57100	1,300.00	0.00		0.00	0.00	0.00	0.00	
IN-STATE TRAVEL	0.00	0.00	1,300.00	0.00	0.00	0.00	1,300.00	0.00
0100-5-541-000-57300	400.00	0.00		0.00	0.00	0.00	0.00	
DUES	0.00	0.00	400.00	0.00	0.00	0.00	400.00	0.00
0100-5-541-000-58500	295.00	0.00		0.00	0.00	-60.00	0.00	
ADDITIONAL EQUIPMENT	0.00	0.00	295.00	0.00	0.00	-60.00	235.00	20.34
Total Group 1: Segment 3: Department	**336,627.00**	**0.00**		**0.00**	**0.00**	**-66,800.02**	**0.00**	
Code: 541 - COUNCIL ON AGING	**0.00**	**0.00**	**336,627.00**	**0.00**	**0.00**	**-66,800.02**	**269,826.98**	**19.84**

Group as: ****-*-111-***-*****

Parameters: Fiscal Year: 2021 Start Date: 7/1/2020 end: 09/30/2020

Ledger History - Variance - with PO - Expenditure Ledger

Account Number	Budget	Transfer: This Period		Journal Entry: This Period	Receipt: This Period	Payment: This Period	PO Enc	
	Encumbered	To Date	Allocated	To Date	To Date	To Date	Ending	% Var.
0100-5-542-000-51100	222,826.00	0.00		0.00	0.00	-39,048.20	0.00	
SALARIES FULL-TIME	0.00	0.00	222,826.00	0.00	0.00	-39,048.20	183,777.80	17.52
0100-5-542-000-51450	1,000.00	0.00		0.00	0.00	0.00	0.00	
LONGEVITY	0.00	0.00	1,000.00	0.00	0.00	0.00	1,000.00	0.00
0100-5-542-000-53070	1,500.00	0.00		0.00	0.00	0.00	0.00	
EMPLOYEE TRAINING PROF. TECH.	0.00	0.00	1,500.00	0.00	0.00	0.00	1,500.00	0.00
0100-5-542-000-53410	1,892.00	0.00		0.00	0.00	0.00	0.00	
DATA PROC. LINES COMMUNICATIONS	0.00	0.00	1,892.00	0.00	0.00	0.00	1,892.00	0.00
0100-5-542-000-53440	1,000.00	0.00		0.00	0.00	0.00	0.00	
PRINT MAIL COMMUNICATIONS	0.00	0.00	1,000.00	0.00	0.00	0.00	1,000.00	0.00
0100-5-542-000-53880	4,900.00	0.00		0.00	0.00	-900.00	0.00	
CONTRACTED SERV. OTHER SERVICES	0.00	0.00	4,900.00	0.00	0.00	-900.00	4,000.00	18.37
0100-5-542-000-54220	1,500.00	0.00		0.00	0.00	0.00	0.00	
OTHER OFFICE SUPPLIES	0.00	0.00	1,500.00	0.00	0.00	0.00	1,500.00	0.00
0100-5-542-000-55840	1,500.00	0.00		0.00	0.00	-516.43	0.00	
RECREATIONAL SUPPLIES	0.00	0.00	1,500.00	0.00	0.00	-516.43	983.57	34.43
0100-5-542-000-57100	2,000.00	0.00		0.00	0.00	0.00	0.00	
IN-STATE TRAVEL	0.00	0.00	2,000.00	0.00	0.00	0.00	2,000.00	0.00
Total Group 1: Segment 3: Department	**238,118.00**	**0.00**		**0.00**	**0.00**	**-40,464.63**	**0.00**	
Code: 542 - YOUTH COMMISSION	**0.00**	**0.00**	**238,118.00**	**0.00**	**0.00**	**-40,464.63**	**197,653.37**	**16.99**

Group as: ****-*-111-***-*****

Parameters: Fiscal Year: 2021 Start Date: 7/1/2020 end: 09/30/2020

Ledger History - Variance - with PO - Expenditure Ledger

Account Number	Budget Encumbered	Transfer: This Period To Date	Allocated	Journal Entry: This Period To Date	Receipt: This Period To Date	Payment: This Period To Date	PO Enc Ending	% Var.
0100-5-543-000-51110	15,000.00	0.00		0.00	0.00	-3,750.00	0.00	
SALARIES PART-TIME	0.00	0.00	15,000.00	0.00	0.00	-3,750.00	11,250.00	25.00
0100-5-543-000-54220	250.00	0.00		0.00	0.00	0.00	0.00	
OTHER OFFICE SUPPLIES	0.00	0.00	250.00	0.00	0.00	0.00	250.00	0.00
0100-5-543-000-55830	100.00	0.00		0.00	0.00	0.00	0.00	
MAGAZINES OTHER SUPPLIES	0.00	0.00	100.00	0.00	0.00	0.00	100.00	0.00
0100-5-543-000-57100	400.00	0.00		0.00	0.00	0.00	0.00	
IN-STATE TRAVEL	0.00	0.00	400.00	0.00	0.00	0.00	400.00	0.00
0100-5-543-000-57300	95.00	0.00		0.00	0.00	0.00	0.00	
DUES	0.00	0.00	95.00	0.00	0.00	0.00	95.00	0.00
0100-5-543-000-57700	20,000.00	0.00		0.00	0.00	-4,532.42	0.00	
VETERANS BENEFITS	0.00	0.00	20,000.00	0.00	0.00	-4,532.42	15,467.58	22.66
Total Group 1: Segment 3: Department	**35,845.00**	**0.00**		**0.00**	**0.00**	**-8,282.42**	**0.00**	
Code: 543 - VETERANS SERVICES	**0.00**	**0.00**	**35,845.00**	**0.00**	**0.00**	**-8,282.42**	**27,562.58**	**23.11**

Group as: ****-*-111-***-*****

Parameters: Fiscal Year: 2021 Start Date: 7/1/2020 end: 09/30/2020

Ledger History - Variance - with PO - Expenditure Ledger

Account Number	Budget	Transfer: This Period		Journal Entry: This Period	Receipt: This Period	Payment: This Period	PO Enc	
	Encumbered	To Date	Allocated	To Date	To Date	To Date	Ending	% Var.
0100-5-610-000-51100	339,702.00	0.00		156.00	0.00	-78,684.38	0.00	
SALARIES FULL-TIME	0.00	0.00	339,702.00	156.00	0.00	-78,684.38	261,173.62	23.12
0100-5-610-000-51110	82,575.00	0.00		0.00	0.00	-10,377.98	0.00	
SALARIES PART-TIME	0.00	0.00	82,575.00	0.00	0.00	-10,377.98	72,197.02	12.57
0100-5-610-000-51450	2,900.00	0.00		0.00	0.00	0.00	0.00	
LONGEVITY	0.00	0.00	2,900.00	0.00	0.00	0.00	2,900.00	0.00
0100-5-610-000-52300	500.00	0.00		0.00	0.00	-34.36	0.00	
WATER-DOMESTIC	0.00	0.00	500.00	0.00	0.00	-34.36	465.64	6.87
0100-5-610-000-52540	2,428.00	0.00		0.00	0.00	-2,417.12	0.00	
COMPUTER EQUIP. REPAIR MAINT.	0.00	0.00	2,428.00	0.00	0.00	-2,417.12	10.88	99.55
0100-5-610-000-53070	500.00	0.00		0.00	0.00	-175.00	0.00	
EMPLOYEE TRAINING PROF. TECH	0.00	0.00	500.00	0.00	0.00	-175.00	325.00	35.00
0100-5-610-000-53500	800.00	0.00		0.00	0.00	0.00	0.00	
LIBRARY PROGRAMS	0.00	0.00	800.00	0.00	0.00	0.00	800.00	0.00
0100-5-610-000-54220	4,000.00	0.00		0.00	0.00	-680.39	0.00	
OTHER OFFICE SUPPLIES	0.00	0.00	4,000.00	0.00	0.00	-680.39	3,319.61	17.01
0100-5-610-000-55100	84,273.00	0.00		0.00	0.00	-19,544.74	0.00	
EDUCATIONAL SUPPLIES	0.00	0.00	84,273.00	0.00	0.00	-19,544.74	64,728.26	23.19
0100-5-610-000-55830	10,194.00	0.00		0.00	0.00	-6,458.65	0.00	
MAGAZINES OTHER SUPPLIES	0.00	0.00	10,194.00	0.00	0.00	-6,458.65	3,735.35	63.36
0100-5-610-000-57100	450.00	0.00		0.00	0.00	0.00	0.00	
IN-STATE TRAVEL	0.00	0.00	450.00	0.00	0.00	0.00	450.00	0.00
0100-5-610-000-57300	28,300.00	0.00		0.00	0.00	-18,510.80	0.00	
DUES	0.00	0.00	28,300.00	0.00	0.00	-18,510.80	9,789.20	65.41
Total Group 1: Segment 3: Department	**556,622.00**	**0.00**		**156.00**	**0.00**	**-136,883.42**	**0.00**	
Code: 610 - LIBRARY	**0.00**	**0.00**	**556,622.00**	**156.00**	**0.00**	**-136,883.42**	**419,894.58**	**24.56**

Group as: ****-*-111-***-*****

Parameters: Fiscal Year: 2021 Start Date: 7/1/2020 end: 09/30/2020

Ledger History - Variance - with PO - Expenditure Ledger

Account Number	Budget Encumbered	Transfer: This Period To Date	Allocated	Journal Entry: This Period To Date	Receipt: This Period To Date	Payment: This Period To Date	PO Enc Ending	% Var.
0100-5-630-000-51100	138,362.00	0.00		0.00	0.00	-32,307.06	0.00	
SALARIES FULL-TIME	0.00	0.00	138,362.00	0.00	0.00	-32,307.06	106,054.94	23.35
0100-5-630-000-57300	9,900.00	0.00		0.00	0.00	0.00	0.00	
DUES	0.00	0.00	9,900.00	0.00	0.00	0.00	9,900.00	0.00
Total Group 1: Segment 3: Department	**148,262.00**	**0.00**		**0.00**	**0.00**	**-32,307.06**	**0.00**	
Code: 630 - RECREATION	**0.00**	**0.00**	**148,262.00**	**0.00**	**0.00**	**-32,307.06**	**115,954.94**	**21.79**

Group as: ****-*-111-***-*****

Parameters: Fiscal Year: 2021 Start Date: 7/1/2020 end: 09/30/2020

Ledger History - Variance - with PO - Expenditure Ledger

Account Number	Budget Encumbered	Transfer: This Period To Date	Allocated	Journal Entry: This Period To Date	Receipt: This Period To Date	Payment: This Period To Date	PO Enc Ending	% Var.
0100-5-691-000-53880	2,500.00	0.00		0.00	0.00	-234.34	0.00	
CONTRACTED SERV. OTHER SERVICES	0.00	0.00	2,500.00	0.00	0.00	-234.34	2,265.66	9.37
Total Group 1: Segment 3: Department	**2,500.00**	**0.00**		**0.00**	**0.00**	**-234.34**	**0.00**	
Code: 691 - HISTORICAL COMMISSION	**0.00**	**0.00**	**2,500.00**	**0.00**	**0.00**	**-234.34**	**2,265.66**	**9.37**

Group as: ****-*-111-***-*****

Parameters: Fiscal Year: 2021 Start Date: 7/1/2020 end: 09/30/2020

Ledger History - Variance - with PO - Expenditure Ledger

Account Number	Budget Encumbered	Transfer: This Period To Date	Allocated	Journal Entry: This Period To Date	Receipt: This Period To Date	Payment: This Period To Date	PO Enc Ending	% Var.
0100-5-692-000-55890	3,000.00	0.00		0.00	0.00	0.00	0.00	
FLAGS OTHER SUPPLIES	0.00	0.00	3,000.00	0.00	0.00	0.00	3,000.00	0.00
Total Group 1: Segment 3: Department	**3,000.00**	**0.00**		**0.00**	**0.00**	**0.00**	**0.00**	
Code: 692 - MEMORIAL DAY	**0.00**	**0.00**	**3,000.00**	**0.00**	**0.00**	**0.00**	**3,000.00**	**0.00**

Group as: ****-*-111-***-*****

Parameters: Fiscal Year: 2021 Start Date: 7/1/2020 end: 09/30/2020

Ledger History - Variance - with PO - Expenditure Ledger

Account Number	Budget	Transfer: This Period		Journal Entry: This Period	Receipt: This Period	Payment: This Period	PO Enc	
	Encumbered	To Date	Allocated	To Date	To Date	To Date	Ending	% Var.
0100-5-710-101-59100	52,547.00	0.00		0.00	0.00	-30,060.00	0.00	
MWPAT SEPTIC	0.00	0.00	52,547.00	0.00	0.00	-30,060.00	22,487.00	57.21
0100-5-710-114-59100	1,060,000.00	0.00		0.00	0.00	0.00	0.00	
WOODWARD SCHOOL CONSTR	0.00	0.00	1,060,000.00	0.00	0.00	0.00	1,060,000.00	0.00
0100-5-710-118-59100	25,000.00	0.00		0.00	0.00	-25,000.00	0.00	
LTD PRINC - NEARY RENOV PH I II	0.00	0.00	25,000.00	0.00	0.00	-25,000.00	0.00	100.00
0100-5-710-120-59100	270,000.00	0.00		0.00	0.00	0.00	0.00	
LTD PRINC - PUBLIC SAFETY COMPLEX MA	0.00	0.00	270,000.00	0.00	0.00	0.00	270,000.00	0.00
0100-5-710-121-59100	35,000.00	0.00		0.00	0.00	-35,000.00	0.00	
LTD PRINC-NEARY PH IIIA14ATM4-14-08	0.00	0.00	35,000.00	0.00	0.00	-35,000.00	0.00	100.00
0100-5-710-122-59100	345,000.00	0.00		0.00	0.00	0.00	0.00	
LTD PRIN - PUBLIC SAFETY BLDG JUNE 20	0.00	0.00	345,000.00	0.00	0.00	0.00	345,000.00	0.00
0100-5-710-126-59100	110,000.00	0.00		0.00	0.00	0.00	0.00	
LTD PRINC - FIRE ENGINE	0.00	0.00	110,000.00	0.00	0.00	0.00	110,000.00	0.00
0100-5-710-127-59100	60,000.00	0.00		0.00	0.00	0.00	0.00	
LTD PRINC - CHOATE LIGHTS	0.00	0.00	60,000.00	0.00	0.00	0.00	60,000.00	0.00
0100-5-710-128-59100	130,000.00	0.00		0.00	0.00	0.00	0.00	
LTD PRINC - DPW FUEL TANKS	0.00	0.00	130,000.00	0.00	0.00	0.00	130,000.00	0.00
0100-5-710-129-59100	120,000.00	0.00		0.00	0.00	0.00	0.00	
LTD PRINC - 911 FIELD	0.00	0.00	120,000.00	0.00	0.00	0.00	120,000.00	0.00
0100-5-710-130-59100	50,000.00	0.00		0.00	0.00	0.00	0.00	
LTD PRINC - GOLF COURSE REPAIRS A15	0.00	0.00	50,000.00	0.00	0.00	0.00	50,000.00	0.00
0100-5-710-131-59100	40,000.00	0.00		0.00	0.00	0.00	0.00	
LTD PRINC - DEPIETRI FIELD A16 4-9-18	0.00	0.00	40,000.00	0.00	0.00	0.00	40,000.00	0.00
0100-5-710-132-59100	55,000.00	0.00		0.00	0.00	0.00	0.00	
LTD PRINC - TROTTIER TRACK A16 4-9-18	0.00	0.00	55,000.00	0.00	0.00	0.00	55,000.00	0.00
Total Group 1: Segment 3: Department	**2,352,547.00**	**0.00**		**0.00**	**0.00**	**-90,060.00**	**0.00**	
Code: 710 - RETIREMENT OF LONG-TERM	**0.00**	**0.00**	**2,352,547.00**	**0.00**	**0.00**	**-90,060.00**	**2,262,487.00**	**3.83**

Group as: ****-*-111-***-*****

Parameters: Fiscal Year: 2021 Start Date: 7/1/2020 end: 09/30/2020

Ledger History - Variance - with PO - Expenditure Ledger

Account Number	Budget	Transfer: This Period		Journal Entry: This Period	Receipt: This Period	Payment: This Period	PO Enc	
	Encumbered	To Date	Allocated	To Date	To Date	To Date	Ending	% Var.
0100-5-751-114-59150	94,200.00	0.00		0.00	0.00	0.00	0.00	
LONG TERM DEBT INT.-WOODWARD SCHO	0.00	0.00	94,200.00	0.00	0.00	0.00	94,200.00	0.00
0100-5-751-118-59150	6,719.00	0.00		0.00	0.00	-3,609.38	0.00	
INTEREST - NEARY RENOV PH I II	0.00	0.00	6,719.00	0.00	0.00	-3,609.38	3,109.62	53.72
0100-5-751-120-59150	278,332.00	0.00		0.00	0.00	0.00	0.00	
INTEREST - PUBLIC SAFETY COMPLEX	0.00	0.00	278,332.00	0.00	0.00	0.00	278,332.00	0.00
0100-5-751-121-59150	9,194.00	0.00		0.00	0.00	-4,946.87	0.00	
LT INT-NEARY PH IIIA14 ATM4-14-08	0.00	0.00	9,194.00	0.00	0.00	-4,946.87	4,247.13	53.81
0100-5-751-122-59150	483,919.00	0.00		0.00	0.00	0.00	0.00	
LT - PUBLIC SAFETY BLDG JUNE 2019	0.00	0.00	483,919.00	0.00	0.00	0.00	483,919.00	0.00
0100-5-751-126-59150	16,500.00	0.00		0.00	0.00	0.00	0.00	
LT INT - FIRE ENGINE	0.00	0.00	16,500.00	0.00	0.00	0.00	16,500.00	0.00
0100-5-751-127-59150	3,000.00	0.00		0.00	0.00	0.00	0.00	
LT INT - CHOATE LIGHTS	0.00	0.00	3,000.00	0.00	0.00	0.00	3,000.00	0.00
0100-5-751-128-59150	13,000.00	0.00		0.00	0.00	0.00	0.00	
LT INT - DPW FUEL TANKS	0.00	0.00	13,000.00	0.00	0.00	0.00	13,000.00	0.00
0100-5-751-129-59150	18,000.00	0.00		0.00	0.00	0.00	0.00	
LTD INT - 911 FIELD	0.00	0.00	18,000.00	0.00	0.00	0.00	18,000.00	0.00
0100-5-751-130-59150	10,000.00	0.00		0.00	0.00	0.00	0.00	
LTD INT - GOLF COURSE RESTOR A15 4-9-	0.00	0.00	10,000.00	0.00	0.00	0.00	10,000.00	0.00
0100-5-751-131-59150	7,750.00	0.00		0.00	0.00	0.00	0.00	
LTD INT - DEPIETRI FIELD A16 4-9-18	0.00	0.00	7,750.00	0.00	0.00	0.00	7,750.00	0.00
0100-5-751-132-59150	11,000.00	0.00		0.00	0.00	0.00	0.00	
LTD INT - TROTTIER TRACK A16 4-9-18	0.00	0.00	11,000.00	0.00	0.00	0.00	11,000.00	0.00
Total Group 1: Segment 3: Department	**951,614.00**	**0.00**		**0.00**	**0.00**	**-8,556.25**	**0.00**	
Code: 751 - INTEREST ON LONG-TERM	**0.00**	**0.00**	**951,614.00**	**0.00**	**0.00**	**-8,556.25**	**943,057.75**	**0.90**

Group as: ****-*-111-***-*****

Parameters: Fiscal Year: 2021 Start Date: 7/1/2020 end: 09/30/2020

Ledger History - Variance - with PO - Expenditure Ledger

Account Number	Budget Encumbered	Transfer: This Period To Date	Allocated	Journal Entry: This Period To Date	Receipt: This Period To Date	Payment: This Period To Date	PO Enc Ending	% Var.
0100-5-752-000-59250	52,363.00	0.00		0.00	0.00	-49,863.25	0.00	
INTEREST ON SHORT-TERM DEBT	0.00	0.00	52,363.00	0.00	0.00	-49,863.25	2,499.75	95.23
Total Group 1: Segment 3: Department	**52,363.00**	**0.00**		**0.00**	**0.00**	**-49,863.25**	**0.00**	
Code: 752 - INTEREST ON SHORT-TERM	**0.00**	**0.00**	**52,363.00**	**0.00**	**0.00**	**-49,863.25**	**2,499.75**	**95.23**

Group as: ****-*-111-***-*****

Parameters: Fiscal Year: 2021 Start Date: 7/1/2020 end: 09/30/2020

Ledger History - Variance - with PO - Expenditure Ledger

Account Number	Budget	Transfer: This Period		Journal Entry: This Period	Receipt: This Period	Payment: This Period	PO Enc	
	Encumbered	To Date	Allocated	To Date	To Date	To Date	Ending	% Var.
0100-5-910-000-51700	243,223.00	0.00		0.00	0.00	-237,493.00	0.00	
WORKERS COMP ACCIDENT INS.	0.00	0.00	243,223.00	0.00	0.00	-237,493.00	5,730.00	97.64
0100-5-910-000-51710	29,578.00	0.00		0.00	0.00	-10,161.67	0.00	
UNEMPLOYMENT PAYMENTS	0.00	0.00	29,578.00	0.00	0.00	-10,161.67	19,416.33	34.36
0100-5-910-000-51720	5,207,585.00	0.00		0.00	0.00	-1,493,097.55	0.00	
HEALTH INSURANCE	0.00	0.00	5,207,585.00	0.00	0.00	-1,493,097.55	3,714,487.45	28.67
0100-5-910-000-51730	2,170,625.00	0.00		0.00	0.00	-2,170,625.00	0.00	
RETIREMENT	0.00	0.00	2,170,625.00	0.00	0.00	-2,170,625.00	0.00	100.00
0100-5-910-000-51740	5,297.00	0.00		0.00	0.00	-1,312.33	0.00	
GROUP LIFE INSURANCE	0.00	0.00	5,297.00	0.00	0.00	-1,312.33	3,984.67	24.77
0100-5-910-000-51750	7,440.00	0.00		0.00	0.00	-3,482.12	0.00	
FLEXIBLE SPENDING ACCOUNT	0.00	0.00	7,440.00	0.00	0.00	-3,482.12	3,957.88	46.80
0100-5-910-000-51770	375,970.00	0.00		0.00	0.00	-80,830.01	0.00	
MEDICARE	0.00	0.00	375,970.00	0.00	0.00	-80,830.01	295,139.99	21.50
0100-5-910-000-51780	236,306.00	0.00		0.00	0.00	-81,061.08	0.00	
DENTAL INSURANCE	0.00	0.00	236,306.00	0.00	0.00	-81,061.08	155,244.92	34.30
0100-5-910-000-51785	17,750.00	0.00		0.00	0.00	-4,236.40	0.00	
MEDICARE B ASSESSMENT	0.00	0.00	17,750.00	0.00	0.00	-4,236.40	13,513.60	23.87
Total Group 1: Segment 3: Department	**8,293,774.00**	**0.00**		**0.00**	**0.00**	**-4,082,299.16**	**0.00**	
Code: 910 - EMPLOYEE BENEFITS	**0.00**	**0.00**	**8,293,774.00**	**0.00**	**0.00**	**-4,082,299.16**	**4,211,474.84**	**49.22**

Group as: ****-*-111-***-*****

Parameters: Fiscal Year: 2021 Start Date: 7/1/2020 end: 09/30/2020

Ledger History - Variance - with PO - Expenditure Ledger

Account Number	Budget Encumbered	Transfer: This Period To Date	Allocated	Journal Entry: This Period To Date	Receipt: This Period To Date	Payment: This Period To Date	PO Enc Ending	% Var.
0100-5-930-005-58490	49,507.00	0.00		0.00	0.00	0.00	-41,055.00	
POLICE EQUIPMENT	0.00	0.00	49,507.00	0.00	0.00	0.00	8,452.00	82.93
Total Group 1: Segment 3: Department	**49,507.00**	**0.00**		**0.00**	**0.00**	**0.00**	**-41,055.00**	
Code: 930 - CAPITAL BUDGET	**0.00**	**0.00**	**49,507.00**	**0.00**	**0.00**	**0.00**	**8,452.00**	**82.93**

Group as: ****-*-111-***-*****

Parameters: Fiscal Year: 2021 Start Date: 7/1/2020 end: 09/30/2020

Ledger History - Variance - with PO - Expenditure Ledger

Account Number	Budget Encumbered	Transfer: This Period To Date	Allocated	Journal Entry: This Period To Date	Receipt: This Period To Date	Payment: This Period To Date	PO Enc Ending	% Var.
0100-5-941-000-57600	225,000.00	0.00		0.00	0.00	-227,586.19	0.00	
COURT JUDGMENTS	0.00	0.00	225,000.00	0.00	0.00	-227,586.19	-2,586.19	101.15
Total Group 1: Segment 3: Department	**225,000.00**	**0.00**		**0.00**	**0.00**	**-227,586.19**	**0.00**	
Code: 941 - COURT JUDGMENTS	**0.00**	**0.00**	**225,000.00**	**0.00**	**0.00**	**-227,586.19**	**-2,586.19**	**101.15**

Group as: ****-*-111-***-*****

Parameters: Fiscal Year: 2021 Start Date: 7/1/2020 end: 09/30/2020

Ledger History - Variance - with PO - Expenditure Ledger

Account Number	Budget Encumbered	Transfer: This Period To Date	Allocated	Journal Entry: This Period To Date	Receipt: This Period To Date	Payment: This Period To Date	PO Enc Ending	% Var.
0100-5-945-000-57400	284,595.00	0.00		0.00	0.00	-277,426.00	0.00	
LIABILITY INSURANCE OTHER CHG	0.00	0.00	284,595.00	0.00	0.00	-277,426.00	7,169.00	97.48
Total Group 1: Segment 3: Department	**284,595.00**	**0.00**		**0.00**	**0.00**	**-277,426.00**	**0.00**	
Code: 945 - LIABILITY INSURANCE	**0.00**	**0.00**	**284,595.00**	**0.00**	**0.00**	**-277,426.00**	**7,169.00**	**97.48**

Group as: ****-*-111-***-*****

Parameters: Fiscal Year: 2021 Start Date: 7/1/2020 end: 09/30/2020

Ledger History - Variance - with PO - Expenditure Ledger

Account Number	Budget Encumbered	Transfer: This Period To Date	Allocated	Journal Entry: This Period To Date	Receipt: This Period To Date	Payment: This Period To Date	PO Enc Ending	% Var.
	53,724,799.00	0.00		1,912,050.35	0.13	-14,056,227.11	-348,296.79	
472 Account(s) totaling:	0.00	0.00	53,724,799.00	1,912,050.35	0.13	-14,056,227.11	41,232,325.58	23.25

Town of Southborough

FINANCE DIVISION: TOWN ACCOUNTANT

TOWN HOUSE · 17 COMMON STREET · SOUTHBOROUGH, MASSACHUSETTS 01772-1662
(508) 485-0710 x3014 · FAX (508) 480-0161 · cmcauliffe@southboroughma.com

DATE: November 12, 2020

TO: Honorable Board of Selectmen
Mark Purple, Town Administrator

FROM: Carla McAuliffe, Town Accountant

RE: CARES/FEMA Update

Below is a status of the CARES and FEMA reimbursements:

The Town of Southborough did file both the CARES and FEMA reimbursements in the Month of October. The Town has received the CARES Round 2 reimbursement which totaled $55,487.00. The quarterly reporting for CARES has been submitted as well.

The FEMA request totaled $106,291.09. The maximum they will reimburse is 75% which is $79,717.00. We have heard back from FEMA twice and are in the process of going through their list of additional information required to complete their review. This process is typical in a FEMA reimbursement. FEMA is looking for overtime hours, contract services, and materials ordered to be tied to an emergency COVID task- not a general COVID task as part of a category B emergency declaration. If any charges are denied from FEMA we will then apply for 100% reimbursement through CARES in the next round of funding. The date of the next funding round has not been released yet.

There are many moving parts between FEMA and CARES with regard to reimbursement and eligibility. Both sources of funding are Federal but handle their auditing and reporting much differently. FEMA requests all supporting documents to be uploaded along with the funding request. CARES pays the funds requested upfront and will do a compliance audit at a later date. CARES requires a quarterly report on expenses as a separate submittal. There is a chance if CARES deem expenses ineligible, we will owe funds back to the granting authority. The expenses may be eligible categorically, but must meet the following; the expense must be necessary as a result of COVID; unbudgeted as of March 27,2020; and the cost incurred between March 1, 2020 and December 30,2020. In addition, the Town must receive the benefit of the goods and services by December 30, 2020 and have proper documentation.

Should you have any questions, please do not hesitate to ask.

SOUTHBOROUGH LIBRARY

DATE: November 9, 2020

TO: The Honorable Board of Selectmen, Town of Southborough

FROM: Ryan Donovan, Library Director

SUBJ: Donation to the Library

To: The Board of Selectmen:

The Southborough Library has received a check from Xi Wu in the amount of $15.00. The Southborough Library is currently waiving any/all overdue fines as result of the COVID-19 pandemic. Xi Wu incurred overdue fines and the library subsequently waived them, but she wanted the amount donated to the library anyway at her request.

At this time, the Library Board of Trustees and I wish to accept this donation, to be placed in the "Library Donation" account, #2629-6-610-570-57820. We ask that you agree. Please contact library director Ryan Donovan with any questions or concerns. Thank you.

Ryan Donovan, Library Director

TOWN OF SOUTHBOROUGH

BOARD OF SELECTMEN Meeting Minutes

Meeting Date: Tuesday, November 4, 2020, 6:30 P.M.
Location: Virtual Meeting through Zoom
Present: Marty Healey, Lisa Braccio, Chelsea Malinowski, Brian Shea, Sam Stivers and Town Administrator Mark Purple

I. Chairman Healey called the meeting to order at 6:30 P.M. Chairman Healey read the following statement:

Pursuant to Governor Baker's March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, §18, and the Governor's March 15, 2020 Order imposing strict limitation on the number of people that may gather in one place, this meeting of the Southborough Board of Selectmen will be conducted via remote participation to the greatest extent possible. Specific information and the general guidelines for remote participation by members of the public and/or parties with a right and/or requirement to attend this meeting can be found on the Town of Southborough's website, at https://www.southboroughtown.com/. For this meeting, members of the public who wish to watch or participate in the meeting may do so in the following manner by finding the meeting at: https://www.southboroughtown.com/remotemeetings. No in-person attendance of members of the public will be permitted, but every effort will be made to ensure that the public can adequately access the proceedings in real time, via technological means. In the event that we are unable to do so, despite best efforts, we will post on Southborough's website an audio or video recording, transcript, or other comprehensive record of proceedings as soon as possible after the meeting.

II. Public Comment
None

III. Scheduled Appointments
Volunteer Interview – Angela Varner, Municipal Technology Committee: term 6/30/22
Chairman Healey welcomed Ms. Varner and stated that Mr. Probst had given her an enthusiastic endorsement. Ms. Varner gave background on her experience which included over twenty years in the technology field and she is the working on a hybrid-based cloud knowledge system for her current employer. Ms. Malinowski asked what she would be most interested in contributing to the Committee. Ms. Varner stated that she would like to work with the five-year strategy that included more input from citizens and a data driven approach for the Town. Mr. Shea stated he has known Ms. Varner for years and endorsed her for this role. Mr. Stivers made a motion to appoint Angela Varner to the Municipal Technology Committee: term 6/30/22. Mr. Shea seconded. The motion passed all in favor (5-0-0) by roll call vote, Braccio, aye; Malinowski, aye; Shea, aye; Stivers, aye; Healey, aye.

7:00 P.M. – Discussion with Board of Health – COVID-19 update
Ms. Woodford told the Board the pandemic has shined a light on public health in the community and the Board of Health members are identifying gaps and challenges in the services they are able to provide. Chairman Healey stated that he is looking forward to having that dialogue in the future. Ms. Amico summarized her experience with the pandemic since starting her position.

She explained case investigation, contact tracing, quarantining and color classifications as they relate to COVID-19. Chairman Healey asked if there were anything she would suggest residents do to improve the community's safety from COVID-19. Ms. Amico stated that following the State guidelines especially with mask wearing and social distancing is the greatest risk reducer. Ms. Braccio asked that seeing as schools are not a transmission point for COVID-19, where cases were coming from. Ms. Woodford stated that she does COVID-19 investigating in Framingham for work and they have found that outbreaks are occurring in sports teams, long-term and group homes, large businesses and stores. She added that because Southborough is smaller, there are less high transmission areas and less cases. Ms. Woodford explained what exposure means and the measures taken if a person has been exposed to someone who is positive for COVID-19. Ms. Braccio asked if school nurses are able to help with the caseload and Ms. Amico explained that school nurses are not helping as school is in session all week. Ms. Malinowski stated schools are looking to do more regular testing and asked how that would impact Ms. Amico's workload. Ms. Amico explained her responsibilities and those of the school nurses regarding positive COVID-19 cases. Mr. Stivers asked if she felt there are sufficient resources to execute the contract tracing needed. Ms. Amico stated that more nurse hours are needed. She elaborated on her workload and the additional hours she is working due to the pandemic. Ms. Woodford agreed that more resources are needed and explained her concern that once the CARES Act resources run out, there will not be enough funding to support the needs of the community. Chairman Healey stated he has hope that Congress will revisit the issue of funding for COVID-19 related expenses and asked for data regarding the amount of contract tracing being done. He asked Mr. Purple to follow up with Ms. Amico to find the data and assess needs. Ms. Woodford asked the Board to inform them on the type of data they are looking for and Chairman Healey agreed to do so.

Dr. Medina introduced himself and presented the PowerPoint slides included in the packet. He stressed the need for students to continue to go to school and gave examples of other countries who have full-time in-person school with little to no COVID-19 transmissions. He outlined the public health crisis in children due to the pandemic and less time in in-person learning. He outlined safe and unsafe activities. Dr. Medina described the mental health crisis and explained the resources available through Southborough Youth and Family Services. Ms. Malinowski asked what he felt the rest of the school year would look like. Dr. Medina stated the goal is to maintain hybrid learning and not revert back to full remote as it is detrimental to children. He added the goal is to also increase in-person learning as much as possible. He explained that testing and screening would be necessary to do this and the current process for quarantining when a positive case arises. Ms. Braccio thanked him for being and advocate for children and his work within the community.

Mr. Pisinski gave an overview of the status of the Davis Farm Dump and his proposed next steps. He stated that fifteen years ago a licensed site professional inspected the area and did not find any contamination of the site or wells. He added that there is an extensive amount of debris at the site and recommended that the Town appoint an oversight committee appointed by the Board that included a member from the DEP, Board of Health, Conservation Commission and one to two citizens. The proposed committee would immediately begin the process to have the site surveyed and get a bid for a company to remove the trash. Mr. Shea asked if an LSP has inspected the site recently. Mr. Pisinski said he believed the Conservation Commission is looking to hire an LSP to conduct deeper digs into the site. Mr. Shea stated he would like to have an LSP who is leading the effort for the Town to follow. Mr. Purple confirmed Ms. Danza was in the process of vetting a new LSP. Ms. Malinowski asked Mr. Pisinski if he is suggesting the $15,000

for the funding of the project be brought to Town Meeting and if he is suggesting the remediation plan should go into effect next year. Mr. Pisinski replied in the affirmative and explained the proposed details of the project.

Karen Galligan – Chapter 90 project approvals

Ms. Galligan asked the Board to authorize the transfer of $145,000 of Chapter 90 funds to finish the design work for the Cordaville Road project. She also asked the Board to give Mr. Purple permission to sign the documents on behalf of the Board. Ms. Galligan described the work this would cover and stated it would start this winter. Mr. Stivers asked if this were an opportunity to bundle the work together and go to bid for a bulk contract to help decrease costs. Ms. Galligan explained and stated that the current engineering firm has been very good. Ms. Braccio asked about the $30,000 in the general fund from Legacy Farms. Ms. Galligan explained how this process works and stated the DPW was accurately accounting for this. Ms. Malinowski asked if moving forward that the appropriations will be used for sidewalk maintenance instead of road maintenance. Ms. Galligan replied in the affirmative. Ms. Malinowski asked if a hearing was required for this project and Ms. Galligan replied that for a project this size they usually meet with abutters and there will be hearings with the Conservation Commission as it is permitted through them. Mr. Shea made a motion to allocate $145,000 of Chapter 90 Funds to the Cordaville Road project. Chairman Healey seconded. The motion passed all in favor (5-0-0) by roll call vote, Braccio, aye; Malinowski, aye; Shea, aye; Stivers, aye; Healey, aye.

Ms. Galligan explained the funds needed to fix St. Mark's Street and the corner located there in addition to the creation of a shared parking lot with the Library. She added the project also includes finishing sidewalks from where it ends on Marlboro Street to St. Mark's. She stated that $105,000 is needed to make this shovel ready. Chairman Healey asked if the deterioration of the area at the intersection was due to work done by St. Mark's or otherwise. Ms. Galligan stated that it was from the stone wall work done at the intersection and explained that the water used to flow into that area and puddle up. She explained how drainage would be fixed to make the area more drivable. Ms. Braccio asked if it a dollar figure was known from the Safe Routes grant. Ms. Galligan said it was unknown at this time and the grant opens for submissions around January. Ms. Malinowski asked who had oversight of the spending on these projects and Ms. Galligan stated she signs off first, the engineer checks the numbers and the Town Accountant is then responsible to make sure everything is accurate. Mr. Shea urged discussions for a public/private partnership with St. Mark's for the intersection work at Route 85 and the school. Chairman Healey made a motion to allocate $105,000 of Chapter 90 funds for St. Mark's Street design. Mr. Stivers seconded. The motion passed all in favor (5-0-0) by roll call vote, Braccio, aye; Malinowski, aye; Shea, aye; Stivers, aye; Healey, aye.

Ms. Galligan described the proposed project for Route 85 and Framingham Road and stated a survey needed to be conducted. Ms. Malinowski asked if the survey could be done and then the project put on hold for three to four years to coincide with the TIP project. Ms. Galligan replied that the survey should stand with only minor updating needed. Mr. Stivers stated he is in support and suggested this process begin. He suggested communication with legislators a list of shovel ready projects. Chairman Healey requested an invitation for Representative Dykema and Senator Eldridge to attend a future meeting. Chairman Healey made a motion to allocate $130,000 of Chapter 90 funds for a Route 85 and Framing Road survey. Mr. Shea seconded. The motion passed all in favor (5-0-0) by roll call vote, Braccio, aye; Malinowski, aye; Shea, aye; Stivers, aye; Healey, aye.

Ms. Galligan explained that they are looking to replace the draining pipe under the CSX track in the downtown and CSX agreed to give the Town an easement to do so. She explained the encroachments and their willingness to give only five feet of property with the easement. Chairman Healey stated that Mr. Lamy had resolved his issues with CSX and asked Mr. Purple for an update on how other landowners are situated with this issue. Mr. Purple agreed inquire with the business owners and update the Board. Mr. Stivers asked to compile a list of options that are typical for this type of situation to give to property owners. Mr. Purple agreed.

Discussion of process for receiving/assigning/tracking litigation

Chairman Healey asked Mr. Purple to outline the new tracking system to prevent the same issue with the Warfield litigation from reoccurring. Mr. Purple explained the process from first receiving notice of a lawsuit, informing the insurance company, and providing all documents, updates and legal filings to the Board. He explained the files available to the Board and how to access them. Mr. Purple stated there is redundancy in the process to ensure all parties are aware as quickly as possible of each step and correspondence with the legal cases. He asked the Board if they preferred to receive updates through email or to insert them into the case files. Ms. Braccio stated she was happy to have redundancy. Ms. Malinowski stated that she will leave it to the judgement of the Town Administrator whether the Board needs immediate notification of updates or if including it in a report is sufficient. She asked that the Board be made aware of any major milestones.

IV. Reports

Chairman's Report

Chairman Healey praised Sue Butka for assisting him with in-person voting. He also gave accolades to the Town Clerk's Office and Mr. Hegarty for managing in-person voting on election day. He also wished Mr. Hegarty well after he took a fall.

Chairman Healey informed the public that the Town House Receptionist was retiring. He congratulated Ms. Ostrech and wished her well.

Chairman Healey stated there will be an Executive Session held next Tuesday to discuss the process of receiving appraisals for the Art Center property with the Capital Committee.

Chairman Healey stated that numerous committees will be attending the November 17th meeting to talk about the Downtown Initiative.

Chairman Healey stated he assigned three departments or boards to each member to act as a liaison. He asked the Board to give him feedback as the process begins.

Chairman Healey stated he met with Mr. Purple and the Advisory Committee and they are on the same page with the Board regarding challenges in fiscal year 2022.

i. Follow-up on 10/20 discussion with Personnel Board

Chairman Healey stated he met with Mr. Purple and Ms. Rosenbloom last week. They spoke and agreed that Mr. Purple will be making monthly reports at Personnel Board meetings about items related to SAP, policies adopted by the Personnel Board and any personnel matters that fall under that umbrella. He stated that they also agreed that the Personnel Board should be kept in a firmer loop on all SAP hiring in order to ensure consistency with SAP and their policies. He

added that the Personnel Board will be notified anytime a decision is made in hiring or promotions especially with new conditions of employment. Mr. Stivers asked to hear from the Personnel Board quarterly regarding their view of the process and to receive input on Mr. Purple's performance appraisal. Ms. Malinowski asked if the organizational chart was discussed and Chairman Healey said it was not as he had a hard stop after an hour.

ii. Advisory request on EOY payouts, leave time accruals

Chairman Healey stated that the Board received an update of end of year payouts. He stated there was concern about consistency and Mr. Purple and the Finance Team are creating an outline of the current payouts. He stated that the Board will be working individually and in conjunction with the Advisory Committee to review this information to see if there are any issues and to ensure that employees are treated as equitably and fairly as possible.

Members' Reports

Ms. Braccio stated that the Rent and Mortgage Program went live and thanked Mr. Laflamme, Ms. Esposito and Mr. Purple for their assistance.

Ms. Braccio stated there was a wonderful drive-through at the Senior Center for Halloween for Senior Center employees to interact with seniors.

Ms. Braccio said she is creating a process to facilitate Board member office hours. She will report back with next steps.

Ms. Malinowski stated she attended a ceremony to honor Sergeant DeLuca and other officers after the June 22nd event. She said the ceremony was led by Chief Paulhus and it was great to see Sergeant DeLuca back and other officers honored.

Mr. Stivers said the Master Plan Committee is making good progress and suggested they attend a future meeting to update the Board. Ms. Malinowski asked for a target date for the completion of a draft document. Mr. Stivers stated there is no firm date but their goal is to have a draft in early 2021.

Town Administrator Report

Mr. Purple stated that Tom Laflamme has given his notice and he will be leaving at the end of the month. He said that Mr. Laflamme was the first IT manager after outsourcing IT services for over twenty years. He commended Mr. Laflamme on his work with the Town and stated that position has been advertised. He added that the Board may want to review how the position is structured.

Mr. Purple stated that there are four cases of COVID-19 currently in isolation and eighty-seven have been discharged. He added that Ms. Amico has been the conduit to assist patients in and out of isolation.

Mr. Purple stated that the Shared Streets grant has helped to provide tents and heaters to loan out to businesses and there has been a liability agreement that Town Counsel has signed off on. He stated that businesses have to sign a waiver that relieves the Town from liability and ensures the loaned property is returned in good condition. He added the EDC is helping to facilitate this.

V. Consent Agenda

a. Chairman Healey made a motion to approve Open Session Minutes: October 20, 2020. Mr. Stivers seconded. The motion passed all in favor (5-0-0) by roll call vote, Braccio, aye; Malinowski, aye; Shea, aye; Stivers, aye; Healey, aye.

b. Ms. Malinowski asked to hold agenda item "b." Ms. Malinowski stated that only a cover sheet from Youth and Family Services was provided and the amount for the donation was not on the letter. She asked the Board review the policy as to how they handle donations to the Town and ensure they are receiving consistent information. She stated she is adding that policy to the list for the Board to review. Ms. Malinowski stated this donation was made by the Pilgrim Church for $500. Chairman Healey made a motion to accept the donation of $500.00 for Youth and Family Services donation account. Ms. Malinowski seconded. The motion passed all in favor (5-0-0) by roll call vote, Braccio, aye; Malinowski, aye; Shea, aye; Stivers, aye; Healey, aye.

c. Ms. Braccio asked to hold agenda item "c." Ms. Braccio wished Ms. Richards well on her resignation and new position. She added Ms. Richards was honored today as she was the dispatcher on duty when the incident with Sergeant Deluca occurred. Chairman Healey made a motion to accept the resignation from Full-Time Dispatcher Robyn Richards, effective November 1, 2020. Ms. Malinowski seconded. The motion passed all in favor (5-0-0) by roll call vote, Braccio, aye; Malinowski, aye; Shea, aye; Stivers, aye; Healey, aye.

d. Chairman Healey made a motion to appoint John Terranova as Full-Time Dispatcher for Police Department, effective November 5, 2020. Mr. Stivers seconded. The motion passed all in favor (5-0-0) by roll call vote, Braccio, aye; Malinowski, aye; Shea, aye; Stivers, aye; Healey, aye.

e. Chairman Healey made a motion to set Saturday, March 20, 2021 for Annual Town Meeting date. Mr. Stivers seconded. The motion passed all in favor (5-0-0) by roll call vote, Braccio, aye; Malinowski, aye; Shea, aye; Stivers, aye; Healey, aye.

VI. Other Matters Properly Before the Board

<u>Discussion of performance evaluation documents policy</u>

Chairman Healey explained the 2018 Wayland decision that impacted the way performance evaluations are treated in terms of public record. He stated that the legal opinion by Mr. Norris is included in the packet. He explained how the different ratings are categorized on a performance evaluation and that written comments are included. He explained that he reviewed Mr. Purple's performance evaluation as did Mr. Mulholland of the Personnel Board. He said the Attorney General has interpreted the public records statute to read that any items that go to the Board as part of personnel review automatically become public record. He asked the Board which parts of the performance evaluation they would like to include in part of the packet knowing it will become public record. He added that when he filled out the evaluation, it was not with the understanding that what he was writing would become public record.

Mr. Shea stated he leaned towards including the composite information in the packet and suggested if individuals have comments they would like to make that they could do so in a private conversation with Mr. Purple. Mr. Stivers stated that any evaluations the Board may have input on should be available to the public. He added that the overall grid and individual numerical ranking should be a public document. He added that he felt there should be a public discussion where details deemed appropriate could be discussed. Ms. Braccio asked if Mr. Morris was contacted regarding contract employees and what can and cannot be released. Chairman Healey stated he discussed this with Mr. Norris. He added that the opinion of the Supreme Judicial Court was clear that anything sent to the entire Board as part of consideration is public

WINTER PARKING BAN 2020/2021

Effective December 1, 2020, there will be no parking on any public way in the Town of Southborough from 12 midnight until 6:00 a.m. and furthermore, there will be no parking on any public way during any snowstorm in the Town of Southborough. Vehicles parked will be towed at the owner's expense (according to §152-6 of the Town's Code). **This Ban will be in effect from December 1, 2020 through March 15, 2021.**

Illegal parking during unusual storms occurring before or after the Ban will be dealt with according to Section 152-6 of the Code of the Town of Southborough which states:

"The Superintendent of Streets, or other officer having charge of the ways, shall be authorized, for the purpose of removing or plowing snow or of removing ice from any way, to remove or cause to be removed to some convenient place, including in such term any public garage, any vehicle interfering with such work, and the liability for the cost of such removal and the storage charges, if any, resulting therefrom shall be upon the owner of such vehicle".

RECEIVED
By OB at 12:46 pm, Apr 02, 2021

Board of Selectmen
Executive Session Meeting Minutes
Tuesday, November 17, 2020
Virtual Meeting through Zoom

Present: Marty Healey, Lisa Braccio, Chelsea Malinowski, Brian Shea, Sam Stivers, Town Administrator Mark Purple, Jason Malinowski, Kathryn Cook, Andrew Pfaff and Joseph Palmer

At 10:12 P.M. Chairman Healey made a motion for the Board to enter into Executive Session per M.G.L. Chapter 30A, Section 21, and not returning to Open Session, for the following matters – to discuss the disposition of real property (Exemption 6) concerning the Arts Center, as the Chair declares that an open meeting may have a detrimental effect on the negotiating position of the public body; and to comply with, or act under the authority of, any general or special law (Exemption 7) to review and approve the Executive Session minutes of November 4, 2020. Mr. Shea seconded. The motion passed by roll call all in favor (5-0-0) by roll call, Braccio, aye; Malinowski, aye; Shea, aye; Stivers, aye; Healey, aye.

Disposition of Real Property, Arts Center [Exemption 6]

At 10:13 P.M. Mr. Malinowski called the Capital Planning Committee meeting to order. Chairman Healey summarized the discussion that took place at the previous Executive Session meeting regarding the Arts Center. He asked if there was appetite among the Board to move forward with a possible sale without first going to Town Meeting. He said he felt disposing of this property would be easier if there were specifics to an offer proposed as opposed to a hypothetical. There was discussion regarding the process for putting Fayville Hall to bid and how the process could improve for the Arts Center. The Board agreed to move forward with the bidding process before Town Meeting. Mr. Malinowski asked the Board if they wanted to add any restrictions to the bid. Mr. Pfaff explained his experience with ANRs with his property and suggested hiring an engineer to survey the property and conduct perc tests. Mr. Stivers asked if the Town should get Planning Board approval before a sale and Mr. Pfaff said the value of the lots would be higher if they were done prior to sale. Mr. Stivers suggested preserving the façade of the Arts Center. Chairman Healey agreed and added that part of the presentation at Town Meeting should include identifiable lots. Mr. Malinowski reminded the Board that the Arts Center is on the National Historical Registry.

Mr. Malinowski asked Mr. Pfaff if he had an estimate of the cost for perc testing and certified plot plans. Mr. Pfaff stated the plot plans would most likely be under $5,000 and perc testing would be approximately $2,000 - $3,000. He added that the major cost is the equipment and suggested reaching out to the DPW. Mr. Malinowski stated that if the Town were to go through the Planning Board process, it may not be ready for Annual Town Meeting. There was discussion as to whether or not the Town should navigate the Planning Board process. There was discussion regarding funding and whether to move forward with perc testing and land surveying. Ms. Malinowski stated she was uncomfortable with the Board going through the ANR process but felt perc testing made sense. Mr. Shea felt hiring a surveyor would not be advantageous but is in favor of perc testing. Chairman Healey stated that the first step should be the perc testing and no decision needed to be made beyond that at this point. Mr. Purple agreed to reach out to Ms. Galligan. Mr. Purple reminded the Board that two departments reside in the Arts Center and Mr. Malinowski gave an overview of the discussions he had with them. Options for moving the two departments were discussed. Mr. Shea suggested meeting with abutters early in the

process. It was agreed that the Board will move forward with perc testing before any other steps were taken.

Review and Approve the Executive Session minutes of November 4, 2020

Chairman Healey made a motion to approve the revised draft of the Executive Session minutes dated November 4, 2020. Mr. Stivers seconded. [redacted]

Chairman Healey made a motion to approve the revised draft as submitted with the additional amendments from Ms. Braccio and Ms. Malinowski as discussed. Mr. Stivers seconded. The motion passed all in favor (5-0-0) by roll call, Braccio, aye; Malinowski, aye; Shea, aye; Stivers, aye; Healey, aye.

On a motion made by Mr. Shea, seconded by Ms. Braccio and voted by roll call all in favor, Braccio, aye; Malinowski, aye; Shea, aye; Stivers, aye; Healey aye, Executive Session was closed at 11:13 P.M.

Capital Planning Committee Executive Session
Board of Selectman Executive Session
November 17, 2020
Virtual Meeting held via Zoom

Voting Members of the Capital Planning Committee Present: Jason Malinowski (Chair), Lisa Braccio, Joseph Palmer, Andrew Pfaff

Voting Members of the Board of Selectman Present: Marty Healey (Chair), Lisa Braccio, Chelsea Malinowski, Brian Shea, Sam Stivers

Ex-officio Members Present: Mark J. Purple

I. Call Meeting to Order

Tuesday, November 17, 2020, 10:12pm. Mr. Healey motioned for the Board of Selectmen to enter executive session after reading the formal statement for executive session, seconded by Brian Shea.

The Board of Selectmen voted 5-0 by roll call vote to move into executive session. Lisa Braccio, Chelsea Malinowski, Brian Shea, Sam Stivers, Marty Healey (Chair)

Tuesday, November 17, 2020, 10:13pm. Mr. Malinowski motioned for the Capital Planning Committee to enter executive session after announcing the condition, per Massachusetts law general chapter 38 section 21, the committee would not return to open session, to discuss the disposition of real property exemption 6 concerning the Arts Center, the chair declared that an open meeting might be detrimental effect on the negotiating position of the public body. Seconded by Lisa Braccio.

The Capital Planning Committee voted 4-0 by roll call vote to move into executive session. Lisa Braccio, aye; Joe Palmer, aye; Andrew Pfaff, aye; Jason Malinowski (Chair), aye.

Mr. Healey then asked Mrs. Hale to begin the executive session, recording of the meeting was halted, and confirmed.

II. Discussion of South Union School Appraisal Continued from November 10 Executive Session

Mr. Healey welcomed the Capital Planning Committee. Mr. Healey noted in past discussion there might be an appetite to market a listing for the property before a town meeting to solicit offers, and asked Mr. Malinowski and Mr. Shea if that was the process which occurred for the Fayville property. He felt that if there were more specifics at the Town meeting that it would be easier for the citizenry to fully consider their options. Mr. Malinowski believed this would be different from the Fayville process. Mrs. Braccio said it was at town meeting where facade restrictions were added to the Fayville property, and it was then put out to bid. The first bid on the Fayville property was rejected because it was low, and so it went back out for rebid. Mr. Shea confirmed that was his recollection as well, and the restrictions were reflected in the bid values.

Mr Healey expressed that he liked the idea of a bid proposal before going to town meeting, it would be advantageous, however, would have liked precedent for that process in prior transactions. Mr. Stivers agreed having a proposal would seem advantageous before the town meeting. Mrs. Braccio and Mrs. Malinowski were also in agreement on the point. Mrs. Malinowski raised concerns about the timeline of getting the property listed, proposals, and preservation and conditions of those offers while the full town process was in motion and brought to conclusion. Mr. Shea agreed there were those concerns as well as a change in the commuter rail services which might affect the value. Mr Healey asked the committees about the potential process, and what should be included to draft the most advantageous market listing.

Mr. Malinowski noted the endorsement to move forward with a process, and added there might be the need to add expertise in the crafting of a listing, and was interested in guidance from the BOS concerning restrictions that were deemed likely or important (ie. facade, lot divisions). Should this process be carried by Mr. Purple or the Capital Planning Committee? Should Expertise be added in either situation? Should the topic now be put back out into open session considering a basic strategy has been decided?

Mr. Healey inquired if someone on the Capital Planning Committee had expertise/input. Mr Pfaff expressed from the experience dividing his own property in Southborough for sale, covering division plans, planning board A&R approval, marketing and selling it. He expressed the property would be far more valuable with planning approvals already secured, and thought there might be up to 6 buildable lots on the property in addition to the old school building, but needed perk testing to determine possibilities. The process would be to hire an engineer to lay out the plots and do perk tests, and decide what restrictions the town would like to put on it knowing what is possible. The School building could be condos or commercial property. Mr. Shea inquired about a vacant parcel west of the land. Mr. Pfaff replied it was owned by SOLF (Southborough Open Land Foundation) and was not part of the property. Mr Stivers inquired if there should be planning board approval before listing. Mr. Pfaff replied that would be advantageous, and each buildable lot could be worth 100 - 150k if there is a perk test and A&R approval. Mr. Stiver agreed that it would seem a packaged listing would increase the value of the listing. Mr. Stiver further expressed that though he was interested in maintaining the facade on the school, he would like to know the market value both with and without that restriction; and it might be easier to pass a sale at town meeting with facade restrictions. Mr. Pfaff said the property looks to be close to four acres, he believes zoning is 1/2 acre lots there, but there is potential to limit lots, keep open land, let the town decide how it would like it to look, but some may limit sale income. Mr. Healey expressed that getting this through town meeting without a property plan was likely to be very difficult. Agreed with by Mr. Stivers.

Mr. Malinowski asked if the town's demolition bylaw might apply, the School is on the national registry. Mr. Healey said there were gaps in the demolition bylaw, but would not encourage exploitation of them. Mr. Pfaff did not think the school property would be affected by the break off of lots, it would be condos or other, and not need the open space. A plot plan can be taken to the planning board, if it is acceptable under the codes, there is no need for a public vote to affirm it. Mr. Stiver expressed a "low impact" style package with tighter units and open space could be developed. Mr. Pfaff said understanding what is possible is not a commitment, just gives the town options. Mr. Malinowski asked what the process is likely to cost. Mr. Pfaff guessed the plot plans would cost less than 5k and the perk testing 2k or less. The town could do the digging for the perk testing and possibly save money.

Mr. Healey encouraged putting the process in Mr. Purple's hands to get the perk testing done, and a potential plot plan. The price should ballpark less than 10k. Mr. Purple expressed if it is more than 10k it

might violate the new expense policy. Mr. Stivers advocated they could vote to approve it. Mr. Pfaff introduced there might be enough money in the Capital Planning Committees 35k appropriation. Mr. Malinowski counseled that the expense would effectively deplete the committee's remaining funds, but if that was the determination of the Committees, then so be it.

Mr. Malinowski related that in planning for the Public Safety Building, the A&R took a long time on a piece of property that was going to remain generally the same, and that no matter how well thought out a town meeting proposal might be for the Arts Center, there were likely to be more opinions inputted into the process which may complicate the process. Some may ask, is avoiding the annual 35k in maintenance plus a potential investment of up to $500k over the next 5 years to preserve the property moving forward, and potentially adding tax revenue, enough compensation to the town? Should that discussion be moved to an open meeting? Mr. Stivers expressed the committees are just trying to explore what is possible and having a fuller understanding would greatly benefit an open discussion and provide clarity to all, and town meeting will be the decision making body. Mr. Healey introduced that approval for the process funding would be in an open vote by the BOS, but asked Mr. Purple for clarity. Mr. Purple said that wouldn't be necessary if they used Capital Planning Committee funds, but if it needed to go to Advisory for a reserve fund transfer then it could happen, having the chair of Advisory on the Capital Planning Committee would help that process. Mr. Pfaff said the committee could have Karina look at a plot plan he drafted with GIS information, and get feedback from her. Mr. Malinowski expressed that might not be the smoothest path considering how the appraisal solicited by the Committee just concluded. Mr. Pfaff replied any turbulence or appraisal short comings may have arisen because an appraiser may require planning board approval before including options/opinions in their appraisals.

Mrs. Malinowski asked if the committee should go through the explorative valuation process and make a recommendation at all, considering the situation at Deerfoot. Mr. Pfaff expressed that might drastically reduce the value. Mr Malinowski proposed that perhaps the committee could accept bids providing a due diligence period, as with St. Marks and Public Safety, and let the builders do their own testing and develop their own plan. Mr. Purple advised that Fayville had many restrictions and that it only moved forward when certain permits were granted, which is why it took so long to close on it, so leaving it to due diligence could elongate the closing cycle. Mrs. Braccio advised in keeping the facade (and there was an elevator of value in the building), however, it seemed that much of the expandable value was in the potential of options with the land; and was there interest in affordable units or other options to maximize value to the town. Mr. Pfaff mentioned a multi-family potential. Mr. Stiver added the idea of open space with an affordable unit or two as well, and that doing the testing and approvals will not only speed up the closing process, but possibly increase interested parties. Mr. Malinowski inquired who would do the work with the planning board, and represent the town? Mr. Stivers replied the BOS could do it. Mr. Healey clarified that there would not need to be any votes to get it done. Mr. Pfaff replied that that was correct, that the neighborhood would not be notified of the occurrence, nor would have to vote upon it. Mr Pfaff said the perk tests at a minimum would allow bidders to know the potential of the property at minimal cost. Mrs. Braccio inquired if impediments on the property, ie. Playground and other, might impede the perk testing. Mr. Pfaff replied possibly, but multiple tests would reveal potential, and do not require approval from the board of health. Mr. Stivers mentioned Mr. Pisinski might be a person to give insight on perk potential given his general knowledge and experience.

Mr. Healey gave options: to do due diligence before listing the property, or to list the property without doing diligence. Mr Stivers and Mrs. Braccio were in favor of funding some due diligence. Mrs. Malinowski was not opposed to an expenditure to do so, but was not in favor of the BOS speculating on what could be done;

then the BOS might be held responsible for the final development outcome/plan. Mr. Shea asked Mr. Purple to confirm that when Fayville was under consideration, the language used was that the town would award the property not based upon the best price, but on the best value to the town. Mr. Purple confirmed that the property was to be awarded based on value to the town and not just monetary valuation. Mr. Shea thought there was advantage in the perk testing, but wasn't in favor of having a plan made. Mr. Shea thought letting bidders submit plans might be the best course of action with submission criteria (encouraging affordable housing, etc) as with the Fayville property. Mr. Shea thought the matter would be up for discussion in meetings and the minute the BOS put lines on a page for plans, it would be troublesome. Mr. Braccio asked if the perk testing alone (without ANR) would be enough to establish potential development value? Mr. Pfaff expressed he thought it would be. If the property won't perk then there would be little need for any other step.

Mr. Healey said it would then be necessary to move the matter to open session, to move to doing due diligence on perk testing, possible vote on financing, and then if listing, what considerations should be established. Mr. Pfaff (and Mr. Malinowski) said DPW might do the digging for perk testing, mitigating a need to vote on financing. Mr. Healey expressed a desire to avoid public rumor by not politicizing the process to do perk testing with public discourse. Mr. Purple also expressed the public partners in the building would be very interested in the process/progress as well, and a prepared conversation with them to avoid unnecessary confusion. Mr. Stivers said there has already been some conversation. Mr. Malinowski agreed with both, that there has been conversation so this should not be a surprise, but a further conversation of space planning for those partners needs to occur. Mr. Healey agreed. Mr. Palmer advised that perk testing could be done to justify the selling of spare lots on the property having nothing to do with the school building. Mr. Stiver said he didn't think that either department was wedded to the building in anyway. Mr. Shea noted that before the town purchased or planned for the golf course/Public Safety Building was disclosed, Latisquama and other parties were already speculating on rumors, he and John Rooney had to do a meeting down at the senior center, and learned that those parties would make it very difficult for passage without conservation restrictions. It would be advantageous to solicit feedback from neighbors to gather support and consensus. Mrs. Malinowski noted that the playground was the only one on the south side not school attached, and fenced, so options for it should be explored. Mr. Stivers reinforced that going in with a package of value added incentives - open space, affordable unit, playground plan, will help the process. Mr. Purple agreed with Mr. Shea, and said the public safety project offered something to almost all interested parties, and that's what made it successful. Mr. Malinowski thought there might be fewer abutters needed for inclusion than in the golf course process.

Mr. Healey advised that the committees might be getting ahead of themselves, depending on the results of the perk testing, as it may not perk and options very limited. Mr Stivers agreed more information would be helpful, and through open session the committee can express that view, and a path forward discussed should perking prove to open options. Mr. Shea said his comments were not meant to discourage/slow the perk process, only to build consensus efficiently should the process move beyond that. Mr. Healey said he would like to avoid the turmoil of the Main Street process.

Mr. Healey asked Mr. Purple about getting the DPW to get the perk testing done. Mr. Purple said he could find out the options and get back to the board before any necessary voting. Members of the BOS suggested posting the item on the agenda as Property Assessment for the next BOS meeting on the 24th. Mrs. Braccio suggested it not be the week of Thanksgiving to avoid being missed by distracted community parties, and posted for the December 1 2020 meeting. Mr Pfaff advised that pushing it off is not advisable, as winter is not the best time for perk testing. Mr. Pfaff also inquired about prior testing of the property. Mr. Stiver

replied Mr. Pisinski would know a lot about that. Mr. Healey suggested without objection December 1 would be adequate.

Mr. Malinowski suggested it might be time for the Capital Planning Committee to Adjourn.

III. Adjournment

Mr. Pfaff made a motion to adjourn. Seconded by Lisa Braccio.

The Capital Planning Committee voted 4-0 by roll call vote to adjourn the meeting. Lisa Braccio, aye; Joe Palmer, aye; Andrew Pfaff, aye; Jason Malinowski (Chair), aye.

Minutes submitted by Joseph Palmer, Committee Member.

Documents Referenced During Meeting:

1. South Union School Real Estate Appraisal submitted to the Capital Planning Committee by Shepherd Associates, LLC. Report date: November 4, 2020

RECEIVED
By Town Clerk/rhc at 10:00 am, Dec 18, 2020

TOWN OF SOUTHBOROUGH

BOARD OF SELECTMEN Meeting Minutes

Meeting Date: Tuesday, November 24, 2020, 6:30 P.M.
Location: Virtual Meeting through Zoom
Present: Marty Healey, Lisa Braccio, Chelsea Malinowski, Brian Shea, Sam Stivers and Town Administrator Mark Purple

I. Chairman Healey called the meeting to Open Session at 6:30 P.M. Chairman Healey read the following statement:

Pursuant to Governor Baker's March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, §18, and the Governor's March 15, 2020 Order imposing strict limitation on the number of people that may gather in one place, this meeting of the Southborough Board of Selectmen will be conducted via remote participation to the greatest extent possible. Specific information and the general guidelines for remote participation by members of the public and/or parties with a right and/or requirement to attend this meeting can be found on the Town of Southborough's website, at https://www.southboroughtown.com/. For this meeting, members of the public who wish to watch or participate in the meeting may do so in the following manner by finding the meeting at: https://www.southboroughtown.com/remotemeetings. No in-person attendance of members of the public will be permitted, but every effort will be made to ensure that the public can adequately access the proceedings in real time, via technological means. In the event that we are unable to do so, despite best efforts, we will post on Southborough's website an audio or video recording, transcript, or other comprehensive record of proceedings as soon as possible after the meeting.

II. Public Comment
None

III. Scheduled Appointments
6:30 P.M. – Discussion and review of latest VMUD draft and comments for Downtown Initiative
The Planning Board called their meeting to order at 6:36 P.M. The EDC called their meeting to order at 6:37 P.M. Ms. Braccio gave direction for the meeting procedure and introduced Ms. Barrett. Ms. Barrett asked for direction on floor area ratio and explained floor area ratio versus footage requirements per use. She outlined standard metrics regarding these requirements and gave examples of the how these could impact building in the downtown area. She added that there have been competing ideas on these metrics and a decision needs to be made before her final draft can be submitted.

Ms. Braccio opened the discussion to the participants. Mr. Morris stated the he approves of a floor area ratio (FAR) of .35 and would not want it to exceed .40. Mr. Morris explained the public hearing process for warrant articles. Ms. Luttrell stated she was also in support of .35 and would be in support of exceeding .40 through a special permit process. Ms. Connelly asked to research similar towns and what their floor area ratio looks like by right. She explained her concerns on height limitations and the potential impact it could have on the housing piece for mixed use. She suggested starting the floor area ratio at .40 and exceeding beyond this through special permit. Ms. Duca agreed. Ms. Barrett stated she would prefer to make the floor area ratio higher than

.35. Ms. Hoolahan and Mr. Morris were in support of keeping the FAR at .35 with special permit allowances of up to .40. Ms. Luttrell stated she was in support of a FAR of .35 with special permit allowances of up to .50. Ms. Barrett stated that the special permit allowances should be enough to entice someone to go through the process. Ms. Connelly noted that Ms. Munsiff made a comment through chat that the ZAC report had a proposed zoning FAR of .75 for the downtown area. She noted the discrepancy in numbers and wanted to look into other similar towns to come to a compromise. Mr. Shea agreed with the Planning Board as did Ms. Malinowski. Mr. Stivers asked Ms. Barrett to outline ratios that worked to attract developers to invest in downtowns and those that did not. He suggested considering a .60 or .70 FAR and limit lot coverage to allow higher buildings. Ms. Braccio stated she supported a .35 FAR with special permit regulations through Planning Board for a larger number. Ms. Barrett stated that predictability is the most important factor for a developer and the more uncertainty built into the permitting process, the greater the negative outlook. Mr. Morris, Ms. Hoolahan, Chairman Healey, Ms. Luttrell, Ms. Malinowski, Mr. Shea, Mr. Stivers, Ms. Duca and Ms. Jasinski agreed with a .35 FAR by right and with up to .50 by special permit through the Planning Board. Ms. Connelly asked to conduct more research for a higher ratio. Ms. Braccio asked Ms. Barrett to follow consensus for her final draft.

Building height was the next topic discussed and the consensus agreed to up to forty feet and three stories. Ms. Braccio stated the next topic was multifamily units and explained the feedback provided in the packet. Ms. Barrett explained the benefits to having multifamily housing in the downtown district and how it positively impacts economic development. Ms. Connelly agreed with Ms. Barrett and described her concerns regarding diversity in housing stock. Ms. Duca was in support of multifamily housing in the downtown area. Mr. Morris stated he was in support of this section of the proposed bylaw. It was pointed out that it should read, “up to twelve units” allowed under a special permit. Ms. Malinowski summarized her concerns that it would be challenging for any project to hit the affordable housing threshold and therefore would essentially negate the affordable housing section of the proposed bylaw. Mr. Shea agreed with the consensus. Mr. Stivers agreed as well and spoke of his concerns regarding the feasibility of affordable housing in the downtown district. Mr. McCay stated he agreed with the sentiment that mixed-use and multifamily housing is the whole purpose of the downtown zoning and encouraged to release some control in order for projects to be executed. He suggested design guidelines as a way to encourage developers.

Ms. Barrett summarized her feelings on the affordable housing section of the proposed bylaw. She stated that in her experience developers of smaller projects are not usually inclined to build to affordable housing thresholds due to the work, time and funds involved. She said that there may not be any affordable housing opportunity in the downtown area as the size is limited as are the number of lots with split zoning. Ms. Jasinski stated she had the same concerns. She described her reservations on access issues for seniors with residential units allowed only on the second floor and felt that living above a retail unit will dissuade young families from moving to this area. She added that she did not see this area as a viable option for affordable housing. Ms. Malinowski stated she would like to see an affordability component that is achievable and was not sure this area will be able to do so. She stated she also did not want to turn off builders from wanting to build in this area. Mr. Morris suggested removing the affordability component from the proposed draft bylaw. There was discussion regarding removing the language, raising the threshold and workforce housing. Ms. Barrett explained the implications of each. The consensus agreed to raise the multifamily affordable housing threshold to eight units from six. Mr. Stivers

added that there will not be a significant impact in the 10% affordable housing threshold from the downtown district.

Ms. Barrett outlined comments regarding landscaping and open space and explained the open space ratio of 20% for lots. Ms. Connelly asked if this was better served in a design guideline created and used by the Planning Board. Ms. Barrett agreed that this belongs in site plan review and not in zoning. She explained how the design guidelines would be developed and implemented during the site plan review process. Ms. Duca agreed and stated that too many regulations could deter developers from building. Mr. Morris stated that he would not like to implement design guidelines as they are subjective and the Planning Board would lose control over what the design of a project would be and felt the special permit process is the more advantageous option. He added that the special permit process gives greater authority to impact design. Ms. Barrett explained when a special permit would be triggered and how design guidelines would differ from that process. Mr. Morris said he felt Town Counsel would not agree with her description of how the guidelines could be implemented. Ms. Barrett replied that was not her experience with other towns and would not comment to Town Counsel's opinion. Ms. Luttrell and Ms. Hoolahan were open to both options and wanted to discuss further with their entire Board. Ms. Barrett explained how the 20% open space ratio would be implemented on lots in the downtown district. Ms. Malinowski, Mr. Shea and Ms. Braccio stated they do not have strong opinions on the matter and would defer to the Planning Board. Mr. Morris suggested referring to Town Counsel for his opinion. Ms. Luttrell stated she is comfortable with the use of guidelines allowing more flexibility by right but wants to discuss the matter at a future Planning Board meeting. Ms. Braccio suggested leaving this section in the draft bylaw with revisions discussed. She added that it could change after future discussion. Mr. McCay stated he is in support of a process that allows more by right with a site plan review that includes design guidelines. He stated this will add predictability to the process and encourage some of the kinds of projects the Town is looking for.

There was discussion regarding the inclusion of a sidewalk requirement in the draft bylaw. Mr. Shea stated the he is hesitant to include a sidewalk requirement in the bylaw as sidewalks are under the purview of the municipality. Mr. Stivers suggested including sidewalks in the design guidelines. Ms. Barrett stated she did not need any more direction for her next draft. Ms. Braccio reviewed the feedback document provided in the document and asked for comments from the participants. The consensus agreed to changes in multiple definitions, allowing residences on the first floor of a mixed-use building and Ms. Barrett agreed to do research on limiting the amount of time one could have occupancy in the definition of bed and breakfast. There was more discussion regarding the feedback document and questions for Ms. Barrett. Mr. Stivers stated he will continue to look to Ms. Barrett for insight into other towns similar to Southborough in terms of lessons to keep in mind moving forward and to promote development. Ms. Barrett stated she has the information she needs to move forward. The Planning Board adjourned their meeting at 10:14 P.M. The EDC adjourned their meeting at 10:15 P.M.

IV. Reports

Chairman's Report

None

Members' Reports

None

Town Administrator's Report

Mr. Purple updated the Board on his discussions with the school Superintendent regarding the IT Management position. He stated he would like to continue exploring shared services with the schools but as of now they do not have the capacity to assume town wide IT management. He stated that he is moving forward with hiring an IT Manager for the Town which is being led by Ms. Hale. He stated the interview process will begin within the next week or ten days and the school offered the Town their IT services in the interim. The Town will cover 1/3 of the salary for this period.

Mr. Purple stated that the Fire Chief informed him that two antennas at EMC need to be replaced for the public safety radio system. He added the cost is just over $8,600 to replace and the Police and Fire Chiefs are working together to review the budget. He added this could potentially become a Reserve Fund transfer of some amount.

Mr. Purple updated the Board on conversations had with Crown Castle and AT&T. He stated that AT&T should be signing the lease agreement with Pilgrim Church to move the antennas into the steeple and Crown Castle is to have drawings for the new flagpole submitted to the Town on or around December 4th. Mr. Purple added that the delivery of the flagpole will take two to three weeks after the design is approved by the Board.

Mr. Purple stated that Representative Dykema and Senator Eldridge are available to meet with the Board on December 15th and asked for specific topics the Board would like to discuss. Mr. Purple agreed to send a list of topics to the Board and the Board will reply with one to two topics of their own.

V. Consent Agenda

a. Ms. Malinowski asked to hold agenda item "a." Ms. Malinowski stated that an agenda item was missing from the October 30, 2020 meeting minutes. She asked Mr. Purple to revise the minutes to include the second agenda item and the corresponding motion, second, and unanimous vote. Ms. Malinowski asked that in the November 10, 2020 meeting minutes, revising the sentence regarding Chairman Healey's update to read "MASS DOT is holding public forums on transit services." Mr. Stivers asked that on page two when referring to the next meeting, it should read "6:30 P.M." Chairman Healey made a motion to hold the approval of Open Session Minutes: October 30, 2020 and November 10, 2020 until the December 1st meeting.

b. Chairman Healey made a motion to give permission for the Inspector to waive inspection fees for licensees. Ms. Malinowski seconded. The motion passed all in favor (5-0-0) by roll call vote, Braccio, aye; Malinowski, aye; Shea, aye; Stivers, aye; Healey, aye.

c. Chairman Healey made a motion to accept the donation of $52,036.00 from The New England Center for Children. Ms. Malinowski seconded. The motion passed all in favor (5-0-0) by roll call vote, Braccio, aye; Malinowski, aye; Shea, aye; Stivers, aye; Healey, aye.

a. Other Matters Properly Before the Board

None

b. Public Comment

None

On a motion made by Chairman Healey, seconded by Mr. Stivers and voted all in favor (5-0-0) by roll call, Braccio, aye; Malinowski, aye; Shea, aye; Stivers, aye; Healey, aye, the meeting was adjourned at 10:28 P.M.

Upcoming Meetings
December 1, 2020
December 15, 2020

Respectfully submitted,

Kathleen Barry, Recording Secretary

List of Documents referred to at the November 24, 2020 BOS Meeting:

- DRAFT DOWNTOWN BUSINESS VILLAGE DISTRICT V.3
- COMMENTS RESOLUTION MATRIX: SOUTHBOROUGH TOWN CENTER ZONING: 11/15/2020
- Selectmen's Minutes 10/30/20
- Selectmen's Minutes 11/10/20
- Letter from Laurie Livoli to Mark Purple 11/2/20
- Letter from Michael Downey to Mark Purple dated 11.2.20

COMMENTS RESOLUTION MATRIX: SOUTHBOROUGH TOWN CENTER ZONING: 11/15/2020

Comment Number	DOCUMENT: **VERSION 2**	**FOR REVIEWER'S USE**	**FOR CONSULTANT'S USE**	
	Sec.	**Comment**	**Response**	**Status**[1]
1	**1 Purpose** 2) From the June 2020 EDC document	There is nothing in the bylaw that creates bicycle and pedestrian friendly village. Over 50% of the lots have no public sidewalks, and the town has no current plans to add them. Sidewalks on Boston Road and Newton street are on the East side not the West side where the new zoning is proposed. There are no sidewalks on park street. How will people get to shops or residences by walking? They will have to be crossing streets back and forth to access sidewalks without any way to get to a crosswalk.	We need direction from the Town about how much development should be promoted in this very small district. As drafted, the proposed district doesn't provide an economic basis to capitalize major infrastructure improvements. This is because we have tried to be sensitive to the concerns we heard about scale and overdevelopment. If the Town wants development in this district to be of a scale and value sufficient to pay for infrastructure improvements, we need to know that. Bicycle and pedestrian-friendly facility needs already exist in the town center. We are not sure what the Town's plans are to address these needs.	
2	**1 Purpose** 8) Fron June 2020 EDCdocument	"Encourage a vibrant environment to live, work and play, and create pedestrian and bicycle-friendly walking spaces where the community can gather." Increased housing development with no green spaces – where are children supposed to play? How would they get there without sidewalks? What is the plan for bicycles on these streets?	The type of housing contemplated in this district is not family-friendly. There could be families in the upper-story housing, but that is generally not the market for mixed-use buildings. We completed the first major study of mixed-use development impacts for another Massachusetts community several months ago. Pretty confident what this kind of housing attracts and it is not (in almost all cases) family housing.	
3	**5 Definitions**	Façade?	The front exterior of the building. We will add a definition if the Town believes it is needed.	

[1] A=accepted; AM=accepted, with modification; NA=not accepted.

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	Sec.	**Comment**	**Response**	**Status[1]**
4	**General Comment**	This bylaw has been promoted as creating and promoting green space, parks, walkability etc. but we could find nothing in the bylaw that does so.	Not sure where this came from. Promoting it as a source of green space did not come from us; perhaps others? We do not know. If that is what the Town wants, it's fine, but we need direction and clarity about what the trade-offs should be.	
5	**Part 4: Use Regulations** **G 5**	Façade build out – could not find a definition of a "façade buildout". Is there potential that buildings could In effect have no set back from street? We want to know what a façade is and how that could impact green space.	A zero setback is very common in town centers. The draft requires a minimum front setback of 10 feet.	
6	**I. (1) (d)**	Front set back does not include green space. It should require green space / park-like setting.	We can address this in the development standards, but it would be better for the Planning Board to address it in design guidelines or administrative regulations.	
7	***I.*(2)**	Landscaped open space" should be defined. For example: lawn but no mulch. Use native plants etc. Criteria needs to be developed and deigned. The goal was to create a walkable village with lots of open space. In addition, requirements for trees should be defined. A possible benchmark is Natick which applied for State funding to plant more trees in their downtown to make the areas more inviting and cooler. It appears that the front setbacks could be all hardscaped-pavers, concreate patios, etc.	Yes, landscaped open space can be defined. But, we need direction about what the Town wants in terms of the balance between development and open space. A district with abundant open space is a noble goal, but it isn't what we were asked to prepare. Natick is not a great example. I have worked there. Its downtown is much larger than Southborough's, and Natick has done (and continues to do) <u>many</u> Smart Growth zoning innovations that Southborough doesn't have and likely would not want. Natick's policies that support downtown development and higher-density housing have made the town very competitive for grants like the one you mention. And, its downtown has ample accessible hardscape to accommodate walkers, bikes, and people with mobility impairrments.	

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8	Part V: Village Business District plan review	We would like to have the site plan review requirements remain the same as they are today for Village business District but with additional criteria to trigger it if needed.	Not sure how to interpret this. The SPR standards can be retained; what the proposed zoning does is eliminate the special permit process for site plan review because it is not necessary. The proposed zoning retains special permits for certain uses and certain dimensional options.	
9	D	We need clarification on this. The word "except" was unclear to us. Is this section in addition to or instead of current site plan requirements? It appears that the only site plan required would be for lots that need a special permit for use as defined in the new code for example, a special permit is required for height increase but this would not trigger a site plan review as we read this section. We would like to keep the same requirements that exist today for Village business District in the new town center business with this as an addition to current requirements.	The except clause means that only uses requiring a special permit will require the site plan special permit process. Uses permitted as of right can be handled through traditional site plan review. It would be helpful to us to hear more about why the Town believes it even needs to use a special permit process for site plan review. Everything that relates to site plan review can be handled through a well-crafted SPR bylaw. Use the special permit to regulate land uses or dimensional options that you want the discretion to review case by case or to provide some incentives, e.g., a higher FAR for inclusion of affordable housing.	
10	General Comment	If we increase housing density, we need to plan for playgrounds, green spaces and sidewalks. Who will be able to walk to new business if there are no sidewalks? How will residents in the denser housing be able to walk to business village shops unless it's in their building? There are no green spaces or parks, no requirements for trees. With climate change and urban areas creating heat sinks this seems short sighted. Without trees, this district will increase energy use for heat and cooling.	We need direction from the Town about how much infrastructure burden should be borne by development in the town center. Usually communities provide downtown infrastructure through capital outlays and state grants because town center development rarely achieves the scale needed to pay for major improvements. That said, there is plenty of opportunity for the Planning Board to specify the kinds of landscaping improvements it will require	

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		The state is promoting and focusing funding om Nature-Based Solutions to offset climate change impact, we should be planning new zoning t with this in mind, not creating a district that will need future public funding to fix.	developers to provide. This can and should be done through design guidelines and site plan review standards. Another option is to shrink the maximum allowable coverage on a lot if the Town is willing to accept more building height. This approach would increase potential green space without gutting the incentive to develop and invest in the downtown area.	
11	throughout	Use "Downtown Business Village District" and "DBVD" throughout (many places called "Downtown Village Business District" and "DVBD")—should be consistent with current zoning bylaw.	Agreed. We will make these corrections in the final version.	
12	7-9	Replace definition with: "Bed and breakfast is an establishment, complying with all applicable state and local fire, sanitation, and food service provisions, in an owner-occupied residence providing not more than four guest rooms for overnight lodging, with food service limited to breakfast for guests, with no stay longer than 10 consecutive nights for any guest, with all accommodations reserved in advance, and with no cooking facilities in rooms."	OK; that's fine.	
13	18-22	Replace definition with: "Mixed-Use Development: A development that includes both residential uses [primarily on upper floor(s)] and nonresidential uses [on ground floor and some amount on upper floors] within a single structure, with nonresidential uses primarily occupying the ground floor (street level) (that is, no more than one residential unit on the ground floor occupying no more than 30% of the ground floor area) and residential uses primarily above on the upper floors (that is, no more than 50% of the total upper floor area being used for nonresidential uses). "	Best practices with mixed-use: focus on the placement of commercial space and avoid regulating ground floor uses with floor area percentages. We need direction from the Town.	

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	Sec.	**Comment**	**Response**	**Status[1]**
14	23	Add definition for "Co-work center"	Agreed.	
15	45	Use FAR of 0.40	No disagreement here, but perhaps someone at town hall should look at what the existing FARs are before we make this change.	
16	49	Replace with: "Professional services (including medical or dental office), business services, business office, or bank."	Agreed.	
17	54	Replace term with: "Microbrewery"	OK	
18	63	Add two uses: "Multifamily housing up to 4 units (as part of a mixed-use development)" and "Indoor recreation, athletic or exercise facility"	OK	
19	64	Increase 3,000 square feet to 4,000 or 5,000	My original answer to this was OK, but I've thought about it more and I really think 5,000 sq. ft. is too much. Hoping draft 3 clarifies our intent.	
20	66	Replace with: "Retail sales (including convenience store or food mart)"	OK, though "convenience store" worries me a bit.	
21	71	Replace with: "Personal services such as barber shop, hair salon, tailor, or repair shop (for personal items such as shoes, clothing, etc.)"	OK	
22	75	Increase limits to match sections B and C (0.40 and 5,000)	Will consider.	
23	77	Remove (no dogs/ kennels)	OK, I think this is in your existing zoning. We tried not to remove existing use privileges as much as possible.	
24	79	Remove—added above	OK	
25	80	Replace with: "Multifamily housing, over four units (as part of a Mixed-Use Development)."	No option for multifamily except in a mixed-use building? We need direction.	
26	81	Remove—no parking structures	Again; I think this is in your existing zoning.	
27	83	Remove—added above	OK	
28	92	Remove—no trailers	OK	

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29	106	Replace with: "Front: 5 feet. (Architectural features such as bay windows, bay windows, balconies, porches, canopies, etc. shall not be subject to this setback requirement.)" [or maybe 0 feet?]	OK	
30	153-155	Need more incentive/requirement for open space in DBVD--not just hardscape. Look to J Barrett for ideas about how to make this happen (experience from other communities?).	See our responses to comments #4, #7.	
31	156-162	need a struture that will provide more incentive/requirement for affordable housing; make these rental units?? Make this "four or more units"?? Look to J Barrett for ideas about how to make this happen (experience from other communities?).	Can't use zoning to regulate form of ownership and tenancy (it's not a land use issue). I worry that the potential projects in this district are going to be pretty small, and if they are, they won't have enough scale to absorb a loss of rental income. We need direction.	
32	174-2	Microbrewery defined by not allowed use	Yep, I goofed. Will reconcile the terminology in the final version.	
33	174-2	Mixed -use dev definition. The total gross floor area of non-residential uses shall be at least 10% of gross floor area. How does that encourage commercial development if only 10% of GFA is required to be non-residential?	Best practices with mixed-use: focus on the placement of commercial space and avoid regulating ground floor uses with floor area percentages.	
34	174-8.4.1	Craft brewery or distillery allowed use but not defined. Same as microbrewery?	Yes, I goofed. Will reconcile in the final version.	
35	174-8.4.1 C &D (1)	C permitted uses up to 3k sq ft/establishment D (1) SP for uses under C exceeding 2Ksq ft/ establishment. Should that be 3K?	Good catch; yes, that is a typo. Should be 3K.	
36	174-8.4.1 C	permitted uses up to max 3k per establishment Why the limitation on size of these establishments? Why 3k limit for restaurant but no limitation on size for a craft brewery of distillery?	Different land uses with very different impacts on surrounding area.	

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37	174-8.4.1 D (4) & I (3)	D (4) multifamily housing up to 8 units allowed by SP I (3) affordable required for 8 or more units in multifamily or mixed-use building. Isn't the maximum number of multifamily housing units 8? Isn't a mixed-use building with 2 or more units multifamily housing by definition? Is the maximum number of housing units 8/bld?	Mixed-use and multifamily are not the same land use. One includes multiple uses; the other is a single use on multiple floors of the same building.	
38	174-10.1	Is site plan approval required for all uses in DVB?	Town center district subject to site plan review. The major change is that site plan review in this district would not require a special permit UNLESS the proposed use requires a special permit.	
39	174-8.4.1G (2) & (5) (b)	Minimum frontage 60 ft Façade buildout: frontage 50-80 ft, 60 ft min shouldn't that be 60-80?	No because some lots may not conform to the minimum frontage of 60'.	
40	174-8.4.1 B	How was .35 FAR arrived at	Fairly typical in a town center district. I've seen anywhere from 0.35 to 0.50. True central business districts are different and typically have higher FARs.	
41	174-8.4.1 G (5)	what does façade coverage encourage or discourage?	It regulates the placement of buildings on a lot and helps to minimize irregular rhythms between buildings.	
42	174-8.4.1 H & G (6)	Not in favor of 4 stories. The inviting walkable villages that appeal to me are all 2 stories. 4 stories and possibly 3 would overwhelm our small downtown. Currently we have a 3-story max height in BH, IP and I districts. Why the increase to 40ft?	To encourage redevelopment.	
43		Appears the bylaw incentivizes the destruction of the historic buildings downtown rather than renovation. Most of the buildings currently downtown don't meet the min ground floor height of 12' so couldn't be added onto. How can historic preservation be incentivized?	I don't agree that the proposed bylaw promotes destruction of historic resources. There isn't enough economic value written into the draft bylaw to usher in wholesale changes in the town center. It is a bylaw that encourages investment but not anything significantly out of scale with what's there. The best way to protect historic	

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			buildings is a local historic district under G.L. c. 40C.	
44		Without any design guidelines there is no ability ensure village style development	Planning Board should have design guidelines now. The proposed zoning doesn't change that at all.	
45	174-8.4.1 (I) (3)	Regarding additional standard for development pertaining to affordable housing: adjust criteria: in any multifamily or mixed-use building with 4 or more units 12.5% affordable with minimum of 1 affordable per the requirements on the draft of affordability.	That standard is not economically feasible. We did some sample pro formas when we worked on the draft.	
46	174-2	Update Bed and Breakfast definition to: Bed and breakfast is a lodging establishment in an owner-occupied residence providing not more than four (4) guest rooms for overnight accommodations, providing breakfast for guests.	See previous suggested definition (on a previous page – from another commenter). Town needs to decide and tell us what you want.	
47	174-2	Update Mixed-use development to **Vertical** Mixed-Use Development (infers first floor would be used for more public purposes; **to be defined** (proposed) as restaurants, retail or commercial businesses and the upper levels to be defined (proposed) as private residential units or office space. Point: must define "mixed-use" not okay with leaving it as open definition	Any permitted nonresidential use should be allowed on the first floor. Residential can be allowed on the first floor as long as it isn't facing Main Street. There is nothing in the draft or your existing zoning, for that matter, that prevents a property owner from having different commercial uses within the same building.	
48	174-2 (Part 1)	Define Co-work center **(proposed)** Co-work is an arrangement in which workers of different companies share an office space, allowing cost savings and convenience through the use of common infrastructure, such as equipment, utilities, and receptionist and custodial services, and in some cases refreshments and parcel acceptance services.	OK-agreed.	
49	174-8.4.1 (B)	Section B: I do not fully understand the up to a maximum floor area of 0.35 change from up to 2000 sq. ft. I do not support the change and request to remain at 2,000 Sq ft as written	OK. We need direction from the Town.	

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			The FAR regulates the overall bulk of the building and is a separate matter from the amount of floor area that can be occupied by a. particular use.	
50	174-8.4.1 (B) (1)	Suggest a limitation on # of units in a mixed use -development not to exceed 4 units (Must have a maximum with a 2-floor building- no more than 4 units)	Not sure why the Town would want to make mixed-use buildings so difficult to create and manage. What is the public purpose achieved by limiting the housing to four units?	
51	174-8.4.1 (E)	I would be in favor of removing language on the mobile home or travel trailer I entirety	OK but the language in the draft is in your existing zoning	
52	174-8.4.1 G (1)	I do not support lowering minimum square feet from 10,000 to 5,000. I would vote for retention at 10,000 square feet as it states currently	OK; we need direction from the Town.	
53	174-8.4.1 (G) (6) (a)	Support original height restrictions of 35' do not support up to 40'	OK; we need direction from the Town.	
54	174-8.4.1 G (6) (b)	Do not support 12' minimum ground floor height- UNLESS there is a specific statement regarding existing buildings seeking an alternate use would not be required to meet 12' minimum	That's fine. We need to think about how to write it so we don't unwittingly create a conflict with some requirements of the state Zoning Act. (More to explain that I can write out here.)	
55	174-8.4.1 (H)	Do not agree- remove	OK; need direction from the Town.	
56	174-8.4.1 (I) (3)	It is stated in section D (4) multifamily housing; up to eight units. No definition provided for multi-use This conflicts and states 8 or more units- need to define units in section B(1) maximum units in a mixed-use. I would suggest being a bot more generous in % affordable 12.5% could increase to 20-25%.	There isn't enough scale and density written into the proposed regs to support 25% affordable units.	
57	174-12	Parking remains to be the most significant challenge in this proposal, particularly (4) if maximum units is not defined.	OK. Best practices in planning discourage. Burdening small projects with high parking requirements.	
58	174-8.4.1 (I) (3)	1) **Application of Affordable Housing Unit (to "Building" vs. "Project"**). The language provides that the affordable unit requirement would apply to any multi-family or mixed use "building" that contained 8 or more units. This should really be "project" based, rather than "building" based—otherwise, a	We will review.	

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		developer could circumvent the affordability requirements by doing a project with 8 units spread across multiple "buildings" (e.g. four duplexes, or two quadplexes). This is also the way 40B is structured—the required % of affordable units is based on the total housing units in the particular "project" rather than the # of units in any particular "building".		
59	174-8.4.1 (I) (3)	**2) <u>Affordability Incentives (Density Bonusses)</u>.** We should really acknowledge the reality that, in the absence of an incentive to do so, developers would not include affordable units in their projects (because quite simply, it means less profit). But, many zoning bylaws contain incentives that make creation of affordable housing more desirable and profitable to the developers. One classic device is to give them density bonuses. For instance, if the zoning dimensional/density limitations would cap the # of units in a given hypothetical project to 9 units, but if the developer is willing to make (say) 30% of the units affordable, then the developer would get a 30% "density bonus" that would allow the project to be expanded by 30%--so, the developer ends up having 9 market-rate units, and 3 affordable units (12 units total). By getting an extra 3 market-rate units, the developer ends up with a larger project that (overall) is more profitable than if it would have only constructed with 9 units (7 market/2 affordable)—which would be a win-win for developer and the Town. So, I think we should ask EDC to (in addition to the min. % noted in #2 above) add density bonuses as an incentive to developers to include affordable units in their multi-family or mixed use projects.	Agreed, though the amount of density needed to make affordability feasible in small projects needs to be considered. We will review.	
60	174-8.4.1 (I) (3)	**3) <u>Percentage of Affordable Units</u>.** It is definitely more standard in affordable housing regulations to require that 20% of the units be made affordable—e.g., both 40B, and 40R require a min. of 20% affordability. The proposed bylaw only requires that 12.5% of the units be affordable, and I think we should advocate for this to be increased to 20%.	Yes, 20-25% is standard under 40B, but the proposed zoning does not allow the kind of density that 40B allows. We need direction from the Town.	

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		One note in this regard—I can see that with a small project of only 8 units, a 20% affordability requirement would effectively mean that at least 2 of the 8 units would need to be affordable (which would basically/necessarily translate into 25% of the 8 units, which that may see as a deterrent to development). One suggestion to help reconcile this might be to make the % slide based on the size of the project—e.g., if the project is only 8 housing units or less, only 12.5% would need to be affordable, but if there were 9 or more units, then the affordability requirement would be 20%.		
61	174-2	Add additional definitions-Façade build-out, ground floor height, co-work center, distillery, pub (mentioned in adaptive use but not defined, one in the same? multi-family housing,	Agreed.	
62	174-8.4.1(F)	If legally non-conforming, can they be outright prohibited? Or must go to ZBA/PB?	Legally non-conforming uses and structures are projected under Chapter 40A.	
63	174-8.4.1(B)(4)	Can a craft brewery have a restaurant also?	Usually the service area is accessory.	
64		Is Parking addressed in proposal?	See page 6 of the draft.	
65		If a pre-existing building, what are the requirements for PB/ZBA, etc.? if any?	See our response to comment #62.	
66	Part 1	owner-occupied residence; consider broader definition "is a small lodging establishment that offers overnight accommodation and breakfast ." limiting this narrow definition of owner occupied could be challenged. Small is up to 4 guests and should satisfy the objective and attract the investment. For example single family homes have business uses such as daycare even if no resident in A/B district I believe	A bed and breakfast doesn't have to be owner-occupied – it's really up to the Town. An owner-occupancy requirement is pretty common, though.	
67	Part 1	Perhaps include additional wording "a valid pub brewery license from the Commonwealth of Massachusetts and current zoning bylaws of the town. (note, such as proximity to schools, daycares and other establishments) or by special permit	I don't understand the change you are suggesting, but I also don't see a problem making microbreweries a special permit use. We need direction from the Town.	

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68	Part 1	The low bar of 10% for commercial to the total structural area can be limiting. For instance, existing commercial retail on main street, has housed very tiny shops, that in total would be pressed to meet a 10% bar.	10 percent is a minimum, not a maximum. We would much prefer to impose no minimum at all. This needs discussion.	
69	Part III	A single permitted use can be difficult to monitor. For instance; A beauty shop will have sub tenants that provide differing services as they partner to expand offerings. Is a facial the same as a haircut and herbal medicine? Can a dinner not sell some grocery? Its a slippery slope unless clearly differentiating businesses. Insurance agent partner with a real estate agent and restorative cleaning service on restoration disaster?	Perhaps, but communities do it all the time.	
70	Part V	A 2. Why is there an exclusion for medical and dental offices? Then listed again as allowable	Allowed by special permit, not as of right.	
71		A 8. Is a Co Work Center in conflict with multi use of the property? I am for Co Worker Center as allowable, but it's very board	A cowork center is a single use. The people who rent desks, cubicles, offices, or a conference room do not change the use of the facility. In fact, the use requires them in order to operate.	
72		H. 4 stories are high for the proposed special permit even when squeezed in. Not sure how you get 10 foot ceilings, a roof line of 5 feet. It's not really with the character of the main street. Most structures are 2 and 3 floors.	Yes, the existing structures are for the most part – or 3-story buildings. The special permit for a fourth floor is intended to ensure that the Planning Board has a good tool to regulate design of a structure that may be taller than the adjacent buildings.	
73		I 2 Open space and landscape of at least 5% seems low in relation to the lot size starting at 10,000 Square feet. . Perhaps ad the word contiguous so the space is not dotted throughout the front.	See our comments in response to #4 and #7 (and others). We can add contiguous; that makes sense.	
74	**174-10.1**	Major Site Plan from Planning Board triggers a Stormwater Management Permit from Conservation. It is also triggered if a land owner disturbs more than 50% of the lot. With small thresholds for lot creation, the Conservation Commission would be concerned with the amount of applications that would need to be submitted for an SMP. Where could there be	This can be addressed through amendment to the SMP. For whatever it's worth, we have heard from conservation administrators in other towns that they prefer redevelopment of existing small	

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		language to for applicants to seek a waiver from the SMP? Can there be an exclusion within these amendments on lots of a specific size can be exempt or would we need to amend our SMP bylaw? With smaller lots, there would not be a feasible amount of space to implement many stormwater features.	properties because the redevelopment process results in better stormwater management.	
75	174-8.4.1.H	4 stories seems high for that area of town	That is why we proposed it as a special permit option.	
76	174-8.4.1.I.3	If we want to include affordable housing, then we should add 25% and a min of 1 unit. Otherwise, I am not sure we will accomplish any affordable.	25% is really high for small projects.	

DRAFT DOWNTOWN BUSINESS VILLAGE DISTRICT V.3

November 15, 2020

Part I. Amend **§ 174-2** Definitions by adding the following new term and definition in appropriate alphabetical order.

BED AND BREAKFAST

Bed and breakfast is an establishment on an owner-occupied property providing not more than four guest rooms for overnight lodging, with food service limited to breakfast for guests.

FAÇADE

The exterior side of a building.

MICROBREWERY

A microbrewery is a licensed establishment that produces and distributes beer, ale, or other malt beverages, and which may include accessory uses such as tours of the microbrewery, retail sales, and a taproom for on-site consumption. In addition to selling beer at retail on the premises, a microbrewery may act as wholesaler for beer of its own production for off-site consumption if it has a valid pub brewery license from the Commonwealth of Massachusetts.

MIXED-USE DEVELOPMENT

Mixed-Use Development: A development that includes both residential uses and nonresidential uses within a single structure, with nonresidential uses occupying the ground floor (street level) and residential uses above on the upper floors. The total gross floor area of the nonresidential uses shall be at least 10 percent of the gross floor area of the structure.

Part 2. Amend **§ 174-3 Districts enumerated** by adding the following new district:

K. Downtown Business Village District, referred to as DBV District.

Part 3. Amend **§ 174-8(C)(2)** as follows (amendment shown in italics)

Not more than one principal permitted use shall be located on any lot, provided that a multiple occupancy building used for the same category of use, such as retail sales and services, light manufacturing or offices in a business district or Industrial Park District, *or a mixed-use development in the Downtown Business Village District*, shall be deemed to be in a single principal permitted use. . . .

Part 4. Amend **Article III, Use Regulations**, by adding the following new section:

§ 174-8.4.1 Downtown Business Village District[1]

A. Permitted uses are as follows:

(1) All uses permitted in the residential districts (RA and RB)

B. Permitted uses are as follows:[2]

(1) Mixed-use development

(2) Professional or business office, or bank, but not including a medical or dental office

(3) Custom manufacturing of custom goods sold primarily on the premises, such as a woodworking shop, shop for artisan or craftsperson, or bakery

(4) Bed and breakfast

(5) Art gallery

(6) Child care center

(7) Co-work center

C. Permitted uses, up to a maximum of 3,000 square feet per establishment:

(1) Retail sales

(2) Ice cream shop, sandwich shop, candy shop, other specialty food service establishment serving walk-in customers (drive-through service is prohibited)

(3) Restaurant, with indoor seating and outdoor seating on an adjacent patio (drive-through

[1] Note: some commenters suggested removing certain of the uses listed here, but most of the uses to be removed are already in Southborough's Business Village District zoning today. For this reason, we hesitate to remove them.

[2] The FAR has been moved to dimensional regulations.

service is prohibited)

(4) Personal services such as barber shop, beauty salon, tailor, or shoe repair

D. Permitted uses by special permit from the Planning Board are as follows:

(1) Any use listed in Subsection C exceeding 3,000 sq. ft. per establishment

(2) Microbrewery

(3) Veterinarian, animal hospital, dog kennel.

(4) Medical or dental office

(5) Multifamily housing, up to eight units.

(6) Private garage or parking for more than three cars or more than one truck or other commercial vehicle.

(7) Indoor recreation, athletic or exercise facility.

E. Uses by special permit from the Zoning Board of Appeals are as follows:

(1) Accessory apartment.

(2) Conversion of a one-family house in existence for two years or longer to a two-family dwelling, on a lot with a minimum of 15,000 square feet.

(3) A mobile home or travel trailer used as a dwelling or business quarters for more than 30 days in a year.

F. Prohibited uses. All uses which are not listed above, legally nonconforming or otherwise allowable by the provisions of the zoning regulations are prohibited.

G. Development standards (Note: Also refer to § **174-10.1**, Business Village District plan review) are as follows:

(1) Minimum lot area: 5,000 square feet.

(2) Minimum frontage: 60 feet.

(3) Minimum setbacks:

(a) Front: 10 feet.

(b) Rear: 35 feet.

(c) Side: 10 feet; 25 feet if adjacent to a residential district.

(d) Other street: 10 feet

(4) Maximum front setback: 20 feet unless waived by the Planning Board.

(5) Minimum landscaped open space: 20 percent. At least 50 percent of the landscaped open space shall be contiguous and located between the front building line and front lot line unless the Planning Board approves a different placement of open space as part of Site Plan Review.

(6) Maximum floor area ratio: 0.35

(7) Minimum Façade Buildout (% Lot Width) unless waived by the Planning Board.

(a) With less than 50 feet of frontage: N/A

(b) 50-80 feet of frontage: 60%

(c) Over 81-100 feet of frontage: 70%

(d) 100 feet or more of frontage: 75%

(8) Height regulations:

(a) Maximum building height: 40 feet and three stories, except by special permit from the Planning Board under Section H below

(b) Minimum ground floor height: 12 feet

(c) Maximum ground floor height: 18 feet

(9) Residential dwellings. Single-family or two-family dwellings in the Downtown Business Village District shall comply with RB District standards.

H. Special Permit for Height Increase. The Planning Board may grant a special permit to increase the maximum building height to 45 feet and four stories, provided that the minimum rear setback shall be increased at a 1-to-1 ratio, e.g., an additional one foot of setback for every one additional foot in building height.

I. Additional Standards for Development in the DBV District.

(1) Building Regulations

(a) The principal entrance(s) to the building shall be on the front façade, which shall face the street.

(b) The maximum distance between street-level entrances shall be 35 feet unless waived by the Planning Board.

(c) The maximum depth of street-level commercial spaces shall be the lesser of 30 feet or 60 percent of the depth of the building.

(d) The maximum front setback in Section G(4) may be increased for purposes of amenities such as landscaping, a plaza, square, courtyard, recessed entrance, sidewalk, multi-use path, raised terrace, façade offsets, or outdoor dining, but not for automobile use.

(2) Affordable housing. In any multifamily or mixed-use building with six or more units,[3] at least 12.5 percent of the units shall be affordable housing that is eligible for the Chapter 40B Subsidized Housing Inventory (SHI) in accordance with the Chapter 40B regulations and Guidelines of the Massachusetts Department of Housing and Community Development (DHCD). In consultation with the Southborough Housing Opportunity Partnership Committee (SHOPC), the Planning Board may adopt a guidance document interpreting the Chapter 40B Guidelines as they apply to development under this section.

J. The operation of any marijuana establishment as defined in MGL c. 94C, § 1, including without limitation a marijuana cultivator, marijuana testing facility, marijuana product manufacturer, marijuana retailer or any other type of licensed marijuana facility is prohibited in all zoning districts of the Town. This prohibition shall not apply to the sale, distribution or cultivation of marijuana for medical purposes, licensed under Chapter 369 of the Acts of 2012 and currently permitted in the Town of Southborough. **[Added 4-25-2017 ATM by Art. 32]**

[3] A few commenters suggested requiring affordable units in any development with four or more. We tried this with a few "test case" proformas and in our opinion, a four-unit project could not absorb the loss of income and still be feasible. We believe a six-unit threshold could work.

Part V. Amend **Section 174-10.1, Village Business District plan review**, as follows (amendments in the first paragraph shown in italics).

§ 174-10.1 Village Business District plan review.

Except as provided below in Subsection D, within the Village Business District, major site plan approval shall be by special permit from the Planning Board, subject to the procedural requirements and decision criteria of § **174-9**, Special permit requirements, and § **174-10**, Site plan approval, and the following in addition to the above …

D. In the Downtown Business Village District, major site plan approval shall be by special permit from the Planning Board for any use requiring a special permit. In such cases, the submission requirements, procedures, and decision criteria under Subsections A through C above shall apply. The Planning Board may adopt design guidelines and apply them to major site plan approval applications regardless of whether a special permit is required.

Part VI. § 174-12 **Parking and loading regulations**. Amend the parking and loading regulations, as follows. Note that existing Section F should be renumbered to Section G.

F. Exceptions in the Downtown Business Village District. Off-street parking requirements for development in the Downtown Business Village District shall comply with Section E above except for the following uses:

(1) Dwellings: two spaces for each dwelling unit, plus one space for each 80 square feet of floor area devoted to a customary home occupation or a professional use.

(2) Bed and breakfast: one space for each guest room plus two spaces for the owners and operators of the premises.

(3) Restaurants and other places serving food or beverages: one space for each four seats.

(4) Mixed-use development: one space per dwelling unit and one space per 300 square feet of nonresidential floor area.

(5) Professional or business office: one space per 300 square feet for ground floor offices and one space per 350 square feet for offices above the first floor.

TOWN OF SOUTHBOROUGH
BUILDING DEPARTMENT

9 CORDAVILLE ROAD
SOUTHBOROUGH, MASSACHUSETTS 01772-1662
508-485-0717

To: Southborough Board of Selectman
Mark Purple, Town Administrator

From: Laurie A. Livoli, Building Commissioner

Subject: Annual Inspections for Restaurants

Date: November 2, 2020

Request for a waiver of permit fees totaling approximately $400.00 for annual inspections in coordination with the fire department for restaurants in town due to the Pandemic.

Each year these types of inspections are required by law under Chapter 304 of the Massachusetts Fire act by both fire and building departments and will be conducted in the coming weeks.

Thank you for your consideration.

The New England Center for Children®

A leader in autism research and education

RECEIVED
NOV 16 2020
Southborough Selectmen's Office

November 2, 2020

Mark J. Purple
Town Administrator
Town of Southboro
17 Common Street
Southboro, MA 01772-9109

Dear Mr. Purple:

Enclosed please find a check in the amount of $52,036.00 which represents the first half of our voluntary contribution in lieu of taxes to the Town.

We look forward to our continued good relationship with the Town.

Very truly yours,

Michael S. Downey
Chief Financial Officer

MD:sy
Enc.

33 Turnpike Road Southborough, MA 01772-2108 508.481.1015 508.485.3421 fax www.necc.org
VS (JConlin)

UNITED STATES UNITED ARAB EMIRATES UNITED KINGDOM QATAR

TOWN OF SOUTHBOROUGH

BOARD OF SELECTMEN Meeting Minutes

Meeting Date: Friday, October 30, 2020, 11:55 A.M.
Location: Virtual Meeting through Zoom
Present: Marty Healey, Lisa Braccio, Chelsea Malinowski, Brian Shea, Sam Stivers and Town Administrator Mark Purple

I. Chairman Healey called the meeting to order at 11:56 A.M. Chairman Healey read the following statement:

Pursuant to Governor Baker's March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, §18, and the Governor's March 15, 2020 Order imposing strict limitation on the number of people that may gather in one place, this meeting of the Southborough Board of Selectmen will be conducted via remote participation to the greatest extent possible. Specific information and the general guidelines for remote participation by members of the public and/or parties with a right and/or requirement to attend this meeting can be found on the Town of Southborough's website, at https://www.southboroughtown.com/. For this meeting, members of the public who wish to watch or participate in the meeting may do so in the following manner by finding the meeting at: https://www.southboroughtown.com/remotemeetings. No in-person attendance of members of the public will be permitted, but every effort will be made to ensure that the public can adequately access the proceedings in real time, via technological means. In the event that we are unable to do so, despite best efforts, we will post on Southborough's website an audio or video recording, transcript, or other comprehensive record of proceedings as soon as possible after the meeting.

Mr. Healey indicated that this statement will also cover the Affordable Housing Trust Fund Committee immediately following the Selectmen meeting.

II. **Consent Agenda**

a. Chairman Healey made a motion to accept the resignation of Dan Kolenda from the Affordable Housing Trust Fund Committee. Ms. Braccio seconded. The motion passed all in favor (5-0-0) by roll call vote, Braccio, aye; Malinowski, aye; Shea, aye; Stivers, aye; Healey, aye.

III. On a motion made by Chairman Healey, seconded by Mr. Stivers and voted by roll call all in favor, Braccio, aye; Malinowski, aye; Shea, aye; Stivers, aye; Healey, aye, the meeting was adjourned at 11:59 A.M.

Upcoming Meetings
November 4, 2020
November 10, 2020

Respectfully submitted,

Mark J. Purple, Town Administrator

TOWN OF SOUTHBOROUGH

BOARD OF SELECTMEN Meeting Minutes

Meeting Date: Tuesday, November 10, 2020, 6:00 P.M.
Location: Virtual Meeting through Zoom
Present: Marty Healey, Lisa Braccio, Chelsea Malinowski, Brian Shea, Sam Stivers and Town Administrator Mark Purple

I. At 6:06 P.M. Chairman Healey made a motion for the Board to enter into Executive Session per M.G.L. Chapter 30A, Section 21, and returning to Open Session – to discuss the disposition of real property (Exemption 6) concerning the Arts Center, as the Chair declares that an open meeting may have a detrimental effect on the negotiating position of the public body. Mr. Stivers seconded. The motion passed all in favor (5-0-0) by roll call vote, Braccio, aye; Malinowski, aye; Shea, aye; Stivers, aye; Healey, aye.

II. Chairman Healey called the meeting to Open Session at 6:30 P.M. Chairman Healey read the following statement:

Pursuant to Governor Baker's March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, §18, and the Governor's March 15, 2020 Order imposing strict limitation on the number of people that may gather in one place, this meeting of the Southborough Board of Selectmen will be conducted via remote participation to the greatest extent possible. Specific information and the general guidelines for remote participation by members of the public and/or parties with a right and/or requirement to attend this meeting can be found on the Town of Southborough's website, at https://www.southboroughtown.com/. For this meeting, members of the public who wish to watch or participate in the meeting may do so in the following manner by finding the meeting at: https://www.southboroughtown.com/remotemeetings. No in-person attendance of members of the public will be permitted, but every effort will be made to ensure that the public can adequately access the proceedings in real time, via technological means. In the event that we are unable to do so, despite best efforts, we will post on Southborough's website an audio or video recording, transcript, or other comprehensive record of proceedings as soon as possible after the meeting.

III. **Public Comment**
None

IV. **Scheduled Appointments**
6:30 P.M. – Discussion and review of latest VMUD draft and comments for Downtown Initiative
Chairman Healey laid out the format and intention for the discussion. He opened the discussion to attendees. Ms. Luttrell, a member of the Planning Board, explained her concerns that the document looked to allow for a bigger more urban style downtown instead of a small walkable village style downtown. She noted the building heights and ceiling heights as examples of such. Ms. Connelly, a member of the EDC, stated that Ms. Barrett of Barrett Planning Group could not attend tonight to explain why she proposed the draft bylaw in the way it is written. She added that the EDC would like open space and greenspaces in addition to building for the downtown. She explained that open space and greenspace items may not be appropriate for the zoning bylaw and suggested creating a separate design guideline document. Ms. Malinowski spoke on

behalf of SHOPC and stated there is concern that the language in the first draft did not accommodate for affordable housing. She explained the details written in the draft bylaw and how it made it a challenge to achieve any affordable housing in this district. Mr. Wood, a member of the EDC, explained the changes they made to support more affordable housing and Chairman Healey stated that SHOPC made a compelling case that decisions regarding the drafting of the document should be very mindful of the affordable housing element. Mr. Wood addressed the suggestion to remove the ability to keep a trailer on a property and felt it should be kept with the clarification that a trailer would be temporarily allowed in the case of misplacement due to fire only. Ms. Hoolahan from the Planning Board agreed and stated that she would not want to see a trailer allowed as a permanent staple. Chairman Healey stated he would like clarity on the max floor ratio of .35. Ms. Braccio stated that Ms. Barrett offered multiple dates for a robust conversation regarding any questions and feedback. She asked the Board and other board and committee members which day they preferred and it was agreed to meet on November 24, 2020 at 8:00 P.M. Mr. Wood asked when to expect an updated document from Ms. Barrett that addressed the feedback from the various boards and committees. Ms. Braccio stated she felt that would be available this week.

Mr. Blaschke, a member of the Historical Commission, stated that he wants the walkability, greenspace and sidewalk component to be kept in mind when revising the zoning bylaw. He stated that the Historical Commission has not reviewed the draft document but that he had concerns with the height requirements and the ability for multiunit dwellings. Chairman Healey stated that Ms. Barret could address those items and her reasoning for including them at the next meeting. He said that continuing the sidewalk effort is in the forefront of their minds. Mr. Bhistitkul from SHOPC stated they want an affordable housing component included in this bylaw. He suggested making the requirement project specific as opposed to building specific and asked the Board to consider more density incentive bonuses to support affordable housing. Mr. Stivers stated this is a challenging problem as there is not a lot of space or money to invest in this area but also acknowledged the need to make it attractive for business investment. He asked Ms. Braccio and Ms. Connelly to work with Ms. Barret to use her experience in these cases to make suggestions as to how to incentivize people to invest and bring capital while balancing housing issues. Ms. Connelly stated she will convey this and all feedback to Ms. Barrett. There was discussion as to whether sidewalks should be included in a zoning bylaw or another section of the code. Mr. Morris of the Planning Board explained that the Board of Selectmen have jurisdiction over existing ways which include sidewalks. Ms. Braccio informed the public that comments and feedback for this document will be received through November 18th. The EDC adjourned their meeting at 7:29 P.M. and the Planning Board adjourned their meeting at 7:30 P.M.

Chairman Healey asked if there will be a revised document from Ms. Barrett before the meeting on November 24th. Ms. Braccio stated that Ms. Barrett had sent a response to multiple comments and answers to some of the questions in the feedback document. She added that these responses from Ms. Barrett should provide more clarity and she would be speaking with her tomorrow regarding next steps.

V. Public Comment

Cynthia Cram (44 Bigelow Road) asked for confirmation that the Board was in receipt of a letter sent to them regarding the proposed trail in the Bigelow Wildlife Refuge. She stated the letter is a follow up from public comment from weeks prior to address next steps. She also asked if the Board were in receipt of a petition from a neighbor. Chairman Healey stated he was familiar with

the letter and not a petition. Mr. Purple added he did not receive a petition. Chairman Healey stated that he understood the issue was before the Conservation Commission and the Board does not want to interject on their jurisdiction. He stated that the Conservation Commission process should continue and conclude before the Board would decide to become involved. The Board agreed. Ms. Cram explained the timeline for an opinion from the Commission. Mr. Purple stated that Ms. Danza has not asked for input from the Board. Ms. Braccio suggested the neighbors speak with SOLF directly as they have control of the land. Ms. Cram agreed to do so. Chairman Healey asked Mr. Purple to follow up with the Commission to make sure they are not waiting to hear from the Board. Mr. Purple agreed.

Marnie Hoolahan (26 Clifford Road) stated she was speaking as an elected official from the Planning Board. She asked the Board if they received her email regarding the two conflicting opinions for interpretation of a zoning bylaw. Chairman Healey stated the Board received the email. He stated Mr. Purple had a conversation with the Building Inspector and the posture procedure is that the Building Commissioner has made a judgement within her jurisdiction and the appeal of that determination is appealed to the Zoning Board of Appeals and not the Board of Selectmen. He added that the procedure is being followed for the Building Inspector to make her determination which is within her jurisdiction. He added that he reviewed her opinion of the bylaw and that of Town Counsel and understood how both could come to differing opinions. He added that the jurisdiction for making this determination is with the Building Inspector and the appellate right is through the Zoning Board of Appeals. Chairman Healey stated he would like to see that process play out. Ms. Hoolahan asked for the Zoning Board of Appeals application fee to be waived. Chairman Healey stated he is not inclined to inject himself as a member of the Board into a process already in place. Chairman Healey explained his interpretation of the opinions of both the Building Inspector and Town Counsel and reiterated that the applicable decision lies with the Building Inspector and she has made her determination. He added that the public is able to disagree and appeal that determination and suggested the process play out without the Board's interjection.

Ms. Braccio asked that the topic of waiving of the application fee be a topic of discussion. Chairman Healey agreed to adding it to the next agenda. Mr. Stivers stated he was sympathetic with Ms. Hoolahan and it would be helpful to provide clarity around this bylaw. Chairman Healey stated he does not disagree and the biggest problem with the existing bylaw is the language leads to multiple interpretations and there is no enforcement. He added that he understood how the Building Inspector as the person charged with the responsibility for interpreting and enforcing the bylaw came to her conclusion.

VI. Reports

Chairman's Report

Chairman Healey stated that in his last report he praised Mr. Hegarty's effort on Election Day. He said the poll workers should also be commended for their work to put in effect the controls of in-person voting during the COVID-19 pandemic. He thanked all the poll workers for their ability to ensure in-person voting was available last Tuesday. He suggested the Board send a letter of appreciation to them. Mr. Purple stated that this was Assistant Town Clerk Amy Berry's first election and she did an excellent job executing Mr. Hegarty's plan for a smooth Election Day.

Chairman Healey asked for a volunteer from the Board for the MWRTA Board. He added if there is no interest from the Board, he will reach out to other boards.

Chairman Healey stated that the State is scheduling public forums for input on services they are looking to stop offering. He stated they are looking to curtail weekend service and service after 9:30 P.M. on weeknights.

Chairman Healey said there are issues related to the 45 Highland Street property. He said some email traffic by Town committee members was not conducted on Town email which created problems. He stated that all Town volunteers and employees must use Town email to conduct business. He stated that 45 Highland Street will be on the Executive Session agenda for next week and Mr. Purple is setting up a folder for this possible litigation.

Members' Reports

Ms. Braccio stated that rent and mortgage assistance is available and residents can find information on the Town website. She added there have been applications and urged those in need to apply.

Ms. Malinowski stated she watched the School Committee meeting the previous evening and they are looking to use $100,000 out of the CARES Act funding for testing for COVID-19. She stated that Mr. Ballantine and Ms. McAuliffe will be attending the meeting next week and they will speak about this in their report. Mr. Purple stated the schools are also looking to purchase additional Chrome Books with CARES Act funds.

Mr. Shea stated he is looking forward to participating with the veterans at the Veteran's Day ceremony tomorrow morning. He stated he will give a brief report regarding the event next week.

Mr. Stivers stated he is working with the Board of Health regrading trash hauling licensing.

Chairman Healey stated that he heard feedback regarding Ms. Malinowski acting as the liaison for SHOPC as she is a member. He stated that he is in support of her being both a member and a Board liaison to SHOPC.

Town Administrator Report

Mr. Purple stated that a temporary flagpole has been set in time for Veteran's Day. He thanked Ms. Galligan for her assistance with this and explained the next steps once the temporary flag is removed.

Mr. Purple stated that there are preliminary discussions with the schools about possibly consolidating some Town IT services in light of Mr. Laflamme's resignation. He added that there will be a robust discussion with the school on Thursday and it could be a beneficial economy of scale. Mr. Purple stated the possibility will be discussed and the position has been advertised solely as a Town position for the sake of time. He will continue to update the Board on this matter.

VII. Consent Agenda

a. Ms. Malinowski asked to hold agenda item "a." Ms. Malinowski stated that on page two, row three it should read, "Mr. Malinowski" not "Ms. Malinowski." Chairman Healey made a motion to approve Open Session Minutes: October 27, 2020 with the revision requested by

Ms. Malinowski. Mr. Stivers seconded. The motion passed all in favor (5-0-0) by roll call vote, Braccio, aye; Malinowski, aye; Shea, aye; Stivers, aye; Healey, aye.

b. Chairman Healey made a motion to accept the resignation of IT Manager Tom Laflamme, effective November 27, 2020. Mr. Stivers seconded. The motion passed all in favor (5-0-0) by roll call vote, Braccio, aye; Malinowski, aye; Shea, aye; Stivers, aye; Healey, aye.
c. Chairman Healey made a motion to accept the retirement notice of Administrative Assistant Carol Ostresh, effective November 30, 2020. Mr. Stivers seconded. The motion passed all in favor (5-0-0) by roll call vote, Braccio, aye; Malinowski, aye; Shea, aye; Stivers, aye; Healey, aye.
d. Chairman Healey made a motion to approve Executive Session Minutes: October 20, 2020. Mr. Stivers seconded. The motion passed all in favor (5-0-0) by roll call vote, Braccio, aye; Malinowski, aye; Shea, aye; Stivers, aye; Healey, aye.

VIII. On a motion made by Mr. Shea, seconded by Mr. Stivers and voted by roll call all in favor, Braccio, aye; Malinowski, aye; Shea, aye; Stivers, aye; Healey, aye, the meeting was adjourned at 8:08 P.M.

Upcoming Meetings *December 17, 2020* *December 1, 2020*

Respectfully submitted,

Kathleen Barry, Recording Secretary

<u>List of Documents referred to at the November 10, 2020 BOS Meeting:</u>

- Copy of Copy of Jointmeeting VMUD 3
- DRAFT_Sec 174TownCtrDistrict v2
- Letter of Resignation from Tom Laflamme
- Regular Session Minutes, October 27, 2020
- Retirement Notification, Carol Ostrech

DRAFT

RECEIVED
By Town Clerk/rhc at 10:16 am, Dec 18, 2020

TOWN OF SOUTHBOROUGH

BOARD OF SELECTMEN Meeting Minutes

Meeting Date: Tuesday, December 1, 2020, 6:30 P.M.
Location: Virtual Meeting through Zoom
Present: Marty Healey, Lisa Braccio, Chelsea Malinowski, Brian Shea, Sam Stivers and Town Administrator Mark Purple

I. Chairman Healey called the meeting to Open Session at 6:30 P.M. Chairman Healey read the following statement:

Pursuant to Governor Baker's March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, §18, and the Governor's March 15, 2020 Order imposing strict limitation on the number of people that may gather in one place, this meeting of the Southborough Board of Selectmen will be conducted via remote participation to the greatest extent possible. Specific information and the general guidelines for remote participation by members of the public and/or parties with a right and/or requirement to attend this meeting can be found on the Town of Southborough's website, at https://www.southboroughtown.com/. For this meeting, members of the public who wish to watch or participate in the meeting may do so in the following manner by finding the meeting at: https://www.southboroughtown.com/remotemeetings. No in-person attendance of members of the public will be permitted, but every effort will be made to ensure that the public can adequately access the proceedings in real time, via technological means. In the event that we are unable to do so, despite best efforts, we will post on Southborough's website an audio or video recording, transcript, or other comprehensive record of proceedings as soon as possible after the meeting.

II. Public Comment
None

III. Scheduled Appointments
Municipal Technology Committee update
Matt Probst, Chair of the MTC, updated the Board on the four key areas the Committee is working on this year which include improving the documentation on the Town's systems and servers, inviting one department head to their monthly meetings to discuss current needs and problems and challenges with respect to technology, creating a five-year strategic technology plan and implementing cyber resiliency planning to improve Town security and redundancy. He added that the Committee would like to engage citizens and will be surveying them about Town technology to understand needs and improve cyber hygiene.

Ms. Malinowski asked if the Committee is looking at streamlining processes and software solutions throughout departments. Mr. Probst stated the general theme from department heads is that each department has their own helpdesk software and way of interacting with citizens which are areas that can be improved. Ms. Malinowski asked if the Committee vets new software before implementation. Mr. Probst replied that there is opportunity for improvement here but over the last few years the Committee has vetted new software with Mr. Laflamme. Ms. Malinowski stated that she is curious whether the software selected is the best option to solving the problem presented. Mr. Probst stated that the Committee is working to create clear

documentation of what the requirements are for a new software and a relative priority of needs in order to understand which software may be the best fit. Mr. Shea asked if the Committee is discussing the new servers listed as a capital budget item. Mr. Probst responded that the Committee is interested in discussing this line item and that they are cautious about how much the Town invests in legacy technology versus moving the Town forward on cloud-based technologies. Mr. Stivers asked for estimated timing on the new strategic plan. Ms. Probst said they hope to have a draft by their January meeting. Mr. Stivers suggested the plan could be used as a benchmark for department heads to invest in technology that coincides with the Town's long-term plan. He asked if there is a plan for making Town data more accessible to citizens and suggested the Committee and new Technology Manager could create that vision. Mr. Probst stated that the Committee will be working on creating an effective survey that is periodic and easy for citizens in order to gain feedback on current and future needs.

Trails Committee update

Kathryn McKee, Chair of the Trails Committee, walked the Board through the presentation included in the packet. She outlined their goals of increasing outreach and awareness throughout Southborough and their success in doing so. She updated the Board on Eagle Scout projects and other enhancements to the trails. She stated that their goal is to make Southborough more walkable, connecting trails to downtown and adding safe options for the addition of biking trails. She stated the challenge is creating a public access plan from DCR and finding funding for trails. Chairman Healey stated the Board is meeting with Representative Dykema and Senator Eldridge on December 15th and asked for questions from the Committee. Ms. McKee stated she will reach out to the Board separately with their questions. Chairman Healey commended the Committee for focusing on CPA funding. Ms. McKee stated that the DCR grant being applied for is reimbursable and includes a matching component that she hoped the CPA could assist with. Ms. Braccio asked if there is a process to check trails after large storms and Ms. McKee replied that the Adopt-A-Trail program is made up of volunteers who do this periodically. Ms. Braccio asked for the best way for people to reach out to the Trails Committee to volunteer. Ms. McKee replied that you can reach out to any member through email on their website or send a message through their Facebook page. Ms. McKee asked who she should speak with regarding liability questions. Mr. Purple stated he would be able to help.

Council on Aging update

Pam Le Francois, Director of the Senior Center, updated the Board on programs and outreach to seniors through the Senior Center and Council on Aging. She outlined the challenges faced due to COVID-19 which included shutting down all programs during their busiest season, helping those in need and engaging with those who are isolated. She outlined the online programs initiated for seniors and their partnership with CERT to help meet the needs of those seniors who are isolated. Ms. Le Francois described the successful drive through events that have taken place to connect seniors at a safe distance and supply them with food and necessities. She described multiple outreach programs and the Caregiver Meals Program. She stated there is concern about maintaining outreach throughout the winter and concern about those who are isolated without anyone to help them. Ms. Le Francois added that Ms. Amico has assisted in supplying seniors with durable medical equipment when needed and they have a good stock of this type of equipment through resident donations. Mr. Peck stated that he has experience at Baypath Elder Services and feels that Ms. Le Francois and her team are doing a great job with these programs and described his concerns with the challenges of maintaining outreach to those in isolation. Chairman Healey commended the Council on Aging and Ms. Le Francois's team for their work and suggested they partner with the MTC to help educate those that are not tech-savvy with Zoom

and other online resources. Ms. Le Francois stated she would reach out to them and the Trail Blazers to connect seniors with these groups. Mr. Shea, Mr. Stivers and Ms. Braccio thanked the team for their work to help seniors connect and stay healthy during the pandemic. Ms. Braccio gave accolades to the SHINE Coordinator for her consistent assistant throughout the pandemic. Ms. Malinowski asked about implementing a "Sponsor a Senior" program to connect residents in Town with the tools and time to help seniors in need. Ms. Le Francois described the challenges vetting volunteers and stated she would look into this possibility. Ms. Malinowski stated she would be able to work with Ms. Le Francois as she is the Board liaison to the Council on Aging.

Town Administrator performance evaluation

Chairman Healey stated a paragraph was omitted from the packet and it will be resubmitted. He added that he is looking for guidance regarding format and a follow up will be done in February. He stated that Ms. Malinowski chose not to write any comments but is able to participate in this discussion. Chairman Healey explained his portion of the Town Administrator performance evaluation and stated his overall impression is in the chart and summary paragraph included in the packet. He added he was impressed with Mr. Purple's performance and encouraged him to be more aggressive about taking initiative and owning his powers and responsibilities. Mr. Stivers stated his evaluation was more conservative and looked at Mr. Purple's performance as he does his own employees. He added that there is substantial room for improvement. Mr. Stivers stated that the job is difficult and the challenges the Board faces could be better realized. He suggested circling back in another thirty to ninety days to outline specific objectives the Board would like to see accomplished and to outline specific data when it comes to contract renewal. Ms. Braccio stated this was a challenging discussion as the review was based through February 2020. She added that she has worked into a great relationship with Mr. Purple and she appreciated this relationship. Ms. Braccio stated that setting goals is important and the Board had not provided any to Mr. Purple nor had they set expectations as to what they would want to see from him. She added that the Town Administrator position changes as the Board changes.

Ms. Malinowski stated she chose not to partake in this review because it started in February. She added that in general, real time feedback is important and it is important to discuss the timeframe the Board is set to review. She stated that in the six months she has been on the Board, she thought Mr. Purple made himself available when needed and they have always found common ground and she appreciated this. Ms. Malinowski stated that goals need to be set and suggested that the Board and Mr. Purple have a list of potential goals for the December 15th meeting. Mr. Shea agreed and stated that if Mr. Purple is going to be judged by goals and objectives, he needs to be aware of them. He summarized his relationship with Mr. Purple and his review which he felt was reflective of the positive approach he has had throughout the pandemic to keep the Town prepared. He added that goals and objectives must be clearly communicated to Mr. Purple. Chairman Healey stated there will be a follow up discussion on December 15th.

Mr. Purple thanked the Board for their feedback and described the challenges of adapting to a new Board during the pandemic. He added that developing the team is a goal he will be working on and agreed that he needs to understand the metrics he is being evaluated by. He suggested having conversations with Board members regarding their performance feedback for better understanding. Chairman Healey explained the implications of the Wayland Court decision and stated these discussions could be done but urged caution to not create a seriatim discussion.

IV. Reports

Chairman's Report

Chairman Healey stated that the Board will have an update on the CSX issues for downtown on December 15th. He added that the positions of the four landowners and CSX will be reviewed.

Chairman Healey suggested the Town reach out to other communities that have marijuana dispensaries to inquire whether those dispensaries have also indicated that the lump sum payment as opposed to the percentage payment is illegal. He added that it may make sense for the Town to have a cannabis lawyer.

Chairman Healey stated no one has stepped forward to join the MWRTA Committee and he has decided to take the role on himself.

Chairman Healey stated that he would like to include a discussion regarding the potential creation of a pocket park at the St. Mark's intersection on Route 85 and the Library with Ms. Galligan on December 15th.

Members' Reports

Ms. Braccio asked that the discussion for an update to the Code of Conduct Policy be put on the December 15th agenda. She stated with the use of Zoom as a meeting forum has presented new expectations of how things are done during public meetings.

Ms. Malinowski stated she was interested in taking on the role of liaison for Ms. McAuliffe and Mr. Ballantine to assist in the quarter two review. She asked that this topic be added to a future agenda.

Ms. Malinowski suggested Selectmen Office Hours commence after the holidays through Zoom. The Board agreed.

Mr. Stivers stated he is working to connect with the MTC as liaison to work on longer-term issues until an IT Manager has been hired and settled. He added that the Selectmen liaison process is working well and he supports this moving forward.

Town Administrator's Report

Mr. Purple stated that more information has been provided by Ms. Galligan regarding CSX, downtown, property owners and the implications to the Town. He stated he will create a review document for the December 15th meeting.

Mr. Purple stated he has a scheduled call with the Business Manager at St. Mark's School on Thursday to follow up on items discussed earlier.

Mr. Purple asked if the Board would like the topic of a Board liaison for the Finance Team in quarter two on the December 15th agenda. Chairman Healey confirmed that he would.

Mr. Purple gave an update on COVID-19 and stated that Southborough's active case numbers are increasing. He stated after speaking with the State and other points of contact, there is no super-spreader and Southborough's numbers are trending in the same direction as those across the State.

Mr. Purple stated that with Ms. Ostrech's retirement, the Selectmen's Office is restructuring workflows and updating job descriptions. He stated that they are redefining what the administrative assistant role may be which is taking time. He said that in the interim he would like to temporarily transfer Katie Barry from the Building/Zoning Department to the Selectmen's Office for 19.5 hours per week. Mr. Purple described the Town Administrator Bylaw which allowed him to do so but asked for the Board's agreement. He outlined the duties Ms. Barry would carry out which included evaluating the number of hours this position may be needed. He stated that Ms. Barry will keep her ZBA responsibilities and will be paid out of the Board of Selectmen budget. Ms. Malinowski asked for clarification on duties. Mr. Purple confirmed and stated that duties at the Town House have been streamlined but there is still a need for this position. He added that this position will be used to evaluate and possibly expand responsibilities to other departments in need of assistance. The Board agreed.

V. Consent Agenda

a. Mr. Stivers asked to hold agenda item "a." Mr. Stivers stated he was confused on line 139-141 of the November 17th minutes. He asked that "overage" be added in these lines for clarity. Chairman Healey agreed. Chairman Healey made a motion to approve Open Session Minutes: October 30, 2020, November 10, 2020, November 17, 2020 with the amendment as discussed. Ms. Braccio seconded. The motion passed all in favor (5-0-0) by roll call vote, Braccio, aye; Malinowski, aye; Shea, aye; Stivers, aye; Healey, aye.

b. Mr. Stivers asked to hold agenda item "b." Mr. Stivers stated he will follow up with Ms. Galligan regarding the possibility of breaking down the bids per tree as pricing varies dramatically. Chairman Healey made a motion to approve the request from DPW Superintendent to award Tree Contract. Mr. Shea seconded. The motion passed all in favor (5-0-0) by roll call vote, Braccio, aye; Malinowski, aye; Shea, aye; Stivers, aye; Healey, aye.

c. Chairman Healey made a motion to approve the request from DPW Superintendent for union employee grade changes. Mr. Stivers seconded. The motion passed all in favor (5-0-0) by roll call vote, Braccio, aye; Malinowski, aye; Shea, aye; Stivers, aye; Healey, aye.

d. Mr. Stivers asked to hold agenda item "d." Mr. Stivers asked if any of the license renewal requests were in violation of State or local regulations. Mr. Purple stated that all are in good standing. Chairman Healey made a motion to approve the 2021 Annual License Renewals (Detailed list attached). Mr. Shea seconded. The motion passed all in favor (5-0-0) by roll call vote, Braccio, aye; Malinowski, aye; Shea, aye; Stivers, aye; Healey, aye.

e. Chairman Healey made a motion to accept a donation in the amount of $200.00 for the Fire Dept. Ambulance Fund. Mr. Stivers seconded. The motion passed all in favor (5-0-0) by roll call vote, Braccio, aye; Malinowski, aye; Shea, aye; Stivers, aye; Healey, aye.

f. Chairman Healey made a motion to authorize Town Administrator to sign MOU for Massachusetts Collaborative for Action Leadership and Learning (MassCALL3). Mr. Stivers seconded. The motion passed all in favor (5-0-0) by roll call vote, Braccio, aye; Malinowski, aye; Shea, aye; Stivers, aye; Healey, aye.

g. Chairman Healey made a motion to approve the proposed meeting schedule for January – June 2021. Mr. Stivers seconded. The motion passed all in favor (5-0-0) by roll call vote, Braccio, aye; Malinowski, aye; Shea, aye; Stivers, aye; Healey, aye.

h. Ms. Malinowski asked to hold agenda item "h." Ms. Malinowski stated she had some suggested changes and asked to include this in a future Executive Session meeting. Mr. Purple stated he will hold an Executive Session on December 15th for the Approval of Executive Session Minutes: November 17, 2020.

i. Chairman Healey made a motion to appoint Anne Pfaff as the Historical Commission representative to the Community Preservation Committee. Mr. Stivers seconded. The motion passed all in favor (5-0-0) by roll call vote, Braccio, aye; Malinowski, aye; Shea, aye; Stivers, aye; Healey, aye.
j. Ms. Braccio asked to hold agenda item "j." Ms. Braccio asked that outreach to abutters is conducted before percolation tests begin at 21 Highland Street. Chairman Healey stated that in Executive Session at a previous meeting this step was approved to provide additional information about this property for the Board and Capital Committee. He added that the expectation was the DPW would explain exactly that if any questions arose. Mr. Purple stated that is the essence of it but that Ms. Braccio alluded that an answer such as that could lead to more questions. Ms. Malinowski stated she was under the impression that the discussion this evening was to ensure perc testing was not done around a holiday and to notify abutters before it is conducted. Ms. Braccio asked to amend the motion to include "after notification to abutters has been made." The Board agreed. Mr. Purple explained how abutter notifications would be done and agreed to have Ms. Malinowski review the letter before it is sent. Ms. Braccio made a motion to authorize percolation tests to be conducted at 21 Highland Street after notification to abutters has been made. Mr. Stivers seconded. The motion passed all in favor (5-0-0) by roll call vote, Braccio, aye; Malinowski, aye; Shea, aye; Stivers, aye; Healey, aye.

b. Other Matters Properly Before the Board

Review of EDC Residential Info packet

Ms. Braccio asked to move this discussion to December 15th pending an updated zoning document from Ms. Barrett. Chairman Healey made a motion to continue this discussion to the December 15th meeting. Mr. Stivers seconded. The motion passed all in favor (5-0-0) by roll call vote, Braccio, aye; Malinowski, aye; Shea, aye; Stivers, aye; Healey, aye.

Amend Mortgage & Rent Relief Program guidelines

Ms. Malinowski stated that she is reviewing all the applications as a representative of the Housing Trust which is the backup funding if CARES Act funding falls through. She added applications are due by end of day today and she is asking the Board to approve an increase in the program based on applications received for rent and mortgage relief. She stated these increases will not exceed the $25,000 allocated to the program. Chairman Healey made a motion to approve the amended Mortgage and Rent Relief Program guidelines as described by Ms. Malinowski. Ms. Braccio seconded. The motion passed all in favor (5-0-0) by roll call vote, Braccio, aye; Malinowski, aye; Shea, aye; Stivers, aye; Healey, aye. Ms. Malinowski asked that the changes to the new guidelines be updated on the website. Mr. Purple agreed.

Update and discussion, RE: FY21 Goals

Mr. Stivers gave some structural suggestions for the document and suggested the Board create a biking committee. Chairman Healey stated that item will be put on a January agenda. Mr. Stivers suggested reconstituting the Golf Committee. Chairman Healey stated that item will be included on a January agenda as well. Chairman Healey asked if there was a final number from the golf season for the revolving fund. Mr. Purple stated there is no final number as of yet but the golf course did exceed $400,000 in receipts. He explained the Town receives 10% of revenues over $200,000 and therefore will receive approximately $20,000 - $22,000 to the golf revolving fund. He explained multiple options for golf course upgrades. He added that the golf course management company has stated that they are seeing new players to the course. Mr. Purple

stated these receipts do not include the schools as they have not returned since the course was complete. Chairman Healey stated he will add this topic to a January agenda.

Discussion on items for Legislative update on 12/15

Mr. Purple summarized potential items to discuss with legislatures on December 15th and asked the Board to send their items to him. He stated he will distribute them to the Board and make sure Representative Dykema and Senator Eldridge are prepared for the meeting. Chairman Healey asked that a request be sent to board and committees for a list of topics to discuss with legislatures by next Monday. The Board agreed.

c. Public Comment

None

On a motion made by Mr. Shea, seconded by Ms. Malinowski and voted all in favor (5-0-0) by roll call, Braccio, aye; Malinowski, aye; Shea, aye; Stivers, aye; Healey, aye, the meeting was adjourned at 9:16 P.M.

Upcoming Meetings *December 15, 2020*

Respectfully submitted,

Kathleen Barry, Recording Secretary

List of Documents referred to at the December 1, 2020 BOS Meeting:

- Town of Southborough Non-Union Performance Appraisal, Mark Purple
- Letter from Mark Purple to BOS
- Regular Session Minutes, October 30, 2020
- Regular Session Minutes, November 10, 2020
- Regular Session Minutes, November 17, 2020
- Letter from Karen Galligan to BOS re: Award Request for Tree Contract
- Letter from Karen Galligan to BOS re: Employee Grade Change
- 2021 Annual License Renewals
- Letter from Chief Achilles to BOS re: Donation
- Letter from Mark Purple to Lori Esposito re: Central Metrowest Substance Abuse Prevention Collaborative Grant
- Letter from Lori Esposito to BOS re: Selectmen's Meeting Schedule
- Rent-Mortgage Assistance Guidelines
- FY 2021 BOS Goals
- Downton Business Village District Proposed Zoning Changes
- Southborough_Trails_Committee_Updates_BOS_Presentation_12.01.20

2021 Annual License Renewals		12-1-20 Board of Selectmen's Meeting		
License Type	**Liquor Type if applicable**	**Business Name**	**D/B/A**	**Address**
Class I Auto Dealer		The Eagle Leasing Company		258 Turnpike Road
Class II Auto Dealer		Ellis Imports, Inc.		12 Newton Street
Class II Auto Dealer		M&M Vehicles, Inc.	d/b/a Central Motors	349 Turnpike Road
Class II Auto Dealer		Stefco		264 Cordaville Road
Class II Auto Dealer		Ted's of Fayville Inc.		300 Turnpike Road
Common Victualer		150 Southborough LLC	d/b/a Hola!	154 Turnpike Road, Suite 150
Common Victualer		Belladora Corp.	d/b/a The Vin Bin	154 Turnpike Rd. Suite 110
Common Victualer		Fayville Athletic Assoc., Inc.		6 Grove Street
Common Victualer		Kishna Corp.	d/a/b Sperry's Liquor & Market	205 Turnpike Rd
Common Victualer		New Rose Garden Inc.	d/b/a New Rose Garden	1 Southville Rd
Common Victualer		NY Bagel Factory Location 2, LLC	d/b/a NY Bagel Factory	20 Turnpike Road
Common Victualer		NY Bagel Factory Location 3, LLC	d/b/a NY Bagel Factory	205 Turnpike Rd
Common Victualer		Pope Shenouda Enterprises III, Inc.	d/b/a Eros Gourmet Pizza & Deli	162 Cordaville Road Suite 140
Common Victualer		Rohini Inc.	d/b/a Subway	21A Turnpike Road
Common Victualer		Safety Seal Food Solutions LLC	d/b/a Zumi Pizza Company	5 Turnpike Road
Common Victualer		Southborough House of Pizza Inc.		5 Main Street
Common Victualer		South-OP, LLC	d/b/a Dunkin Donuts	162 Cordaville Road Suite 120
Common Victualer		St. Mark's Golf Club Inc.	d/b/a Southborough Golf Club	36 Cordaville Road
Common Victualer		Yama Restaurant Corp.	d/b/a Yama Fuji	162 Cordaville Rd., Suite 155
Liquor	Restaurant/All Alcohol	150 Southborough LLC	Hola!	154 Turnpike Road, Suite 150
Liquor	Restaurant/All Alcohol	New Rose Garden Inc.	d/b/a New Rose Garden	1 Southville Rd
Liquor	Restaurant/All Alcohol	Yama Restaurant Corp.	d/b/a Yama Fuji	162 Cordaville Rd, Suite 155
Liquor	Restaurant/Wine & Malt	C.U. Enterprises LLC	d/b/a Culinary Underground	21 Turnpike Road, Suite E
Liquor	Restaurant/Wine & Malt	Southborough House of Pizza Inc.		5 Main Street
Liquor	Restaurant/Wine & Malt	St. Mark's Golf Club Inc.	d/b/a Southborough Golf Club	36 Cordaville Road
Liquor	Retail Package/All Alcohol	Belladora Corp.	d/b/a The Vin Bin	154 Turnpike Rd. Suite 110
Liquor	Retail Package/All Alcohol	Kishna Corp.	d/b/a Sperry's Liquors & Market	205 Turnpike Road
Liquor	Retail Package/All Alcohol	Muktesh Corp.	d/b/a Mauro's Market	4 Main Street
Liquor	Retail Package/All Alcohol	Super Bill's Liquors Inc.	d/b/a Bill's Liquors	7 Turnpike Road
Liquor	Retail Package/All Alcohol	Virgin Mary Mother of Light, Inc.	d/b/a Turnpike Food & Liquor	65 Turnpike Rd

EDC Downtown Initiative

Downtown Business Village District
Proposed Zoning Changes

Information update for residents and businesses ● November 2020

SOUTHBOROUGH EDC Economic Development Committee

CONTENTS

3 Introduction

5 Why Are We Doing This?

6 Work to Date

7 Identified Development Sites

8 Downtown Then & Now

9 Vision for Downtown

10 Purpose of Proposed Zoning Article

11 Technical Zoning Options

12 Timeline for Zoning Article

13 **Appendix:**

A. *Map of the Downtown Business Village District (DBVD)*
B. *THEN, NOW & HOW IT COULD LOOK*
C. *Project Timeline 2017 Onwards*
D. *Draft of Proposed New "Downtown Business Village District" Zoning Article*

INTRODUCTION

The Board of Selectmen is grateful for the collaborative effort between the Economic Development Committee (EDC), Planning Board, SHOPC and other boards and committees, to update the zoning code for downtown Southborough. The proposed zoning change is part of the larger *Downtown Initiative* which aims to revitalize Downtown and bring back the vibrant heart of Southborough.

This is a ***Community Development*** effort that will bring more local options and opportunities to Southborough residents and – simultaneously – help existing businesses currently operating in Downtown.

The 2017 Survey put out by the EDC, confirmed overwhelming support from residents for improvements to Downtown, particularly restaurants, small scale stores, mixed-use development and beautification and connectivity.

Southborough's Downtown Business Village District (DBVD) is located centrally in the town and is serviced by Routes 30, 85 and local roads.

It is a typical rural town center with businesses and residences lining the road. The particular area of study with this project is the area defined as the Downtown Business Village District or DBVD (see *APPENDIX A*).

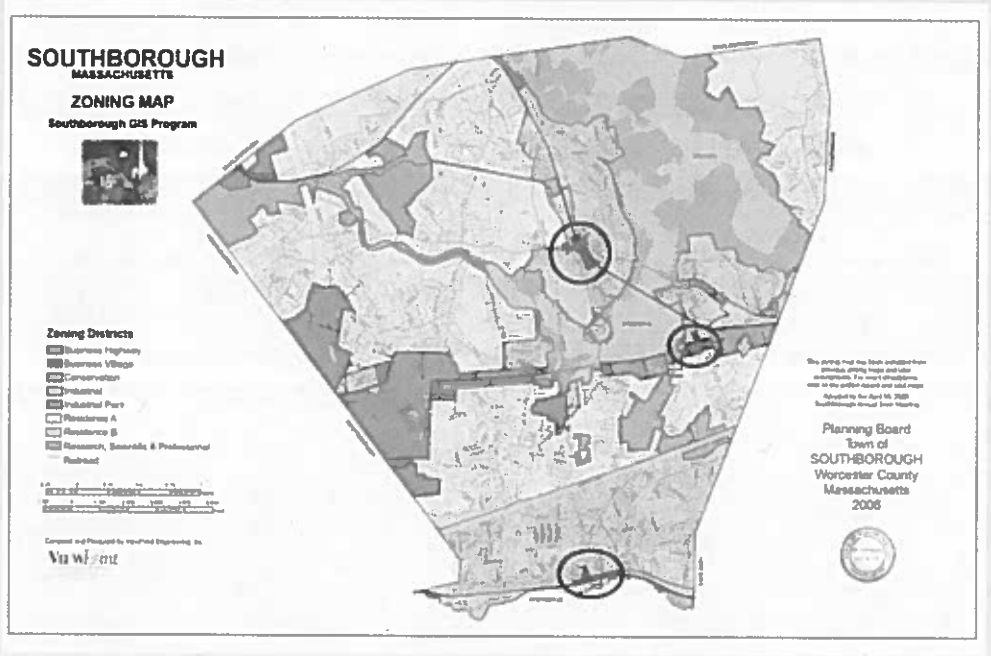
We hope you find this information packet helpful. Please reach out with comments and/or questions. We welcome your feedback and participation in this process.

You can contact the EDC Coordinator Marijke Munsiff at 508 485-0710 ext.3011 or email at mmunsiff@southboroughma.com. Updated versions of the draft zoning bylaw and other information, will be posted on the town website.

The next public meeting where the zoning draft will be discussed is scheduled for **24 November at 6:30PM**. All members of the public are welcome to attend via Zoom.

Southborough has three zoned business villages as shown on the zoning map (*see map A*).

Map A: Southborough's Business Village Districts



The *Downtown* Business Village District is part of the bigger *Downtown* area which extends from the Town Hall at 17 Common Street, to Main Street/Route 30 to just past Newton Street to the Main Street bank (*see map B*).

The Downtown is comprised of a mix of commercial, community and municipal buildings as well as single-family homes, many of which are considered to be historically significant. The larger downtown area is of vital economic importance to the DBVD and therefore all research for this project involves the larger downtown geographical area.

Map B: Greater Downtown Area

WHY ARE WE DOING THIS?

Past recommendations for Downtown include:

2008 Master Plan

Goal #1: Promote growth and development within the Downtown to encourage a mixed use environment.

2012 MAPC Report

Southborough Zoning Bylaw Review and Build-out Analysis for Town Center Parcels

2015 Housing Production Plan

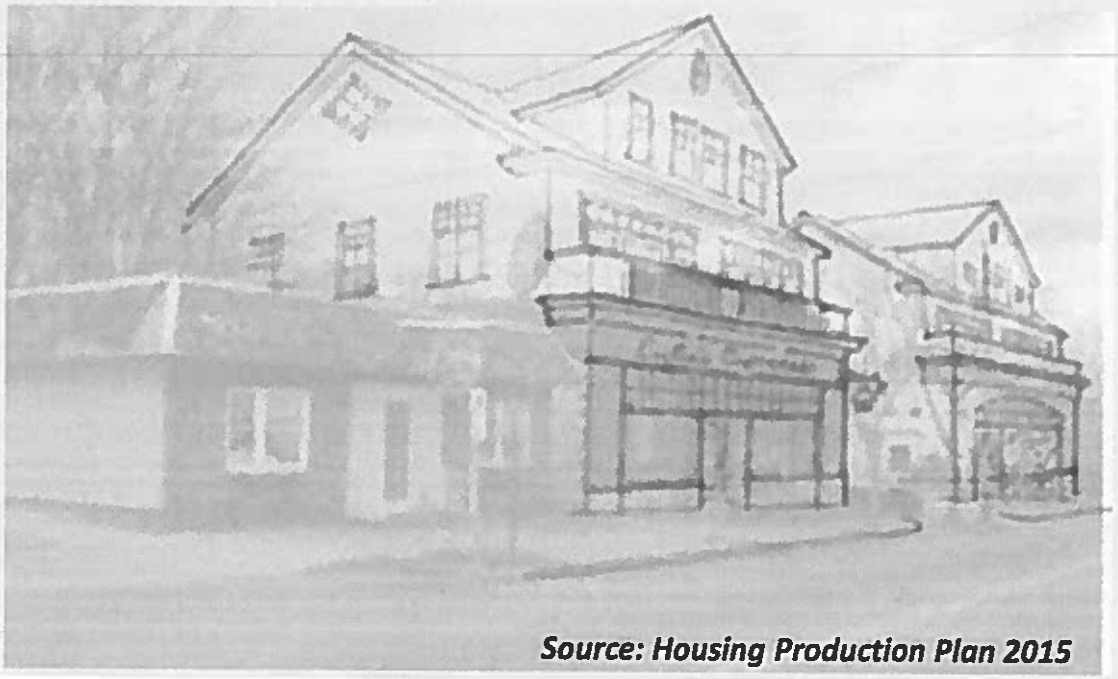
Encourage mixed use development and make infrastructure improvements to promote housing/economic development.

2020 Housing Production Plan

Revise Business Village zoning regulations to provide for Mixed-Use buildings including residential uses.

ULI Report

"...there appears to be a willingness on the part of the town government and its residents to consider **the reinvigoration of the downtown as an investment that is beneficial to the entirety of Southborough**"



Source: Housing Production Plan 2015

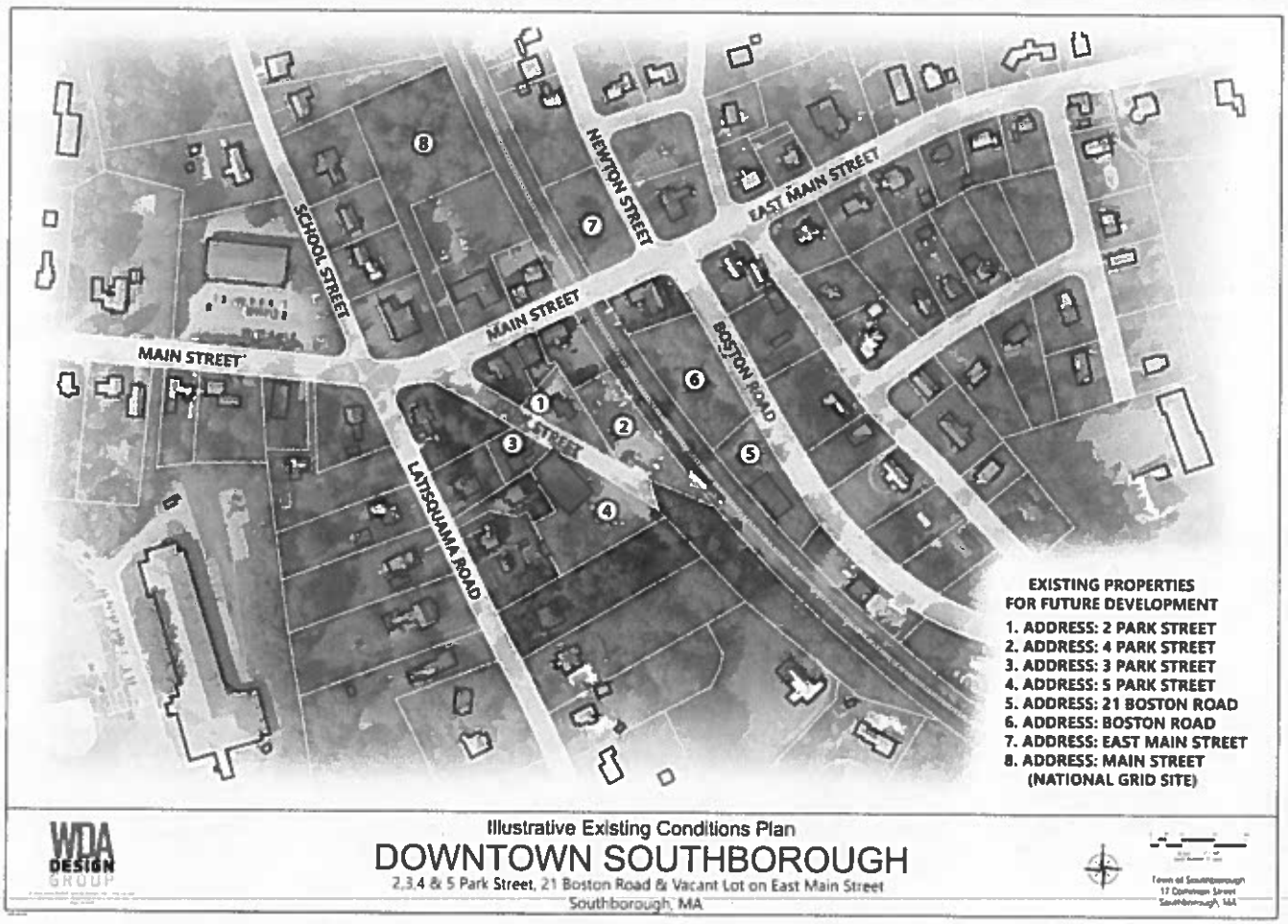
WORK TO DATE

EDC Zoning Work to Date:

- Identified "What we want in Downtown" through surveys and past studies and plans
- Identified downtown parcels for possible (re)development
- Created a Vision for Downtown
- Researched zoning bylaws of comparable communities with desirable downtowns (*Westborough, Grafton, Groton, Hamilton, Longmeadow, Barnstable, Stockbridge, Dorset VT and Washington CT*)
- Used Grafton's overlay district, among others, as a guide to start writing a Southborough mixed-use zoning document
- Considered different zoning options for downtown Southborough
- Created draft design guidelines to ensure desirable development
- EEA Grant allowed the EDC to hire zoning/planning consultants:
  - A. Costa for legal zoning assistance (to ensure the overlay works with the underlying zoning)
  - J. Barrett for professional planning assistance to write the Southborough specific performance standards

For a detailed project timeline starting in 2017, see APPENDIX B

IDENTIFIED (RE)DEVELOPMENT SITES



Note:

The identified sites are currently under-developed and privately owned. This diagram serves informational purposes only and is not a plan for development.

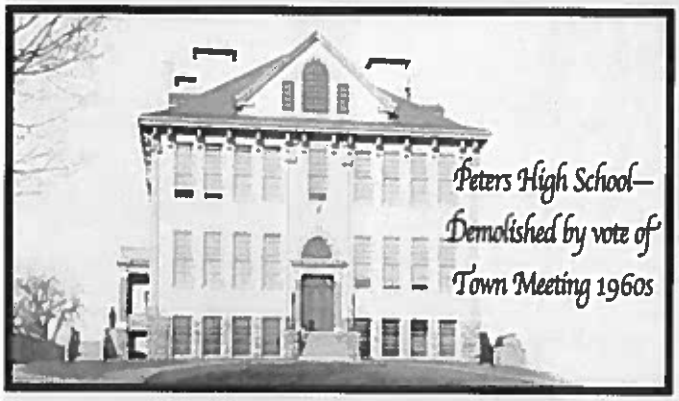
DOWNTOWN THEN & NOW

The lack of strategic and urban planning has resulted in an erosion of economic and community activity in our Downtown.

What makes downtown Southborough unique, is its historic character of which much has been lost in the last 50 years. The lost Downtown buildings and with it, it's commercial activity, include:

1966 Southborough Arms (now 11 Main Street commercial building)
1962 Peters High School (now the former Fire station)
1950s Train Station
1999 Post Office
Other Commercial activity such as: café, drugstore, blacksmith, grocery store and cobbler shop.

By not taking any action, we are *not* preserving the downtown and we are *not* helping the few small businesses that are still there. We have to act now with adopting clear and updated zoning laws and design guidelines to attract commercial investments that are desirable for Southborough and make business sense to potential investors.



VISION FOR DOWNTOWN

A walkable and well-connected small town "Main Street" with locally owned restaurant and pub, lunch café, ice cream shop, boutique style stores and/or other small businesses as well as residential properties.

The mixed-use properties provide more affordable housing options, increased residential density and a larger economic base for the Downtown Business Village District.

With more attractive public space and a larger number of community events, the downtown area truly feels like the heart of Southborough.

For more images of how downtown *could* look, see Appendix B

PURPOSE FOR PROPOSED ZONING ARTICLE

It is the purpose of the Downtown Business Village District to make mixed-use development options more readily available in the downtown area. In addition, to encourage thoughtful and distinctive development or re-development opportunities that prioritize a diversity of uses, use and design compatibility, accessibility, innovative parking solutions and overall compliance with the performance and design standards to follow.

More specific objectives of the VMUD include to:

1) Promote revitalization of Southborough's downtown area by encouraging and facilitating a mixed-use environment.

2) Foster a diverse mix of retail, office, residential, and recreational uses for residents, businesses, students, and visitors.

3) Update the range of non-residential uses allowed, thereby promoting the creation of local jobs.

4) Provide more diverse local housing opportunities (within mixed-use development),

5) Encourage village-style streetscapes and uses, in part through modification of existing dimensional requirements.

6) Increase the town's tax base by creating a thriving small business environment, helping existing businesses and attracting new enterprises,

7) Permit uses that promote conversion of existing buildings in a manner that maintains the visual character and architectural scale of existing development within the VMUD.

8) Encourage a vibrant environment to live, work and play, and create pedestrian and bicycle-friendly spaces where the community can gather.

Source: VMUD Draft V.3

TECHNICAL ZONING OPTIONS

The EDC considered three technical zoning options and weighed the pros and cons of each option. The Board of Selectmen, after considering the recommendations from zoning consultant J. Barrett and discussions with other boards and committees during their joint meeting (11/06/2020) decided to create a new zoning district for the Downtown Business Village.

Edit Business Village District Zoning Bylaw

- Easiest to present/understand at Town Meeting
- Associated review process & design standards specific to the BV districts have already been adopted
- Updates can be accommodated w/in warrant article
- Changes will apply to all 3 Business Village Districts
- Does not address streamlining permitting process

Create a New Overlay District

- Ability to package all of the new overlay district requirements and definitions in one bylaw
- Could override issues with Section 174-8 (c-2 & c-5)
- Expansion possibility to include additional parcels
- Underlying zoning stays the same
- No changes for other Business Village Districts
- May need additional warrant article ie map change

Create a New Zoning District

- New zoning district would eliminate BVD zoning for the downtown area
- May be perceived as too big of a change for current residents in the BVD in Downtown
- Will require legal counsel direction

TIMELINE FOR ZONING ARTICLE

Original Date	Revised Date	Activity
November 17 *Board of Selectmen* Meeting	TBD (December?)	Final draft article reviewed & approved at BOS meeting
November 19	December 14	Planning Board to receive finalized draft from the BOS (for Jan. 2021 Public Hearing)
December 14 *Planning Board* Meeting	January 2021	Public Hearing #1
January 2021 *Planning Board* meetings	2nd PB meeting in January	Public Hearing #2
February 2021 *Planning Board* Meeting	1st PB meeting in February	Public Hearing #3 (if necessary and continues until vote is taken to close public hearings)
February 2021 *Board of Selectmen* Meeting		BOS votes changes (if necessary) from Public Hearing(s)
March 2021 *Planning Board* Meeting		Planning Board provides recommendations on article to be included in the Town Meeting Warrant
March 20, 2021		Annual Town Meeting

APPENDIX A

Downtown Business Village District Map

WOODWARD SCHOOL
MAIN ST
EAST MAIN ST
NEWTON ST
WINCHESTER ST
UPLAND RD
WALKER ST
BOSTON RD
HARRISON AVE

APPENDIX B

Downtown: Then & Now
Vision for Downtown

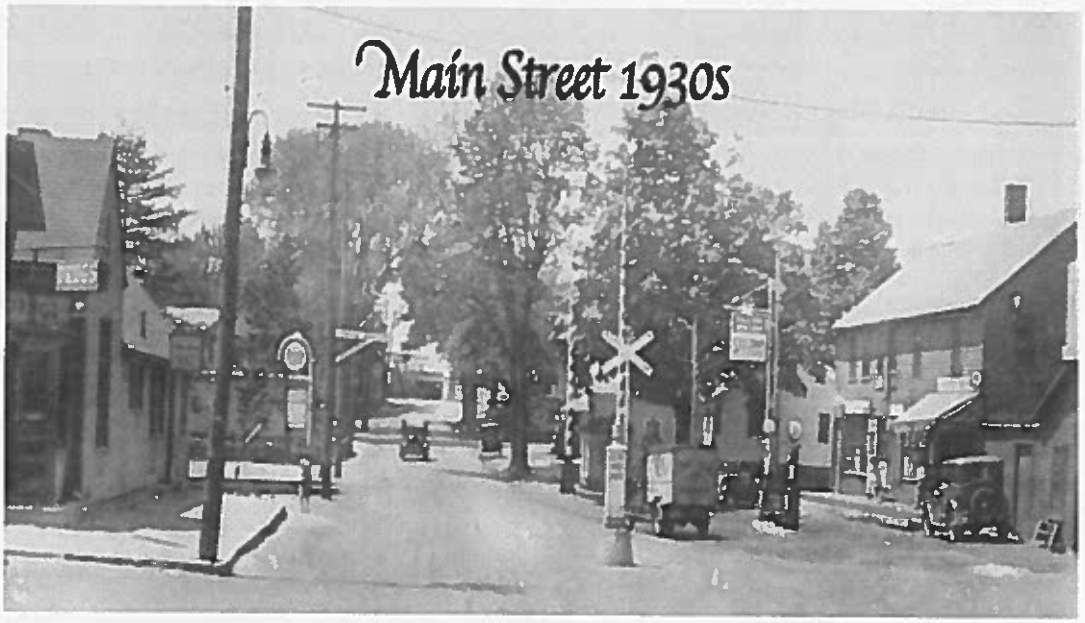
How it looked THEN

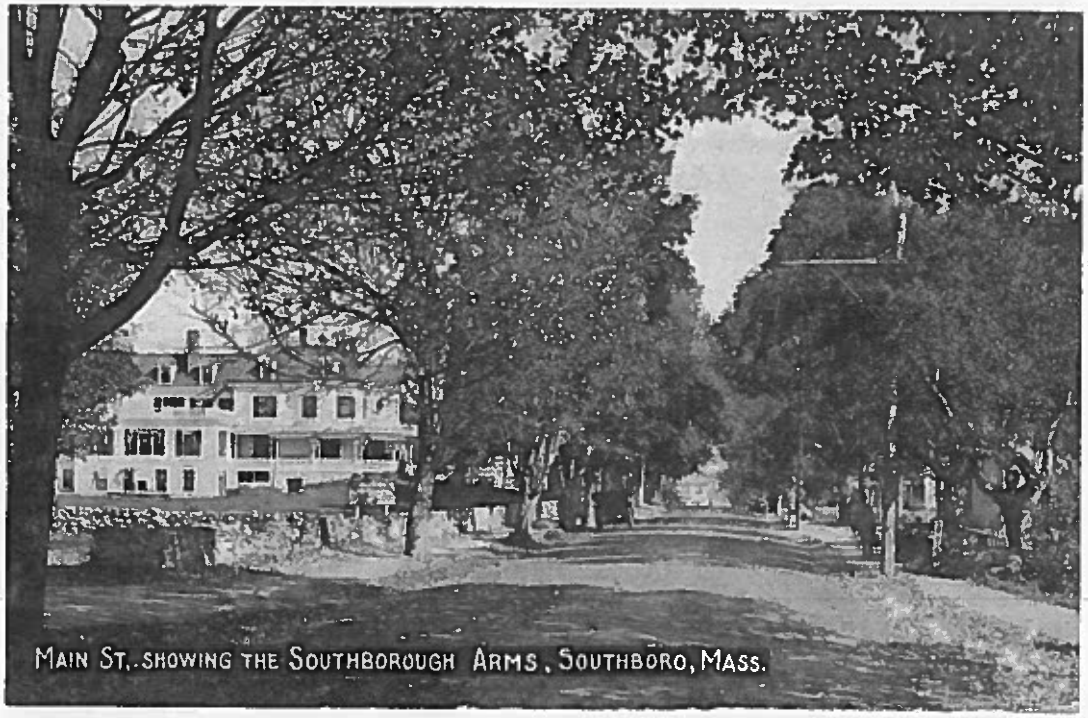
Newton Block: drugstore, soda fountain, and post office —1918

Southborough Station—demolished 1940s

Peters High School—
Demolished by vote of
Town Meeting 1960s

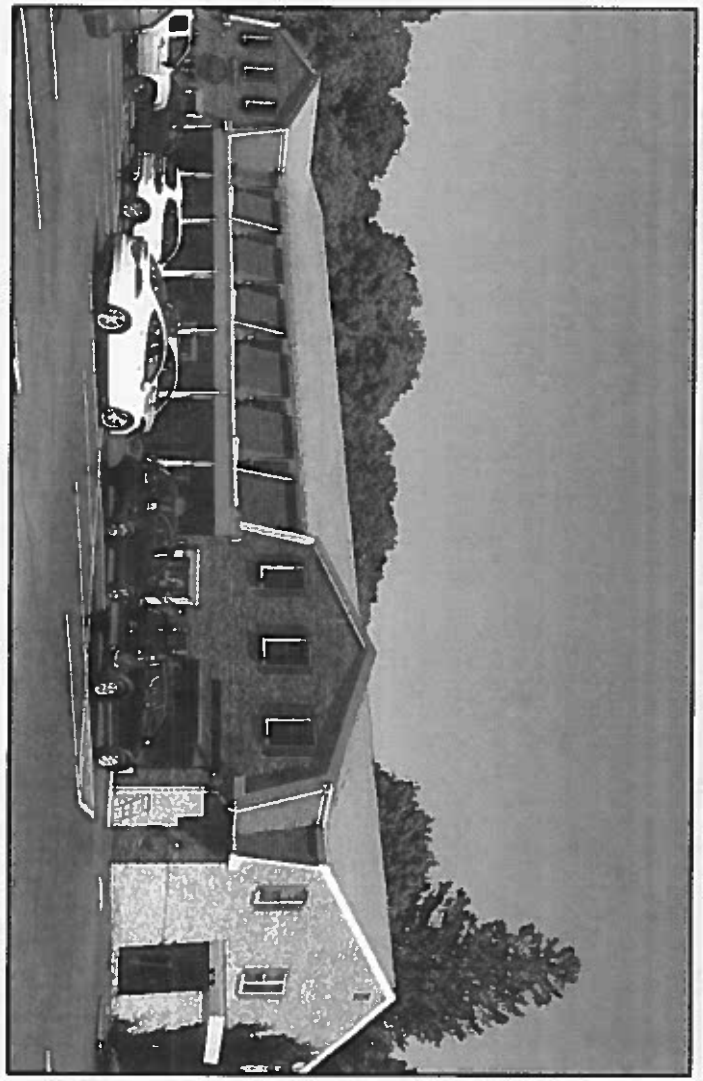
How it looked THEN

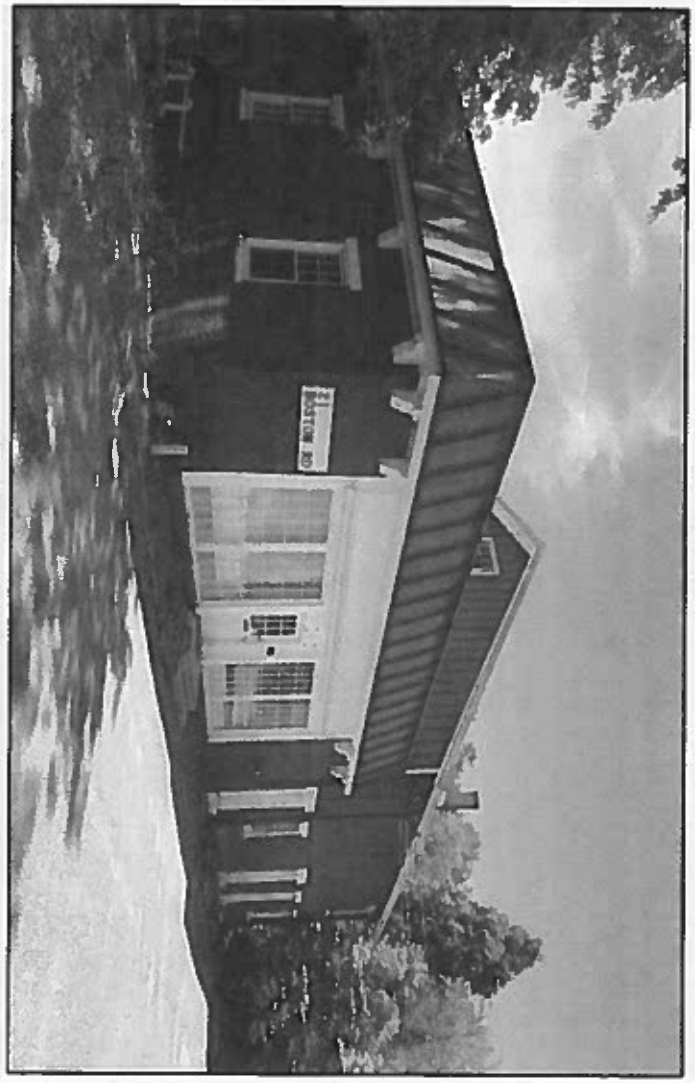




Downtown Business Village District **NOW**

Downtown Business Village District **NOW**



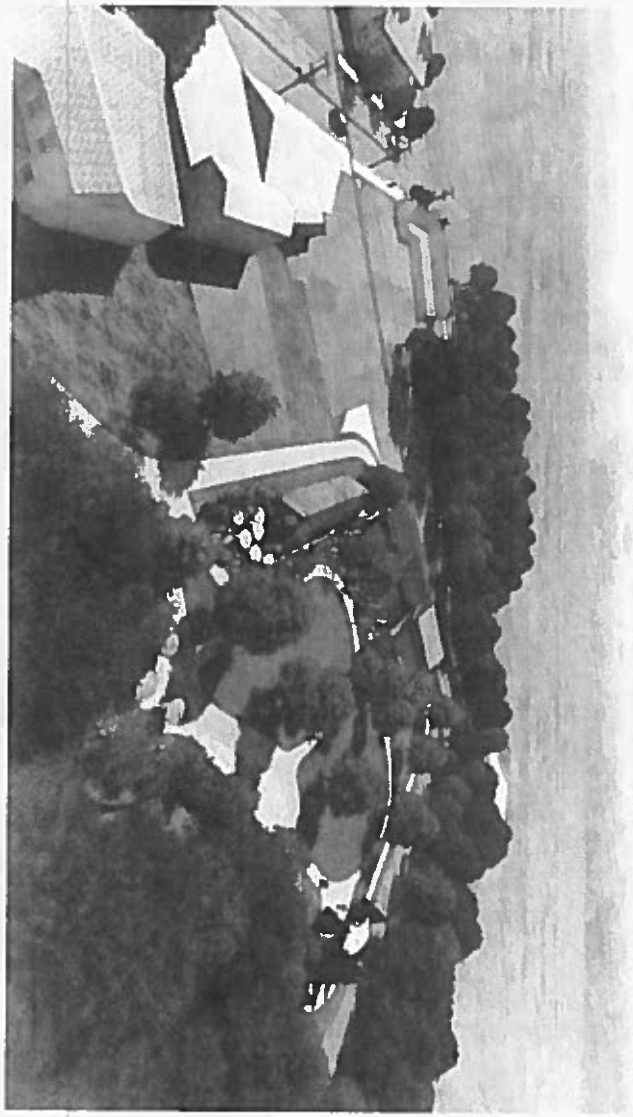


How it COULD *Look!*

How it COULD *Look!*

How it COULD *Look!*

How it **COULD** *Look!*



APPENDIX C

Project Timeline 2017 - 2020

JULY-DECEMBER 2017

- "What are you doing about Downtown"?
- EDC Identified Downtown revitalization as a top priority
- EDC Downtown Survey (Sept-Oct)
- Survey results presented (Oct)
- Downtown forum (Nov)

2018

- Outreach with downtown businesses & residents – providing updates on construction, hosting planning sessions, collecting feedback
- Contracted to ULI TAP (May 9th)
- Supported 2 East Main St proposed mixed-use building
- Researched land availability/acquisition
- Zoning review meetings (ZBA & Planning Board) – Drafted zoning amendment, reviewed with ZBA& Planning Board

2019

- Downtown 'working' plan driven by data and resident's feedback (Master Plan 2008, 2015 SHOPC Housing Production Plan, ULI Report, 2017 EDC Survey)
- Researched zoning bylaws - comparable communities
- Met with Grafton Town Planner
- Wrote draft zoning amendment using Grafton's overlay district as a guide for Southborough
- Identified land opportunities
- Sept - Presented to BOS: Mixed use overlay, available land, investment opportunities, vision statement & historic pictures
- EEA Planning Assistance Grant - awarded 9/25
- Dec 17 - EDC presented to BOS
- EDC flyer created (THEN & NOW)

2020

- ***Zoning article rescheduled - Fall STM***
- *6 January*: Planning Board presentation
- *9 January*: Advisory Board discussion
- *Jan/Feb/March*: Downtown Initiative "Roadshow" (Library, Town House & Senior Center)
- Hired Adam Costa (zoning attorney) who drafted an overlay zoning article to be completed by a Planning Consultant
- *8 May*: Notified all Bd/Comm Stakeholders, requesting input for a draft Village Mixed Use Overlay District (VMUD)
- *15 June*: Distributed VMUD (version 2) distributed to all Bd/Comm Stakeholders
- *29 June:* OSPC reviewed VMUD (V2) w/Project Manager
- ***Planned zoning article rescheduled - ATM***
- *10 July*: VMUD (V3) distributed w/request to review to all boards/committees
- *28 July*: Initial call with professional planning consultant J. Barrett (calls 8/14, 8/25)
- *8 September*: Received Town Center Standards V1 draft from J Barrett. BOS meeting.
- *6 October*: Stakeholders meeting (BOS, EDC, PB & SHOPC) with planning consultant Judi Barrett. Decision to draft a new zoning district.
- *20 October*: received DRAFT Downtown Business Village District V2 - (Amend § 174-3 Districts enumerated by adding a new district)
- *10 November*: Stakeholders meeting (BOS, EDC, PB & SHOPC) - initial review of new district zoning & comments received.

- *18 November*: Deadline for receipt of draft V2 comments from Boards and Committees

- ***24 November*: Planned stakeholders meeting (BOS, EDC, PB & SHOPC and others) & public input welcomed**

APPENDIX D

DRAFT
Downtown Business Village District

DRAFT DOWNTOWN BUSINESS VILLAGE DISTRICT V.3

November 15, 2020

Part I. Amend **§ 174-2** Definitions by adding the following new term and definition in appropriate alphabetical order.

BED AND BREAKFAST

Bed and breakfast is an establishment on an owner-occupied property providing not more than four guest rooms for overnight lodging, with food service limited to breakfast for guests.

FAÇADE

The exterior side of a building.

MICROBREWERY

A microbrewery is a licensed establishment that produces and distributes beer, ale, or other malt beverages, and which may include accessory uses such as tours of the microbrewery, retail sales, and a taproom for on-site consumption. In addition to selling beer at retail on the premises, a microbrewery may act as wholesaler for beer of its own production for off-site consumption if it has a valid pub brewery license from the Commonwealth of Massachusetts.

MIXED-USE DEVELOPMENT

Mixed-Use Development: A development that includes both residential uses and nonresidential uses within a single structure, with nonresidential uses occupying the ground floor (street level) and residential uses above on the upper floors. The total gross floor area of the nonresidential uses shall be at least 10 percent of the gross floor area of the structure.

Part 2. Amend **§ 174-3 Districts enumerated** by adding the following new district:

K. Downtown Business Village District, referred to as DBV District.

Part 3. Amend **§ 174-8(C)(2)** as follows (amendment shown in italics)

Not more than one principal permitted use shall be located on any lot, provided that a multiple occupancy building used for the same category of use, such as retail sales and services, light manufacturing or offices in a business district or Industrial Park District, *or a mixed-use development in the Downtown Business Village District*, shall be deemed to be in a single principal permitted use. . . .

Part 4. Amend **Article III, Use Regulations**, by adding the following new section:

§ 174-8.4.1 Downtown Business Village District[1]

A. Permitted uses are as follows:

(1) All uses permitted in the residential districts (RA and RB)

B. Permitted uses are as follows:[2]

(1) Mixed-use development

(2) Professional or business office, or bank, but not including a medical or dental office

(3) Custom manufacturing of custom goods sold primarily on the premises, such as a woodworking shop, shop for artisan or craftsperson, or bakery

(4) Bed and breakfast

(5) Art gallery

(6) Child care center

(7) Co-work center

C. Permitted uses, up to a maximum of 3,000 square feet per establishment:

(1) Retail sales

(2) Ice cream shop, sandwich shop, candy shop, other specialty food service establishment serving walk-in customers (drive-through service is prohibited)

(3) Restaurant, with indoor seating and outdoor seating on an adjacent patio (drive-through

[1] Note: some commenters suggested removing certain of the uses listed here, but most of the uses to be removed are already in Southborough's Business Village District zoning today. For this reason, we hesitate to remove them.

[2] The FAR has been moved to dimensional regulations.

service is prohibited)

(4) Personal services such as barber shop, beauty salon, tailor, or shoe repair

D. Permitted uses by special permit from the Planning Board are as follows:

(1) Any use listed in Subsection C exceeding 3,000 sq. ft. per establishment

(2) Microbrewery

(3) Veterinarian, animal hospital, dog kennel.

(4) Medical or dental office

(5) Multifamily housing, up to eight units.

(6) Private garage or parking for more than three cars or more than one truck or other commercial vehicle.

(7) Indoor recreation, athletic or exercise facility.

E. Uses by special permit from the Zoning Board of Appeals are as follows:

(1) Accessory apartment.

(2) Conversion of a one-family house in existence for two years or longer to a two-family dwelling, on a lot with a minimum of 15,000 square feet.

(3) A mobile home or travel trailer used as a dwelling or business quarters for more than 30 days in a year.

F. Prohibited uses. All uses which are not listed above, legally nonconforming or otherwise allowable by the provisions of the zoning regulations are prohibited.

G. Development standards (Note: Also refer to § **174-10.1**, Business Village District plan review) are as follows:

(1) Minimum lot area: 5,000 square feet.

(2) Minimum frontage: 60 feet.

(3) Minimum setbacks:

(a) Front: 10 feet.

(b) Rear: 35 feet.

(c) Side: 10 feet; 25 feet if adjacent to a residential district.

(d) Other street: 10 feet

(4) Maximum front setback: 20 feet unless waived by the Planning Board.

(5) Minimum landscaped open space: 20 percent. At least 50 percent of the landscaped open space shall be contiguous and located between the front building line and front lot line unless the Planning Board approves a different placement of open space as part of Site Plan Review.

(6) Maximum floor area ratio: 0.35

(7) Minimum Façade Buildout (% Lot Width) unless waived by the Planning Board.

(a) With less than 50 feet of frontage: N/A

(b) 50-80 feet of frontage: 60%

(c) Over 81-100 feet of frontage: 70%

(d) 100 feet or more of frontage: 75%

(8) Height regulations:

(a) Maximum building height: 40 feet and three stories, except by special permit from the Planning Board under Section H below

(b) Minimum ground floor height: 12 feet

(c) Maximum ground floor height: 18 feet

(9) Residential dwellings. Single-family or two-family dwellings in the Downtown Business Village District shall comply with RB District standards.

H. Special Permit for Height Increase. The Planning Board may grant a special permit to increase the maximum building height to 45 feet and four stories, provided that the minimum rear setback shall be increased at a 1-to-1 ratio, e.g., an additional one foot of setback for every one additional foot in building height.

I. Additional Standards for Development in the DBV District.

(1) Building Regulations

(a) The principal entrance(s) to the building shall be on the front façade, which shall face the street.

(b) The maximum distance between street-level entrances shall be 35 feet unless waived by the Planning Board.

(c) The maximum depth of street-level commercial spaces shall be the lesser of 30 feet or 60 percent of the depth of the building.

(d) The maximum front setback in Section G(4) may be increased for purposes of amenities such as landscaping, a plaza, square, courtyard, recessed entrance, sidewalk, multi-use path, raised terrace, façade offsets, or outdoor dining, but not for automobile use.

(2) Affordable housing. In any multifamily or mixed-use building with six or more units,[3] at least 12.5 percent of the units shall be affordable housing that is eligible for the Chapter 40B Subsidized Housing Inventory (SHI) in accordance with the Chapter 40B regulations and Guidelines of the Massachusetts Department of Housing and Community Development (DHCD). In consultation with the Southborough Housing Opportunity Partnership Committee (SHOPC), the Planning Board may adopt a guidance document interpreting the Chapter 40B Guidelines as they apply to development under this section.

J. The operation of any marijuana establishment as defined in MGL c. 94C, § 1, including without limitation a marijuana cultivator, marijuana testing facility, marijuana product manufacturer, marijuana retailer or any other type of licensed marijuana facility is prohibited in all zoning districts of the Town. This prohibition shall not apply to the sale, distribution or cultivation of marijuana for medical purposes, licensed under Chapter 369 of the Acts of 2012 and currently permitted in the Town of Southborough. **[Added 4-25-2017 ATM by Art. 32]**

[3] A few commenters suggested requiring affordable units in any development with four or more. We tried this with a few "test case" proformas and in our opinion, a four-unit project could not absorb the loss of income and still be feasible. We believe a six-unit threshold could work.

Part V. Amend **Section 174-10.1, Village Business District plan review**, as follows (amendments in the first paragraph shown in italics).

§ 174-10.1 Village Business District plan review.

Except as provided below in Subsection D, within the Village Business District, major site plan approval shall be by special permit from the Planning Board, subject to the procedural requirements and decision criteria of § **174-9**, Special permit requirements, and § **174-10**, Site plan approval, and the following in addition to the above ...

D. In the Downtown Business Village District, major site plan approval shall be by special permit from the Planning Board for any use requiring a special permit. In such cases, the submission requirements, procedures, and decision criteria under Subsections A through C above shall apply. The Planning Board may adopt design guidelines and apply them to major site plan approval applications regardless of whether a special permit is required.

Part VI. § 174-12 **Parking and loading regulations**. Amend the parking and loading regulations, as follows. Note that existing Section F should be renumbered to Section G.

F. Exceptions in the Downtown Business Village District. Off-street parking requirements for development in the Downtown Business Village District shall comply with Section E above except for the following uses:

(1) Dwellings: two spaces for each dwelling unit, plus one space for each 80 square feet of floor area devoted to a customary home occupation or a professional use.

(2) Bed and breakfast: one space for each guest room plus two spaces for the owners and operators of the premises.

(3) Restaurants and other places serving food or beverages: one space for each four seats.

(4) Mixed-use development: one space per dwelling unit and one space per 300 square feet of nonresidential floor area.

(5) Professional or business office: one space per 300 square feet for ground floor offices and one space per 350 square feet for offices above the first floor.

FY 2021 Goals - Boards and Committees.	In Progress	Recent Steps	Completed
OML training and support/training for running Open Meetings.	XX	XX	
Promote and enforce Town Email Use Policy.	XX		
Update, consolidate and promote compliance with general policies.	XX		
Encourage and provide support for televising meetings.			
Encourage and provide support for composite agendas and packets.			
Enhance informational outreach and recruiting for volunteers (forum).	XX		
Conduct public comment at beginning & end of meetings			XX
Review and update descriptions and charges.	XX	XX	
FY 2021 Goals - Community Initiatives			
Coordinate and oversee Downtown Initiative.	XX	XX	
Coordiate communication/roundtables with local businesses.	XX	XX	
Pursue PILOT initiatives, including community center and projects.	XX		
Pursue "bike friendly" policies and explore Biking Committee.			
300th Anniversary planning, including Committee creation.	XX		
FY 2021 Goals - Employees			
Create Employee Handbook.			
Update job descriptions for BoS staff.	XX	XX	
BoS review of annual staff performance reviews.	XX	XX	
Review staffing and BoS office organization.	XX	XX	
Analyze Personnel Board/Town Administrator authority.	XX	XX	
FY 2021 Goals - Infrastructure			
Explore municipal electric plant.			
Natl Grid parcel 54-40	XX		
Assimilate Pine Hill Rd into Town Water re: Fire (via MWRA)	XX	XX	
FY 2021 Goals - Long Range/Strategic Planning			
Explore establishing grant writing position(s).	XX	XX	
BoS training, reporting and hiring initiatives re: diversity and inclusion.	XX	XX	
FY 2021 Goals - Municipal Finance			
Additional approval/oversight on appropriation line items.	XX	XX	
Schedule quarterly budget updates (Finance Director).			XX
Establish budget narratives, including long-term impacts.			
Establish BoS budget liaisons.	XX	XX	
Communicate BoS position to departments re: new FTEs.			XX
Establish long-term capital plans (with Capital Committee).	XX	XX	
Explore generating additional commercial tax revenue.			
Identify and establish a roster of Town service contracts.	XX	XX	
Review contracted services and explore re-bidding.	XX		
Maximize potential Covid-19 reimbursements and grants.	XX		
Coordinated budget discussions with Advisory, Capital and Schools.	XX	XX	
FY 2021 Goals - Organizational			
Quarterly newsletter.	XX		
Explore public safety regional dispatch.	XX	XX	
Evaluate organizational processes: postage; mailings; data exchanges.			
Budget software implementation.	XX	XX	
Pursue policies and projects for 40B threshold.	XX	XX	
Customer service survey re: Town departments.			

TOWN OF SOUTHBOROUGH
FIRE DEPARTMENT
32 CORDAVILLE ROAD
SOUTHBOROUGH, MA 01772
(508) 485-3235 (508) 485-3887 (FAX)

Tuesday, November 24, 2020

Board of Selectmen
Town of Southborough
17 Common Street
Southborough, MA 01772

Dear Town of Southborough Board of Selectmen,

Enclosed, please find the following donation made to the Town of Southborough for your acceptance.

RECEIVED FROM:	AMOUNT:	ACCOUNT SPECIFIED:
Devi B. G. Deluca	$200	Ambulance Fund (2659-4-220-483-48310)

Thank you for your consideration in this request.

Sincerely,

Steven E. Achilles
Southborough Fire Chief

TOWN OF SOUTHBOROUGH
DEPARTMENT OF PUBLIC WORKS

147 Cordaville Road
Southborough, MA 01772

Tel: 508-485-1210
Fax: 508-229-4444

DATE: November 20, 2020

MEMORANDUM

TO: **Southborough Board of Selectmen**
CC: **Mark Purple, Town Administrator**
FROM: **Karen Galligan, DPW Superintendent**
SUBJECT: **Award Request for Tree Contract**

The Department of Public Works (DPW) opened bids on Thursday, November 19, 2020 for Southborough's Tree Removal and Trimming bid. This bid was constructed differently than in the past. The bid was set up as a total of the cost to remove specific trees that were listed for removal based on the results of our tree hearings. The bid also includes rates for a couple of days of trimming and some costs for emergency issues.

Attached is a summary of the bid results. The subject bid, appropriate advertising and actual bids are available at the DPW office.

We recommend that the contract be awarded to the low bidder, Stumpy's Tree Service, 190 Front Street, Ashland, MA 01721, for $42,250.00.

Funding for this bid is in the DPW annual budget. The line item has capacity for more, much needed and requested, tree work and we will likely have a second bid this spring when leaves are out and we are able to have tree hearings where people can again spot the dead trees more easily.

I am asking that you award this contract at your December 1st meeting.

TOWN OF SOUTHBOROUGH
Tree Removal and Miscellaneous Tree Trimming -
November 19, 2020 - 10:00 AM

						Stanley Tree Service 275 George Washington Hwy Smithfield, RI	Stumpy's Tree Service 190 Front St Ashland, MA
ITEM	Tag #	St #	Street	Tree Type	Size ø	TREE COST (LS/Tree)	TREE COST (LS/Tree)
T 1	16	2	Bridge St	Ash	2'	372.17	700.00
T 2	17	2	Bridge St	Ash	2'	744.34	900.00
T 3	25	2	Bridge St	Ash	2'	372.17	700.00
T 4	19	135	Southville Rd	Ash	18"	744.34	650.00
T 5	20	135	Southville Rd	Ash	18"	744.34	650.00
T 6	26	3	Gilmore Rd	Ash	2'	1,116.51	800.00
T 7	14	58	Deerfoot Rd	Tupelo	10"	744.34	450.00
T 8	14A	58	Deerfoot Rd	Tupelo	10"	744.34	700.00
T 9	15	221	Parkerville	Maple	4.5'	930.43	1,600.00
T 10	12A	9	Parmenter Dr	Maple	3.5'	1,488.68	1,600.00
T 11	12B	9	Parmenter Dr	Maple	2'	744.34	900.00
T 12	4	4	Pearl St	Maple	3.5'	1,422.93	1,100.00
T 13	9	105	Fisher St	Oak	3'	930.43	850.00
T 14	10	105	Fisher St	Oak	3'	558.26	850.00
T 15	29	41	Parkerville	Oak	2'	930.43	1,200.00
T 16	24	2	Richards Rd	Oak	3'	2,276.68	1,800.00
T 17	21	49	School St	Oak	4'	3,415.02	2,200.00
T 18	18		Skylar Dr @ Parkerville	Oak	4'	2,845.85	1,900.00
T 19	7	149	Woodland Rd	Oak	4'	2,845.85	2,600.00
T 20	8	149	Woodland Rd	Oak	2'	1,138.34	800.00
T 21	23	145	Woodland Rd	Oak	4'	2,845.85	1,600.00
T 22	27	20	Lovers Ln	Oak	4'	1,992.10	1,700.00
T 23	1	82	Middle Rd	Oak	3'	2,276.68	1,600.00
T 24	2	82	Middle Rd	Oak	2.5'	1,707.51	1,200.00
T 25	11A	54	Oregon Rd	Oak	2'	1,138.34	1,000.00
T 26	11B	54	Oregon Rd	Oak	2'	1,138.34	1,000.00
T 27	13	28	Oregon Rd	Oak	14"	558.26	600.00
T 28	22	20	Oregon Rd	Oak	3.5'	2,845.85	2,200.00
				TOTAL TREE LIST COST (28 Trees)		39,612.72	33,850.00

HOURLY ITEM	Description	$/HR	QTY(Hrs)	COST	
HI #1	Bucket Truck Trimming		16	5,954.72	3,200.00
HI # 2	Bucket Truck Removal		8	2,977.36	1,800.00
HI #3	Crane Removal		8	4,553.36	3,400.00
			TOTAL HOURLY LIST	13,485.44	8,400.00

CONTRACT TOTAL

Total Tree List plus Total Hourly List	**$ 53,098.16**	**$ 42,250.00**

TOWN OF SOUTHBOROUGH
DEPARTMENT OF PUBLIC WORKS

147 Cordaville Road
Southborough, MA 01772

Tel: 508-485-1210
Fax: 508-229-4444

DATE: **November 20, 2020**

MEMORANDUM

TO: **Southborough Board of Selectmen**
VIA: **Mark Purple, Town Administrator**
FROM: **Karen Galligan, DPW Superintendent**
SUBJECT: **Employee Grade Change**

In accordance with the Collective Bargaining Agreement (CBA) between the Town of Southborough and the American Federation of State, County and Municipal Employees (AFSCME), Council 93, Article 8 Reclassification of Employees and Article 21 Transfers and Promotions, I am requesting promotions for two Department of Public Works (DPW) employees.

COLBY NORTON is currently a Grade 2 Truck Driver in the DPW's Water Division. Mr. Norton (Colby) has been with the DPW Water Division since January 2019. Prior to joining Southborough's DPW Team, Colby worked as a Mechanic in private industry for 7 years and as a Mechanic in the United States Army for 3-½ years. When the DPW Mechanic left in July, Colby took the reigns of the Mechanic's Bays and worked, along with a contracted mobile mechanic, to keep the vehicles and equipment running while still performing his water division duties. Colby has proven to be a knowledgeable and organized mechanic and had already proven himself to be an excellent employee with an exceptional work ethic and a cheerful demeanor.

Under the current CBA, Colby is classified as a Truck Driver in the Water Division, a Grade 2 position. I am requesting that the Board of Selectmen (BOS) reclassify Colby to Mechanic, a Grade 4 position. Please vote to reclassify Colby Norton from Truck Driver, Grade 2, step 6 at $25.70/hr. to Mechanic, Grade 4, Step 2 at $26.85/hr. retroactive to October 10, 2020.

TATE LAQUERRE is currently a Grade 2 Truck Driver in the Grounds Division. Mr. Laquerre (Tate) began working at the DPW as a temporary 40-hour employee at the Transfer Station in the summer of 2017. Tate came to that position with several years of full-time employment as a heavy equipment operator and laborer in private construction. The DPW quickly discovered Tate's skill set and work ethic. When a full-time position opened in October 2017, the DPW was able to make Tate a permanent part of our team. Prior to even becoming a permanent employee Tate assisted the different DPW divisions on projects as a laborer. Once Tate became a permanent employee he began using his heavy equipment operator skills on DPW projects and also began helping other employees improve their operating skills and helped an employee train for his excavator's license (HE-2B). Tate also assisted the Mechanic with some equipment maintenance and has been helping Colby intermittently since the Mechanic left. Since creating the Operations Supervisor position Tate has been working more independently and has also been running small crews for grounds projects. Training other employees, equipment maintenance and coordination with the Mechanic, working independently and running small crews are part of the DPW's Equipment Operator II job description, not our Laborer job description.

Since Tate has been working above his position, is a skilled, versatile and trustworthy employee that is conscientious and hardworking, I am requesting the Board vote to promote Tate from a Grade 2, Step 4 Laborer at $24.58/hr. to Grade 4, Step 1, Equipment Operator II at $25.56/hr., retroactive to October 2, 2020.

MEMORANDUM

To: Board of Selectmen

From: Lori Esposito, Executive Assistant

Subject: Selectmen's Meeting Schedule

Date: November 25, 2020

Cc: Mark Purple, Vanessa Hale

Below is a proposed Board of Selectmen's meeting schedule for your review and approval. These dates follow the usual schedule of the 1st and 3rd Tuesdays of the month, beginning January 2021, and would be subject to changes or additions as necessary:

- Tuesday, January 5, 2021
- Tuesday, January 19, 2021
- Tuesday, February 2, 2021
- Tuesday, February 16, 2021**
- Tuesday, March 2, 2021
- Tuesday, March 16, 2021
- Saturday, March 20, 2021*
- Tuesday, April 6, 2021
- Tuesday, April 20, 2021**
- Tuesday, May 4, 2021
- Tuesday, May 18, 2021
- Tuesday, June 1, 2021
- Tuesday, June 15, 2021

*Annual Town Meeting

** Note – date falls during typically scheduled school vacation week.

TOWN OF SOUTHBOROUGH

OFFICE OF THE TOWN ADMINISTRATOR
TOWN HOUSE · 17 COMMON STREET · SOUTHBOROUGH, MASSACHUSETTS 01772-1662
(508) 485-0710 · FAX (508) 480-0161 · selectmen@southboroughma.com

TO: Board of Selectmen
FROM: Mark J. Purple, Town Administrator
DATE: November 24, 2020
SUBJECT: Town Administrator PE documents

Thank you for providing me the performance appraisal documents in advance of the meeting at which they are to be discussed. I have reviewed them, and offer the following comments:

Overall, I appreciate the opportunity to have a formal dialogue with the Board about performance. As was noted by one of the members in the review, this is the first review of the Town Administrator by the Board since 2017. Any review I have done on an employee has been for a defined period, generally twelve months but less than eighteen. I'm not sure how I am supposed to be evaluated when there are no agreed upon goals or expectations that have been set by the Board. For example, the Public Safety Facility project took up the bulk of my time over the past several years, and likely made much of that a moot point. However, now that the project is successfully behind us, it would be good to discuss setting goals and expectations for the Town Administrator. I would request that a new review be done prior to Annual Town Meeting, so that I have the ability to engage with the current Board on my performance and the setting of goals for the upcoming year.

In terms of content, several of the comments refer to items that are more than two years old, while there are other comments relative to the pandemic. Several of the comments have not been discussed with me prior to this review document, which makes it difficult for me to proactively address issues with the Board or a particular member. In terms of process, it would be more constructive to have conversations with individual members about their comments, which is difficult in a group setting, and I would appreciate those opportunities in the near future. Also, because of the delays due to COVID-19, the review contains input from one Board member no longer sitting, and excludes input from another member who is new to the Board this past year.

Every Board is different. Even changing only one member changes the dynamic of the Board. As the constant, I have to change my approach to ensure that I am performing in concert with and at the level expected by the Board. COVID-19 and the remote meeting environment has stunted my ability to effectively make some of those connections that are necessary to build a team. I will

continue to work on better ways to communicate and keep the Board informed timely on issues and opportunities, regardless of these current challenges.

I continue to enjoy the team that I am working with for the betterment of Southborough, and look forward to nurturing and growing that relationship in the years to come.

Thank you.

Lori Esposito

From: Mark Purple
Sent: Wednesday, November 25, 2020 10:48 AM
To: Lori Esposito
Subject: FW: Central MetroWest Substance Abuse Prevention Collaborative Grant
Attachments: MassCALL3 RFR_Cluster Community MOU.docx

Importance: High

Mark J. Purple
Town Administrator
Town of Southborough
P: 508-485-0710
F: 508-480-1061

From: Sarah Cassell <scassell@southboroughma.com>
Sent: Monday, November 16, 2020 1:01 PM
To: Mark Purple <mpurple@southboroughma.com>
Cc: Vanessa Hale <vhale@southboroughma.com>
Subject: FW: Central MetroWest Substance Abuse Prevention Collaborative Grant
Importance: High

Hi Mark,
This is the email we received from the Town of Hudson asking for our continued participation in the Central Metrowest Substance Abuse Prevention Collaborative. As I mentioned, they are applying for a state grant and are asking for participating communities to sign the attached MOU. Unfortunately my schedule has prevented me from getting this to you sooner and Lauren Antonelli in Hudson is hoping to have this back by Friday at the latest. Sorry and thank you!

P.S. I am ccing Vanessa on this email as she was involved in this group earlier on and is familiar. Vanessa, Lauren is Colin/Jessica's successor.

Sarah Cassell, LMHC
Director of Southborough Youth and Family Services
Pronouns: she, her

(508) 481-5676 x 1
21 Highland St in Southborough
www.southboroughtown.com/youth-and-family-services
www.facebook.com/southboroughyouthandfamily
Follow us on Instagram and Twitter @SboroYFS

Directions to our office
By using 48 Atwood St in Southborough, MA, your GPS will take you to a residence that is opposite the driveway to our parking lot. At the top of the driveway is a small white sign that says "South Union entrance" (this is the name of our building). Park anywhere in the lot. You may enter the building via either entrance at the front of the building and will find the Southborough Youth and Family Services reception room on the first

floor, right side of the building. If you arrive and find one of the front doors is locked, please try the other one. Elevator access is available on the far right of the front of the building. If the elevator access door is locked, please ring the bell and a staff member will be down to open it for you. If you are coming to our building for a program or workshop, please proceed to the top/2nd floor.

WHEN RESPONDING, PLEASE REMEMBER THE SECRETARY OF STATE CONSIDERS E-MAIL A PUBLIC RECORD

From: Lauren Antonelli <lantonelli@townofhudson.org>
Sent: Monday, November 2, 2020 3:31 PM
To: Catherine Sugarman <csugarman@natickma.org>; Kelly E. Joseph <kej@framinghamma.gov>; Sarah Cassell <scassell@southboroughma.com>; kristin.french ashlanddecisions.org <kristin.french@ashlanddecisions.org>
Cc: Kelli Calo <kcalo@townofhudson.org>
Subject: Central MetroWest Substance Abuse Prevention Collaborative Grant

[EXTERNAL]

Good Afternoon & Happy November!

I think most of you know by now, but Kelli and I wanted to formally and officially share that we are currently in the process of applying for BSAS's new MassCALL3 grant (Massachusetts Collaborative for Action, Leadership, and Learning 3) to hopefully continue our work together. Apologies for not sending this sooner! You can find the RFR and learn more about the grant here... https://www.commbuys.com/bso/external/bidDetail.sdo?docId=BD-21-1031-BSAS0-BSA01-54407&external=true&parentUrl=bid. We are applying for Part B and are including a part-time person to work out of Framingham, the largest municipality in our cluster.

This opportunity is the next iteration of the SAPC and MOAPC grants, which our cluster/collaborative seems very well poised for. This is an SPF-based grant, so we do not have to apply for specific programming at this time, but rather commit to a strategic planning process and data-driven prevention initiatives from there. The grant would be for 2 years starting July 1, 2021, with the option to renew every 2 years for a total of 8 years. Colin, my predecessor, is taking the lead on writing the grant for us; we are so grateful he agreed to come back and help us with it. I'm working on all of the supporting documents, including the required MOUs that we will need from all participating municipalities. This is where we need your help ☺

Attached are 2 MOU forms that we are required to use. One is for the municipality, the other is for the school Superintendent. If you could please work on both of these for your town, that'd be a huge help and so appreciated! The form is pretty quick and straight-forward, and due to COVID, signatures can be done electronically, hopefully making it even easier. If you could try to have these back to me by **Friday, November 13th** that'd be awesome!

Please let me know if you have any questions or if I can do anything on my end to help get these signed. Thank you in advance!
~Lauren

Lauren Antonelli, M.A. **Regional Youth Substance Abuse Prevention Program Coordinator**

Name of Grant Program: Massachusetts Collaborative for Action Leadership and Learning (MassCALL3)

MEMORANDUM OF UNDERSTANDING / GRANT ASSURANCES

The cluster community of _____ upon award of funding agrees to all of the following:

_____ make fully available any relevant youth health data collected and maintained prior to and over the life of the grant program through the school district/municipal/other community stakeholders for the purposes of informing and supporting strategic planning, monitoring, and evaluation of grant related activities;

_____ In the absence of the availability of current youth health data, commit to the appropriate use of mutually agreed upon proxy measures to represent community need throughout the strategic planning process.

_____ Commit to consistent representation of municipal level leadership in the strategic planning process required of all grant recipients.

_____ Commit to appropriate ongoing representation in relevant grant funded strategies and activities over the life of the grant term.

_____ Commit to engaging additional local stakeholders as needed/relevant to the strategic planning process and funded strategies and activities over the life of the grant term.

_____ Commit to supporting collection and delivery of all required grant deliverables to the lead grantee for the named municipality.

Municipality:	

Type Municipal Representative Name:	
Signature of Municipal Representative	**Date**

The MassCALL3 applicant Town of Hudson Health Department upon award of funding agrees to all of the following:

_____ commit to make available personnel, fiscal, other resources required to meet/support the expectations outlined above;

Grantee Name:	Town of Hudson Health Department
Type Municipal/Other Representative Name:	Kelli M. Calo
Municipal/Other Representative Signature	**Date**

TOWN OF SOUTHBOROUGH

BOARD OF SELECTMEN Meeting Minutes

Meeting Date: Tuesday, November 10, 2020, 6:00 P.M.
Location: Virtual Meeting through Zoom
Present: Marty Healey, Lisa Braccio, Chelsea Malinowski, Brian Shea, Sam Stivers and Town Administrator Mark Purple

I. At 6:06 P.M. Chairman Healey made a motion for the Board to enter into Executive Session per M.G.L. Chapter 30A, Section 21, and returning to Open Session – to discuss the disposition of real property (Exemption 6) concerning the Arts Center, as the Chair declares that an open meeting may have a detrimental effect on the negotiating position of the public body. Mr. Stivers seconded. The motion passed all in favor (5-0-0) by roll call vote, Braccio, aye; Malinowski, aye; Shea, aye; Stivers, aye; Healey, aye.

II. Chairman Healey called the meeting to Open Session at 6:30 P.M. Chairman Healey read the following statement:

Pursuant to Governor Baker's March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, §18, and the Governor's March 15, 2020 Order imposing strict limitation on the number of people that may gather in one place, this meeting of the Southborough Board of Selectmen will be conducted via remote participation to the greatest extent possible. Specific information and the general guidelines for remote participation by members of the public and/or parties with a right and/or requirement to attend this meeting can be found on the Town of Southborough's website, at https://www.southboroughtown.com/. For this meeting, members of the public who wish to watch or participate in the meeting may do so in the following manner by finding the meeting at: https://www.southboroughtown.com/remotemeetings. No in-person attendance of members of the public will be permitted, but every effort will be made to ensure that the public can adequately access the proceedings in real time, via technological means. In the event that we are unable to do so, despite best efforts, we will post on Southborough's website an audio or video recording, transcript, or other comprehensive record of proceedings as soon as possible after the meeting.

III. **Public Comment**
None

IV. **Scheduled Appointments**
6:30 P.M. – Discussion and review of latest VMUD draft and comments for Downtown Initiative
Chairman Healey laid out the format and intention for the discussion. He opened the discussion to attendees. Ms. Luttrell, a member of the Planning Board, explained her concerns that the document looked to allow for a bigger more urban style downtown instead of a small walkable village style downtown. She noted the building heights and ceiling heights as examples of such. Ms. Connelly, a member of the EDC, stated that Ms. Barrett of Barrett Planning Group could not attend tonight to explain why she proposed the draft bylaw in the way it is written. She added that the EDC would like open space and greenspaces in addition to building for the downtown. She explained that open space and greenspace items may not be appropriate for the zoning bylaw and suggested creating a separate design guideline document. Ms. Malinowski spoke on

behalf of SHOPC and stated there is concern that the language in the first draft did not accommodate for affordable housing. She explained the details written in the draft bylaw and how it made it a challenge to achieve any affordable housing in this district. Mr. Wood, a member of the EDC, explained the changes they made to support more affordable housing and Chairman Healey stated that SHOPC made a compelling case that decisions regarding the drafting of the document should be very mindful of the affordable housing element. Mr. Wood addressed the suggestion to remove the ability to keep a trailer on a property and felt it should be kept with the clarification that a trailer would be temporarily allowed in the case of misplacement due to fire only. Ms. Hoolahan from the Planning Board agreed and stated that she would not want to see a trailer allowed as a permanent staple. Chairman Healey stated he would like clarity on the max floor ratio of .35. Ms. Braccio stated that Ms. Barrett offered multiple dates for a robust conversation regarding any questions and feedback. She asked the Board and other board and committee members which day they preferred and it was agreed to meet on November 24, 2020 at 6:30 P.M. Mr. Wood asked when to expect an updated document from Ms. Barrett that addressed the feedback from the various boards and committees. Ms. Braccio stated she felt that would be available this week.

Mr. Blaschke, a member of the Historical Commission, stated that he wants the walkability, greenspace and sidewalk component to be kept in mind when revising the zoning bylaw. He stated that the Historical Commission has not reviewed the draft document but that he had concerns with the height requirements and the ability for multiunit dwellings. Chairman Healey stated that Ms. Barret could address those items and her reasoning for including them at the next meeting. He said that continuing the sidewalk effort is in the forefront of their minds. Mr. Bhistitkul from SHOPC stated they want an affordable housing component included in this bylaw. He suggested making the requirement project specific as opposed to building specific and asked the Board to consider more density incentive bonuses to support affordable housing. Mr. Stivers stated this is a challenging problem as there is not a lot of space or money to invest in this area but also acknowledged the need to make it attractive for business investment. He asked Ms. Braccio and Ms. Connelly to work with Ms. Barret to use her experience in these cases to make suggestions as to how to incentivize people to invest and bring capital while balancing housing issues. Ms. Connelly stated she will convey this and all feedback to Ms. Barrett. There was discussion as to whether sidewalks should be included in a zoning bylaw or another section of the code. Mr. Morris of the Planning Board explained that the Board of Selectmen have jurisdiction over existing ways which include sidewalks. Ms. Braccio informed the public that comments and feedback for this document will be received through November 18th. The EDC adjourned their meeting at 7:29 P.M. and the Planning Board adjourned their meeting at 7:30 P.M.

Chairman Healey asked if there will be a revised document from Ms. Barrett before the meeting on November 24th. Ms. Braccio stated that Ms. Barrett had sent a response to multiple comments and answers to some of the questions in the feedback document. She added that these responses from Ms. Barrett should provide more clarity and she would be speaking with her tomorrow regarding next steps.

V. Public Comment

Cynthia Cram (44 Bigelow Road) asked for confirmation that the Board was in receipt of a letter sent to them regarding the proposed trail in the Bigelow Wildlife Refuge. She stated the letter is a follow up from public comment from weeks prior to address next steps. She also asked if the Board were in receipt of a petition from a neighbor. Chairman Healey stated he was familiar with

the letter and not a petition. Mr. Purple added he did not receive a petition. Chairman Healey stated that he understood the issue was before the Conservation Commission and the Board does not want to interject on their jurisdiction. He stated that the Conservation Commission process should continue and conclude before the Board would decide to become involved. The Board agreed. Ms. Cram explained the timeline for an opinion from the Commission. Mr. Purple stated that Ms. Danza has not asked for input from the Board. Ms. Braccio suggested the neighbors speak with SOLF directly as they have control of the land. Ms. Cram agreed to do so. Chairman Healey asked Mr. Purple to follow up with the Commission to make sure they are not waiting to hear from the Board. Mr. Purple agreed.

Marnie Hoolahan (26 Clifford Road) stated she was speaking as an elected official from the Planning Board. She asked the Board if they received her email regarding the two conflicting opinions for interpretation of a zoning bylaw. Chairman Healey stated the Board received the email. He stated Mr. Purple had a conversation with the Building Inspector and the posture procedure is that the Building Commissioner has made a judgement within her jurisdiction and the appeal of that determination is appealed to the Zoning Board of Appeals and not the Board of Selectmen. He added that the procedure is being followed for the Building Inspector to make her determination which is within her jurisdiction. He added that he reviewed her opinion of the bylaw and that of Town Counsel and understood how both could come to differing opinions. He added that the jurisdiction for making this determination is with the Building Inspector and the appellate right is through the Zoning Board of Appeals. Chairman Healey stated he would like to see that process play out. Ms. Hoolahan asked for the Zoning Board of Appeals application fee to be waived. Chairman Healey stated he is not inclined to inject himself as a member of the Board into a process already in place. Chairman Healey explained his interpretation of the opinions of both the Building Inspector and Town Counsel and reiterated that the applicable decision lies with the Building Inspector and she has made her determination. He added that the public is able to disagree and appeal that determination and suggested the process play out without the Board's interjection.

Ms. Braccio asked that the topic of waiving of the application fee be a topic of discussion. Chairman Healey agreed to adding it to the next agenda. Mr. Stivers stated he was sympathetic with Ms. Hoolahan and it would be helpful to provide clarity around this bylaw. Chairman Healey stated he does not disagree and the biggest problem with the existing bylaw is the language leads to multiple interpretations and there is no enforcement. He added that he understood how the Building Inspector as the person charged with the responsibility for interpreting and enforcing the bylaw came to her conclusion.

VI. Reports

Chairman's Report

Chairman Healey stated that in his last report he praised Mr. Hegarty's effort on Election Day. He said the poll workers should also be commended for their work to put in effect the controls of in-person voting during the COVID-19 pandemic. He thanked all the poll workers for their ability to ensure in-person voting was available last Tuesday. He suggested the Board send a letter of appreciation to them. Mr. Purple stated that this was Assistant Town Clerk Amy Berry's first election and she did an excellent job executing Mr. Hegarty's plan for a smooth Election Day.

Chairman Healey asked for a volunteer from the Board for the MWRTA Board. He added if there is no interest from the Board, he will reach out to other boards.

Chairman Healey stated that MASS DOT is scheduling public forums for input on transit services they are looking to stop offering. He stated they are looking to curtail weekend service and service after 9:30 P.M. on weeknights.

Chairman Healey said there are issues related to the 45 Highland Street property. He said some email traffic by Town committee members was not conducted on Town email which created problems. He stated that all Town volunteers and employees must use Town email to conduct business. He stated that 45 Highland Street will be on the Executive Session agenda for next week and Mr. Purple is setting up a folder for this possible litigation.

Members' Reports

Ms. Braccio stated that rent and mortgage assistance is available and residents can find information on the Town website. She added there have been applications and urged those in need to apply.

Ms. Malinowski stated she watched the School Committee meeting the previous evening and they are looking to use $100,000 out of the CARES Act funding for testing for COVID-19. She stated that Mr. Ballantine and Ms. McAuliffe will be attending the meeting next week and they will speak about this in their report. Mr. Purple stated the schools are also looking to purchase additional Chrome Books with CARES Act funds.

Mr. Shea stated he is looking forward to participating with the veterans at the Veteran's Day ceremony tomorrow morning. He stated he will give a brief report regarding the event next week.

Mr. Stivers stated he is working with the Board of Health regrading trash hauling licensing.

Chairman Healey stated that he heard feedback regarding Ms. Malinowski acting as the liaison for SHOPC as she is a member. He stated that he is in support of her being both a member and a Board liaison to SHOPC.

Town Administrator Report

Mr. Purple stated that a temporary flagpole has been set in time for Veteran's Day. He thanked Ms. Galligan for her assistance with this and explained the next steps once the temporary flag is removed.

Mr. Purple stated that there are preliminary discussions with the schools about possibly consolidating some Town IT services in light of Mr. Laflamme's resignation. He added that there will be a robust discussion with the school on Thursday and it could be a beneficial economy of scale. Mr. Purple stated the possibility will be discussed and the position has been advertised solely as a Town position for the sake of time. He will continue to update the Board on this matter.

VII. Consent Agenda

a. Ms. Malinowski asked to hold agenda item "a." Ms. Malinowski stated that on page two, row three it should read, "Mr. Malinowski" not "Ms. Malinowski." Chairman Healey made a motion to approve Open Session Minutes: October 27, 2020 with the revision requested by

Ms. Malinowski. Mr. Stivers seconded. The motion passed all in favor (5-0-0) by roll call vote, Braccio, aye; Malinowski, aye; Shea, aye; Stivers, aye; Healey, aye.

b. Chairman Healey made a motion to accept the resignation of IT Manager Tom Laflamme, effective November 27, 2020. Mr. Stivers seconded. The motion passed all in favor (5-0-0) by roll call vote, Braccio, aye; Malinowski, aye; Shea, aye; Stivers, aye; Healey, aye.

c. Chairman Healey made a motion to accept the retirement notice of Administrative Assistant Carol Ostresh, effective November 30, 2020. Mr. Stivers seconded. The motion passed all in favor (5-0-0) by roll call vote, Braccio, aye; Malinowski, aye; Shea, aye; Stivers, aye; Healey, aye.

d. Chairman Healey made a motion to approve Executive Session Minutes: October 20, 2020. Mr. Stivers seconded. The motion passed all in favor (5-0-0) by roll call vote, Braccio, aye; Malinowski, aye; Shea, aye; Stivers, aye; Healey, aye.

VIII. On a motion made by Mr. Shea, seconded by Mr. Stivers and voted by roll call all in favor, Braccio, aye; Malinowski, aye; Shea, aye; Stivers, aye; Healey, aye, the meeting was adjourned at 8:08 P.M.

Upcoming Meetings
December 17, 2020
December 1, 2020

Respectfully submitted,

Kathleen Barry, Recording Secretary

List of Documents referred to at the November 10, 2020 BOS Meeting:

- Copy of Copy of Jointmeeting VMUD 3
- DRAFT_Sec 174TownCtrDistrict v2
- Letter of Resignation from Tom Laflamme
- Regular Session Minutes, October 27, 2020
- Retirement Notification, Carol Ostrech

DRAFT

TOWN OF SOUTHBOROUGH

BOARD OF SELECTMEN Meeting Minutes

Meeting Date: Tuesday, November 17, 2020, 6:30 P.M.
Location: Virtual Meeting through Zoom
Present: Marty Healey, Lisa Braccio, Chelsea Malinowski, Brian Shea, Sam Stivers and Town Administrator Mark Purple

I. Chairman Healey called the meeting to Open Session at 6:30 P.M. Chairman Healey read the following statement:

Pursuant to Governor Baker's March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, §18, and the Governor's March 15, 2020 Order imposing strict limitation on the number of people that may gather in one place, this meeting of the Southborough Board of Selectmen will be conducted via remote participation to the greatest extent possible. Specific information and the general guidelines for remote participation by members of the public and/or parties with a right and/or requirement to attend this meeting can be found on the Town of Southborough's website, at https://www.southboroughtown.com/. For this meeting, members of the public who wish to watch or participate in the meeting may do so in the following manner by finding the meeting at: https://www.southboroughtown.com/remotemeetings. No in-person attendance of members of the public will be permitted, but every effort will be made to ensure that the public can adequately access the proceedings in real time, via technological means. In the event that we are unable to do so, despite best efforts, we will post on Southborough's website an audio or video recording, transcript, or other comprehensive record of proceedings as soon as possible after the meeting.

II. Public Comment
None

III. Scheduled Appointments
Update from Youth and Family Services
Ms. Cassell reviewed Youth and Family Services goals and issues they wanted to discuss. She described the shifting of services to online or phone platforms which required adjustments to consent forms. She described their stronger partnership with the Police Department and the increase and addition of needs due to the pandemic. Ms. Cassell stated they created a Facebook Live show called Coffee Talk. She described the success of the show and stated Representative Dykema will be on December 1st to talk about housing instability. She stated they are working on new trainings and webinars and welcomed a new administrative assistant on October 1st. Ms. Cassell described the referral services offered by Youth and Family Services before the pandemic and the plan to hire more clinicians. She added that there were many challenges with this system and outlined a new system with Interface Referral Services. She said a generous grant from the Southborough Community Fund could be used to institute a one-year contract with Interface Referral Services for January 1, 2021. She stated this would be more economical for the Town versus hiring more staff. Chairman Healey asked if there were any identifiable trends since March. Ms. Cassell described the months from March to November which included an uptick in people seeking services. Ms. Braccio asked about modelling other communities and Ms. Cassell stated that Westborough, Northborough, Hopkinton and Holliston are using Interface Referral

Services. Ms. Malinowski asked if there is a spot open at Interface for Southborough. Ms. Cassell replied that they are holding a spot for January. Mr. Stivers asked about Coffee Talk. Ms. Cassell stated that it is livestreamed on Facebook every Tuesday at 10:00 A.M. and is also available on Southborough Access Media. Mr. Stivers stated he is in support of the Interface Referral Services platform from a budget and services standpoint.

Update from Arts Council

Ms. Piekarz reviewed events that were taking place before the pandemic including exhibits of local artists featured at the Library and grants received. She explained projects various local artists completed throughout the year including one at Chestnut Hill Farm that is available for viewing on SAM and YouTube. Ms. Piekarz said the Arts Council received a grant from the Southborough Community Fund and they were able to buy structures and portable display pieces for pop-up exhibits. Chairman Healey suggested the Arts Council partner with the EDC and DPW for equipment. Ms. Malinowski asked if they had connected with local businesses in Town to display the artwork. Ms. Piekarz stated she reached out to Reliant Medical Group and did not receive a call back. Mr. Purple suggested working with the EDC and Christopher Robbins to work with Reliant. Mr. Shea suggested incorporating a food truck and other events with the local businesses on Main Street. Mr. Stivers suggested partnering with the schools. Ms. Braccio asked about virtual events and Ms. Piekarz described a virtual open mic night and other possible events.

Update from Recreation Commission

Mr. Davis described the programming that opened in August including drive-in movie nights, a small soccer camp with BEST soccer and after school programs. He added that after school programs will begin again in January after considering the details of moving inside. He stated the Gobble Wobble will be virtual this year and asked for guidance regarding the new basketball court at Fayville Park. There was discussion regarding tying the net to dissuade people from using the court during the spike in COVID-19 numbers and it was agreed to keep it open to the public.

Mr. Davis described the current Mooney Field lighting project and the Planning Board process. He stated that their hearing has been continued three times and the Planning Board is waiting for a third-party peer review from Fuss & O'Neil which was not received as anticipated. He described the details to which the Recreation Department has altered their plans and stated they will not agree to any more extensions and will be holding firm to receive judgement on November 30th. Ms. Hansen stated that Mr. Davis has been working with the Town Planner on this project for over a year and he has gone above and beyond to deliver exactly what the Planning Board has asked for. Chairman Healey stated he was supportive of what has been discussed and suggested a post-mortem conversation be had once the project is approved so this situation does not happen again. Mr. Shea asked if there was a response from Fuss & O'Neil and Mr. Davis said not as of yet but it is expected by the end of the week. Mr. Shea stated that they should be pushed to respond as the holidays are approaching and will slow the project down even more. Ms. Braccio agreed and stated Recreation needed time to review the response from Fuss & O'Neil to address any outstanding items for the next Planning Board meeting. David Fialkow (10 Lyman Street) stated he is the Vice President of Southborough Little League and gave a timeline of the process with the Planning Board. He stated that Town Counsel opinied that the Planning Board should give a reasonable site plan review and Mr. Fialkow said he felt Planning did not follow this and it has not been reasonable. He voiced his concern about the amount of

Town funds the Planning Board used for their review. Kristin LeVault (12 Southwood Drive) requested that Fuss & O'Neil appear at the hearings. Chairman Healey stated that was outside of the Board's scope and stated the Town spending Mr. Fialkow spoke to could be a Board matter.

Town Accountant Carla McAuliffe and Finance Director Brian Ballantine

i. Quarterly financial report

Mr. Ballantine walked the Board through the Fiscal Year 2021, Quarter 1 Finance report included in the packet. The Board gave Mr. Ballantine feedback on information they would like presented during the next update. Ms. Malinowski asked questions regarding 9-11 Field, the ambulance fund and water expenses. Ms. Braccio asked questions regarding legal services and public buildings. Ms. Malinowski highlighted her observations after touching base with Ms. McAuliffe and Mr. Ballantine earlier in the week. These included an update regarding Norfolk County Agricultural High School, the future of the IT department and questions regarding expenses in arrears. There was additional feedback from the Board regarding items they would like to see in the next presentation. The Board extended their appreciation to Mr. Ballantine and Ms. McAuliffe for their presentation.

ii. Update on FEMA and CARES Act reimbursements

Ms. McAuliffe stated that she filed for CARES Act and FEMA reimbursements in October and has received the first amount of approximately $55,487 from the CARES Act. She thanked Lieutenant Aspisi for his assistance with FEMA. She explained that some categories in the CARES Act are fully funded and others are funded 25% with the expectation that FEMA will cover the remaining 75%. She explained the FEMA requirements for reimbursement and stated that anything denied by FEMA will be applied for through the CARES Act in the next round. She explained that CARES sends the money up front and does compliance auditing after the fact which leaves a chance that money given could be deemed ineligible and need to be returned. She stated the schools are also applying to the CARES Act as will the Rent and Mortgage Assistance Program. She asked that she be made aware of any other applications. She stated that round three of reimbursement has a deadline of December 12th. Mr. Shea asked if the PPE for pubic safety was only covered through FEMA and Ms. McAuliffe stated that FEMA covers 75% and the CARES Act covers the remaining 25%. Mr. Shea suggested that they be as aggressive as possible for reimbursement and tie any previous COVID-19 related expenses to these refunds. Ms. McAuliffe explained the risk of receiving CARES Act reimbursements only to have to return them once the compliance audit is done. Ms. Braccio asked if the Board was sent the submittal forms for the $138,000 sent for reimbursement. Mr. Purple said he would distribute them to the Board. There was discussion regarding aggressively seeking reimbursements and the risks including in doing so. Chairman Healey stated if the Finance Team is generally operating in good faith and something is thought to be potentially reimbursable but down the line it is not, the Board will approve and accept that determination. Mr. Purple publicly thanked Ms. McAuliffe and Lieutenant Aspisi for their work during the reimbursement period.

iii. Updated Town financial policy – monitoring of expenses

Mr. Ballantine explained the draft policy to ensure large overages of line items in budgets were identified and acted upon. He stated the thought was if the line items exceed approximately $100, the Board does not need to be informed. He added if a department was going to spend between $5,000 - $10,000 on a line item from any department, the Town Administrator would have to approve and anything over $10,000 would need Board approval. Ms. Braccio stated she was in support of the policy and Mr. Stivers stated that the language in Section 2 (E) should read

"item to be in deficit." Chairman Healey made a motion to adopt the Updated Town Financial Policy as amended. Mr. Stivers seconded. The motion passed by roll call all in favor (5-0-0) by roll call, Braccio, aye; Malinowski, aye; Shea, aye; Stivers, aye; Healey, aye.

Ms. LeVault stated she would have asked the Board to delay a vote for other boards and committees to weigh in on this policy. Chairman Healey stated this was included in the packet and available to the public and Ms. Malinowski gave details about how the policy would limitedly pertain to the Recreation Commission.

IV. Reports

Chairman's Report

None

Members' Reports

Mr. Shea stated he attended the Veteran's Day observance last week and congratulated Mr. Whynot and Mr. Kolenda for planning an event that honored veterans while being respectful of the pandemic safety measures. He thanked members of the public safety departments and the Phaneufs for their continued maintenance of the memorial. He thanked the Eagle Scout for his project at the memorial and Southborough Access Media for recording the ceremony.

Ms. Braccio congratulated Southborough Youth and Family Services for being selected by the 100 Women of Southborough for their Gift Card Giving Program. She thanked the 100 Women of Southborough and added the donation could be $10,000 - $13,000.

Town Administrator's Report

Mr. Purple stated that many boards and committees continue to have evening meetings through Zoom and this has been a challenge with only two Zoom rooms available at one time. He stated that after speaking with Mr. Laflamme it was decided the best option was to add another Zoom room to accommodate for all the evening meetings. He requested the Board to approve $450 to acquire a license for a third Zoom room with full public access. Mr. Shea stated he was in support and suggested this be included in the CARES Act reimbursements. The Board agreed to the additional room and including the expense in the CARES Act reimbursements.

Mr. Purple reviewed the advertised position for an IT Manager, the ten current applicants for the position and the conversation regarding consolidating IT services with the schools. He stated he will have more information at the next meeting. Chairman Healey asked if it is decided to consolidate IT services with the schools, who will bridge the gap while the integration is taking place. Mr. Purple responded that in either solution, the schools will help with the transition.

Mr. Purple stated that AT&T is in the process of relocating their antennae off of the flagpole on Common Street and into the Pilgrim Church. He stated the lease agreement document should be executed over the coming week or so and stated they have concerns about the time between services coming off of the flagpole and into the church. He added this may be an agenda item on the upcoming meeting.

Mr. Purple stated that the warrant for the March 20, 2021 Town Meeting is scheduled to close in December and suggested the Board doe so for articles at the December 15th meeting. He added

that there are fifteen articles carried over from the postponed meeting last spring, there are the normal financial articles and one new article submitted from the Assessor's Office.

Mr. Purple said MASSDOT is conducting routine utility work on the Mass Pike east and westbound between 11:00 A.M. and 12:00 P.M. this Saturday and between 6:00 A.M. – 7:00 P.M. on Sunday. He said to expect only one lane open to traffic.

V. Consent Agenda

a. Ms. Malinowski asked to hold agenda item "a." Ms. Malinowski stated that on page four it should read that Chairman Healey met with Mr. Purple and the Advisory Chair to discuss the budget. She added that on page five Mr. Stivers asked questions regarding the timeline of the report and not her. She stated on page six is should read, "Mr. Norris." Mr. Stivers suggested adding line numbers to the minutes and the Board agreed. Chairman Healey made a motion to approve the Open Session Minutes: November 4, 2020 as amended. Ms. Braccio seconded. The motion passed by roll call all in favor (5-0-0) by roll call, Braccio, aye; Malinowski, aye; Shea, aye; Stivers, aye; Healey, aye.

b. Chairman Healey made a motion to accept the Library Donation of $15.00 from Xi Lu, for deposit to Library Donation Account. Mr. Shea seconded. The motion passed by roll call all in favor (5-0-0) by roll call, Braccio, aye; Malinowski, aye; Shea, aye; Stivers, aye; Healey, aye.

c. Chairman Healey made a motion to approve the Winter Parking Ban for 2020-2021. The motion passed by roll call all in favor (5-0-0) by roll call, Braccio, aye; Malinowski, aye; Shea, aye; Stivers, aye; Healey, aye.

VI. Other Matters Properly Before the Board

Performance evaluation policies

Chairman Healey updated the Board on the policies and Mr. Norris and Mr. Mulholland's review of them. He stated that documents could be ready for December 1st. He asked Ms. Malinowski if she would like to participate and she said she would provide feedback before December 1st. The Board agreed to the timeline proposed.

Update and discussion, RE: FY21 Goals

Chairman Healey asked that this item be moved to the November 24th meeting.

Discussion regarding 45 Highland Street

Chairman Healey summarized the issue at 45 Highland Street and told the Board they are to discuss a possible way forward. He summarized his conversations with Mr. Weishan and Ms. Livoli. He stated that it was proposed to reconstruct a structure that fits in the neighborhood and meets the criteria of the Historical Commission. Ms. Livoli added that it is a non-conforming lot and that all technical issues will need to be addressed as well. Chairman Healey stated that this situation has brought to light some areas of the demolition delay bylaw that need improvement and clarity. He explained the issues he found with the bylaw and stated he is in support of the construction of a similar building that meets the criteria of the Historical Commission with the jurisdiction of the Building Department. Ms. Braccio asked about the process moving forward as the Historical Commission has the expertise of what the building should look like. Mr. Weishan clarified that the Historical Commission's purview only extends to the façade that is visible from the street. He added that he hoped this concession does not set precedent for other historical homes. Ms. Braccio agreed. Ms. Malinowski stated this solution sounds reasonable given the

situation and stated that she is comfortable with this if Ms. Livoli and Mr. Weishan agree. Mr. Weishan reviewed the origin of the bylaw and reasoning for the two-year penalty. Chairman Healey stated he thinks the jurisdiction should lie with the Building Commissioner and Mr. Stivers agreed to the process presented. Mr. Stivers suggested the bylaw be updated and thought a subgroup could be created to bring a warrant article to Town Meeting. Chairman Healey outlined the gaps in communication that he felt lead to the situation. Mr. Weishan described the measures the Historical Commission are taking to ensure this does not happen again. Ms. Braccio stated that an enforcement procedure should be included in any revisions of the bylaw.

VII. Public Comment

None

VIII. Executive Session

At 10:12 P.M. Chairman Healey made a motion for the Board to enter into Executive Session per M.G.L. Chapter 30A, Section 21, and not returning to Open Session, for the following matters – to discuss the disposition of real property (Exemption 6) concerning the Arts Center, as the Chair declares that an open meeting may have a detrimental effect on the negotiating position of the public body; and to comply with, or act under the authority of, any general or special law (Exemption 7) to review and approve the Executive Session minutes of November 4, 2020. Mr. Shea seconded. The motion passed by roll call all in favor (5-0-0) by roll call, Braccio, aye; Malinowski, aye; Shea, aye; Stivers, aye; Healey, aye.

Upcoming Meetings
November 24, 2020
December 1, 2020

Respectfully submitted,

Kathleen Barry, Recording Secretary

List of Documents referred to at the November 17, 2020 BOS Meeting:

- Ledger History 7.1.20 - 9.30.20
- FY21 Q1 Finance Report
- Letter from Carla McAuliffe to Mark Purple re - CARES/FEMA Update
- Draft Financial Management Policies
- Regular Session Minutes, November 4, 2020
- Letter from Ryan Donovan to Board re - Donation to Library dated 11.9.20
- Winter Parking Ban 2020-2021
- BOS FY2021 Goals

TOWN OF SOUTHBOROUGH

BOARD OF SELECTMEN Meeting Minutes

Meeting Date: Friday, October 30, 2020, 11:55 A.M.
Location: Virtual Meeting through Zoom
Present: Marty Healey, Lisa Braccio, Chelsea Malinowski, Brian Shea, Sam Stivers and Town Administrator Mark Purple

I. Chairman Healey called the meeting to order at 11:56 A.M. Chairman Healey read the following statement:

Pursuant to Governor Baker's March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, §18, and the Governor's March 15, 2020 Order imposing strict limitation on the number of people that may gather in one place, this meeting of the Southborough Board of Selectmen will be conducted via remote participation to the greatest extent possible. Specific information and the general guidelines for remote participation by members of the public and/or parties with a right and/or requirement to attend this meeting can be found on the Town of Southborough's website, at https://www.southboroughtown.com/. For this meeting, members of the public who wish to watch or participate in the meeting may do so in the following manner by finding the meeting at: https://www.southboroughtown.com/remotemeetings. No in-person attendance of members of the public will be permitted, but every effort will be made to ensure that the public can adequately access the proceedings in real time, via technological means. In the event that we are unable to do so, despite best efforts, we will post on Southborough's website an audio or video recording, transcript, or other comprehensive record of proceedings as soon as possible after the meeting.

Mr. Healey indicated that this statement will also cover the Affordable Housing Trust Fund Committee immediately following the Selectmen meeting.

II. **Consent Agenda**

a. Chairman Healey made a motion to accept the resignation of Dan Kolenda from the Affordable Housing Trust Fund Committee. Ms. Braccio seconded. The motion passed all in favor (5-0-0) by roll call vote, Braccio, aye; Malinowski, aye; Shea, aye; Stivers, aye; Healey, aye.

b. Chairman Healey made a motion to appoint Chelsea Malinowski to the Affordable Housing Trust Fund Committee. Ms. Braccio seconded. The motion passed all in favor (5-0-0) by roll call vote, Braccio, aye; Malinowski, aye; Shea, aye; Stivers, aye; Healey, aye.

III. On a motion made by Chairman Healey, seconded by Mr. Stivers and voted by roll call all in favor, Braccio, aye; Malinowski, aye; Shea, aye; Stivers, aye; Healey, aye, the meeting was adjourned at 11:59 A.M.

Upcoming Meetings
November 4, 2020
November 10, 2020

Respectfully submitted,

Mark J. Purple, Town Administrator

Town of Southborough

Rental/Mortgage Assistance Guidelines

In response to the loss of income to households due to COVID-19, this program has been created and funded by the CARES Act funds granted to the Town of Southborough. This program seeks to be efficient and responsive. It is temporary in nature. Applicants that have been residents of Southborough for at least six (6) months are eligible for:

- Up to ~~two~~ six months rental or mortgage assistance, subject to available funding.
- Assistance can be used to pay current rent/mortgage or pay rent/mortgage that is past due since 4/1/2020.
- Mortgage assistance can be used to pay the mortgage principal and interest, it cannot be applied to escrow or homeowner's insurance.
- Amounts available are:
    - $1200 / month for an efficiency/studio
    - $1400 / month for a 1-bedroom
    - $1600 / month for a 2-bedroom
    - $2000 / month for a 3+-bedroom

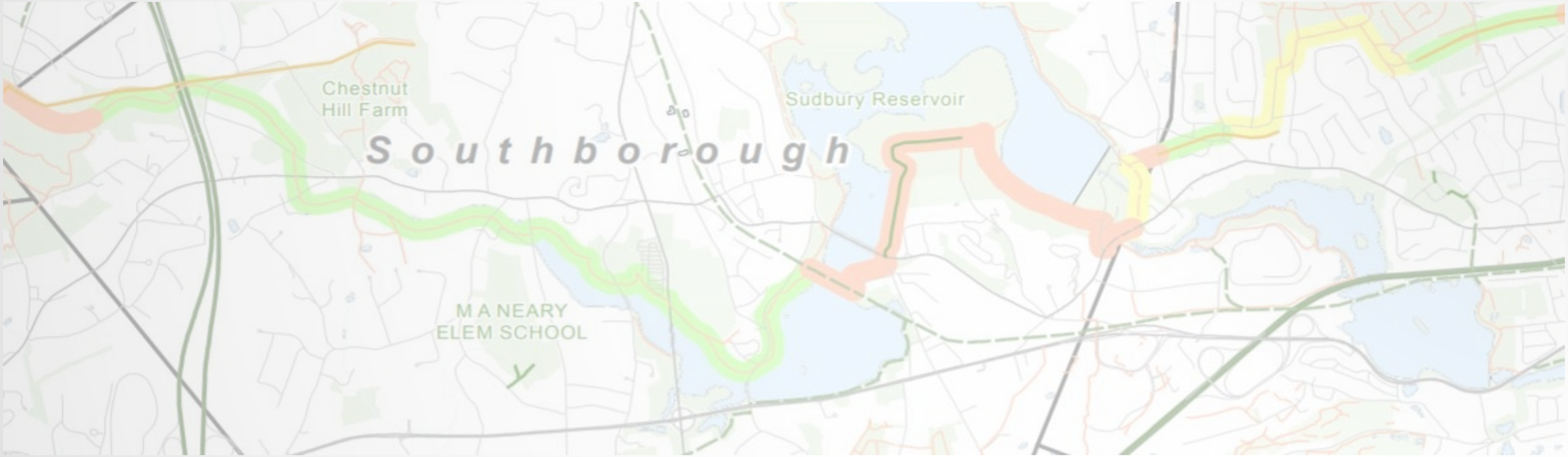
Please visit
https://www.southboroughtown.com/mra, or contact Southborough Youth and Family Services, at syfs@southboroughma.com or call Sarah Cassell at 508-481-5676 x.5 for an application.

All applications must be received by close of business at 5:00pm on Tuesday, December 1, 2020.

Household Eligibility
"Eligible" Household
An eligible household is one that:

- Has reduced income because of COVID-19
- Earns less than 80% of Area Median Income
- Households currently receiving government-funded rental assistance such as Section 8, MRVP are not eligible. Households that have received RAFT assistance since April 1, 2020 are not eligible. Households living in units subsidized with Project Based Section 8 shall not be eligible.

A "household" shall mean an individual or two or more persons who will live regularly in the unit as their principal residence and who are related by blood, marriage, law, or who have otherwise evidenced a stable inter-dependent relationship.



TRAILS COMMITTEE
A YEAR (+1) IN REVIEW

Presented by Kathryn McKee

December 01, 2020

SINCE OUR LAST UPDATE…(DECEMBER 4, 2018)

Committee Focus Areas:

1. Outreach and Awareness
2. Trail Stewardship Efforts
3. Education/Training Opportunities
4. Community Engagement
5. Partnership with Other Groups to Leverage Knowledge, Resources and Networks

OUTREACH AND AWARENESS 2019-2020

- Doubled distribution list for Trails News/Announcements E-Alerts on town website since 2018
- Installed 4 map kiosks and 2 parking areas with the help of Eagle Scouts and DPW (one in collaboration w/SOLF & Trustees)
- Boroughs Loop Trail blazing, grand opening in Marlborough, 2 Southborough guided hikes (64 participants)
- MWRA installed 2 Aqueduct Trail granite markers
- Improved signage between Parkerville & Middle Road; Fay School installed posts, supplies donated by resident

Southborough Trails

Southborough Trails

AQUEDUCT TRAILS
A cooperative trail project between MWRA, Town of Southborough and Mass Trails
MASS TRAILS

OUTREACH AND AWARENESS 2019-2020 (CONT'D)

- Facebook outreach on the rise
- Ongoing website & trail map updates
- Trails video #2 published
- Awarded Choate Fund Grant to install "Southborough Trails" signs on map kiosks and build monofilament fishing line recycling receptacles (4 installed)
- Central Mass Regional Planning Commission interactive online regional trail map project (includes SRT/BLT/Aqueduct & Town Forest)

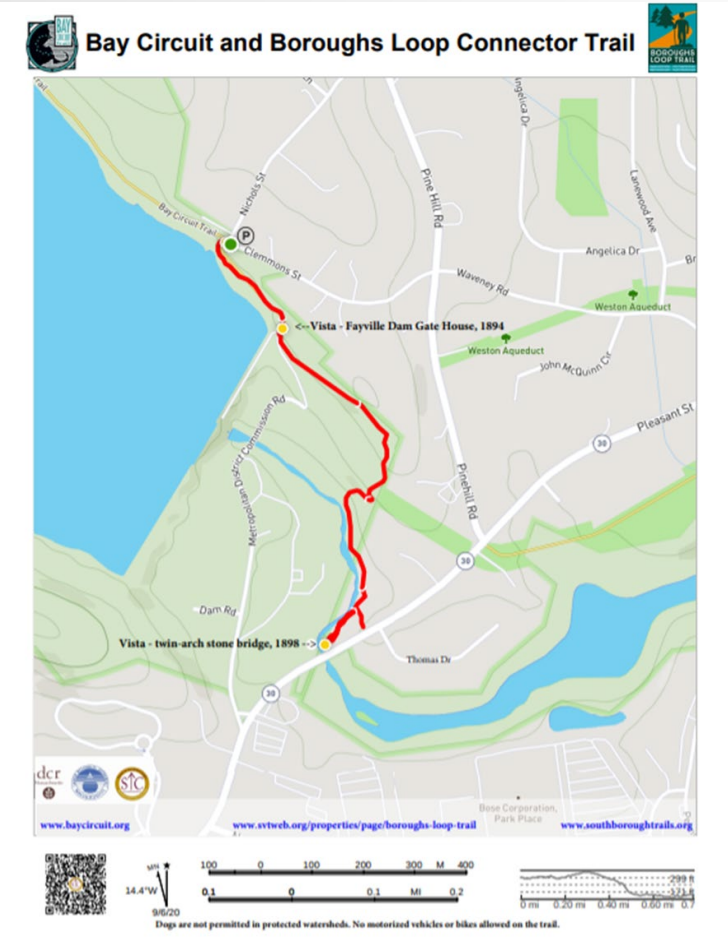
Total Page Followers: 287

No Trash
Please
No Basura

No Trash
Please
No Basura

TRAIL STEWARDSHIP EFFORTS 2019-2020

- 2019 Earth Day and 2020 trail trash clean up efforts
- Regular tree debris clean-up and trail maintenance with Scouts and Committee
- 2020 Bay Circuit / Boroughs Loop Connector Trail Reconstruction with BCT volunteer group and community work party
- Developed annual maintenance plan and schedule
- CPA funding application submitted to help close the gap for 2 regional trails (BLT/Aqueduct)


Bay Circuit and Boroughs Loop Connector Trail
Bay Circuit Trail
Nichols St
Clemmons St
Pine Hill Rd
Angelica Dr
Lanewood Ave
Waveney Rd
Weston Aqueduct
<-- Vista - Fayville Dam Gate House, 1894
Weston Aqueduct
John McQuinn Cir
Pleasant St
Metropolitan District Commission Rd
Pinehill Rd
Dam Rd
Vista - twin-arch stone bridge, 1898 -->
Thomas Dr
Bose Corporation, Park Place
www.baycircuit.org
www.svtweb.org/properties/page/boroughs-loop-trail
www.southboroughtrails.org
14.4°W
9/6/20
Dogs are not permitted in protected watersheds. No motorized vehicles or bikes allowed on the trail.

AVSC

EDUCATIONAL/TRAINING OPPORTUNITIES 2019-2020

- Attended International Trails Symposium (April 2019)
  - trail building workshop
- Attended DCR Trails Conference (November 2019)
  - trail reconstruction workshop
- Attended Leominster Trail Maintenance Workshop (August 2020)
- Worked with BCT volunteers on BCT/BLT Connector reconstruction (August 2020)

COMMUNITY ENGAGEMENT 2019-2020

- Scout projects and community service days, trail reconstruction work party with residents
- 2 Boroughs Loop Trail guided hikes (~64 participants) (for BLT Grand Opening)
- Staying connected via social media
- Fall photo contest for Trails Facebook cover image

PARTNERSHIPS TO LEVERAGE KNOWLEDGE, RESOURCES & NETWORKS 2019-2020

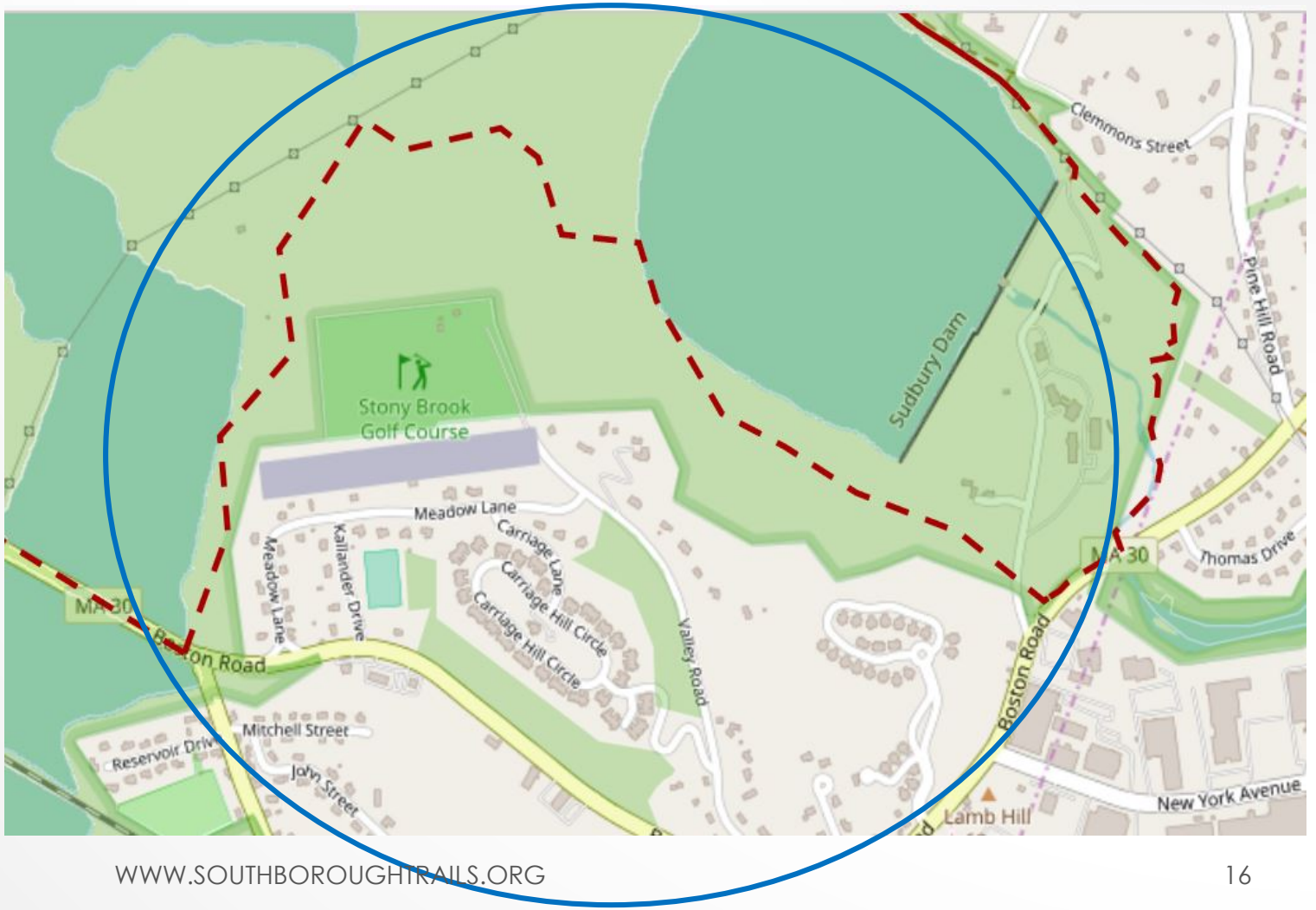
- Develop and strengthen relationships with contacts in surrounding towns through the participation in Boroughs Loop Trail Committee
- Develop and strengthen relationships with other Southborough Boards/Commission/Committee members through the participation in the Master Plan Committee
- Continue to have a positive working relationships with DCR and MWRA
- Letters of support to DCR to encourage completion of Public Access Plan received from communities, SVT and MAPC to help us close the regional trail gap (Thank you BOS for your support with this effort!)

PARTNERSHIPS: MUNICIPAL, STATE, AND COMMUNITY

A special thanks to all departments, boards, commissions, committees, state entities, community members, other volunteers/family/friends, local businesses, and scouts who contribute to the success of Trails Committee projects and initiatives.

CURRENT PROJECT: PENINSULA TRAIL
MISSING LINK FOR 2 REGIONAL TRAIL

- Located off Rt. 30, (intersects with Central Street and Stony Brook Rd); **~1.6 miles**
- Existing access road will serve as trail; land owned by DCR & MWRA; .5 mile paved
- Waiting for a DCR Public Access Plan
- Need to secure funding via grants, CPA application, donations
- **Estimate project completion 2021-2022**
- A section of the trail is a good candidate for accessible trail



TRAIL CONNECTION CHALLENGES

Rt. 30 Southborough/ Framingham line

Rt. 30 Bridge at Southborough/ Framingham line

Access to CSX causeway instead of Rt. 30 causeway

Crossing Rt. 30 causeway

WHAT'S NEXT - FUTURE TRAIL PROJECTS/INITIATIVES

- Peninsula Trail (connecting two regional trails)
- Stairs on north side of Rt. 30
- Aqueduct Trail permitting and trail build out to Pine Hill Road off BCT/BLT Connector
- Add Interpretative/historical signage at key locations throughout Southborough
- Mile markers for BLT
- Working with others entities to make Southborough more walkable; connect trails to downtown
- Add safe options for biking
- Participate in future bike committee

MEET THE COMMITTEE MEMBERS

- Kathryn McKee – Chair
- Satyendra Sharma – Secretary
- Isabelle Murphy
- Luisa Vargas
- Tom Marcoulier

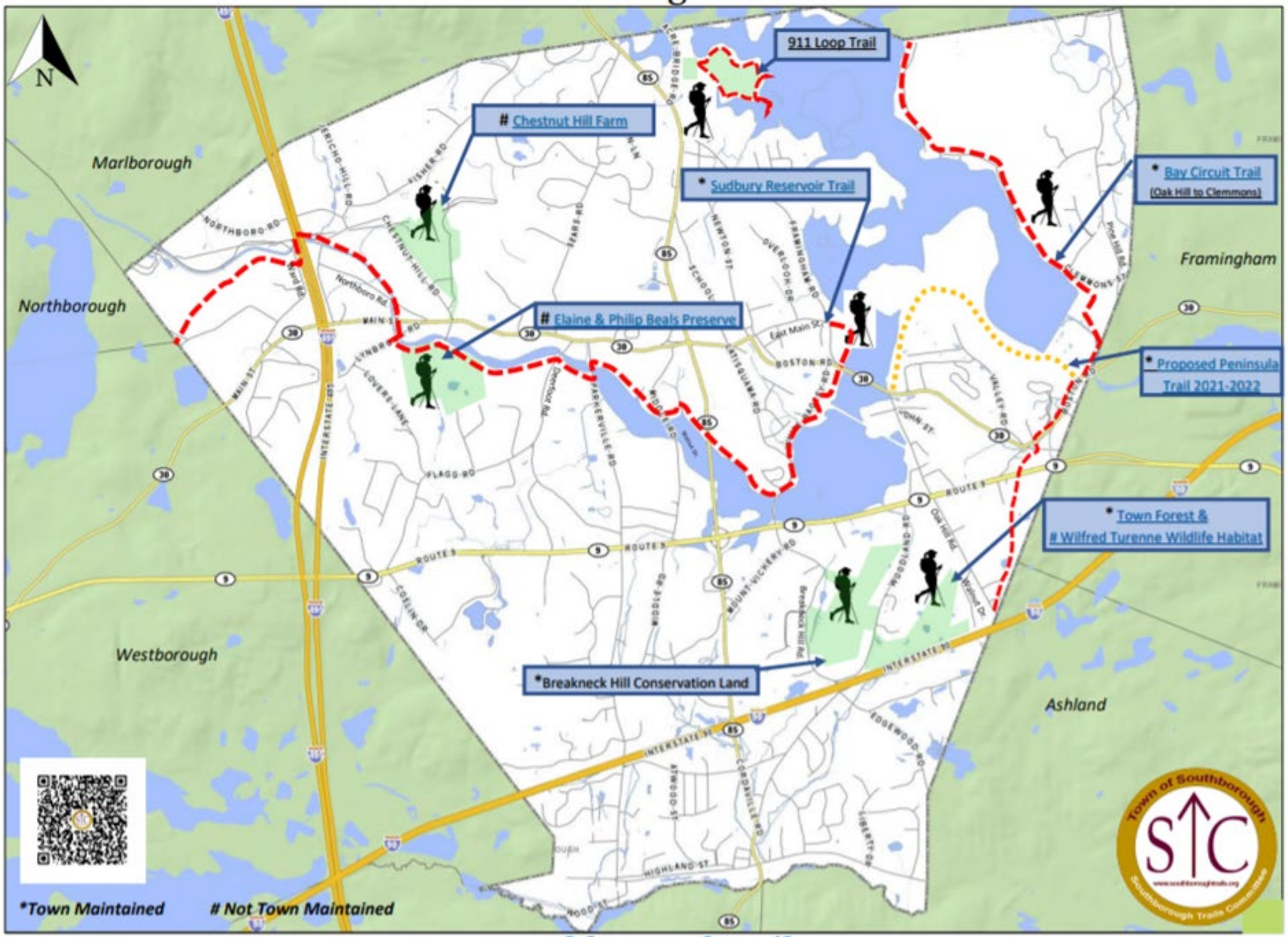
We also work closely with Tim Davis, Recreation Director

THANK YOU

WWW.SOUTHBOROUGHTRAILS.ORG

SHARE YOUR TRAIL EXPERIENCES WITH US ON FACEBOOK @SOUTHBOROUGHTRAILS

Southborough Trails



www.southboroughtrails.org

REGIONAL TRAIL NETWORKS

- Three Major Regional Trails Extend Through Southborough
  - **Boroughs Loop Trail (BLT)**
    - ~33 mile loop connecting Marlborough, Westborough, Northborough, Southborough
  - **Bay Circuit Trail (BCT)**
    - Connects 37 towns, > 230 Miles; Plum Island to Kingston Bay
  - **Aqueduct Trail**
    - ~65 miles; connecting Cochituate, Weston, Sudbury, and Wachusett Aqueducts

- **MetroWest Landline – Greenway Network *(MAPC Initiative)***
  - Proposed 1,400 mile connected network of trails and greenways within Boston Region
  - Connects existing trails: Sudbury Reservoir Trail, *proposed* Peninsula Trail, BCT

Town of Southborough Non-Union Performance Appraisal

Date:

Probationary 6-month Review ☐ **Yes** ☒ **No**

Employee Name:	Mark Purple	**Current (SAP) Grade:**	
Employee Title:	Town Administrator	**Current Pay Rate:**	
Department:	Selectmen	**Proposed Pay Rate:**	
Anniversary Date:		**Percentage of Increase:**	

Criteria & Performance Elements	Overall Rating
Quality of Work/Job Knowledge	Above Expectations
Productivity	Meets Expectations
Communication	Meets Expectations
Collaboration/Interpersonal Skills	Meets Expectations
Leadership (Managers Only)	Meets Expectations

Manager Overall Comments: (required)

Mark has the skills that should allow him to do a better job, but he has fallen significantly short of my expectations for someone in his position and at his pay level. I look for much stronger pro-active leadership and management from this position, as well as more pro-active communication with the board members, with staff and with the public. I particularly look for much more pro-active management of town staff—to build a strong team across all Town departments. My overall evaluation of Mark's performance across all of the dimensions included in the performance evaluation worksheet is somewhere between "meets expectations" and "does not meet expectations"—with the weighted average being closer to the "does not" side of the scale. The Town needs this weighted average to be solidly at or above the "exceeds expectations" level, and I believe that this should be the target set for Mark's ongoing performance.

I'm particularly concerned about the apparent lack of oversight and follow-up relative to Mark's role as the Town's Personnel Director and the problems with the Selectmen's meeting minutes from 2013-2018 that led to the Open Meeting Law "guilty" determination by the AG's office. This appears to be a significant failure of some combination of structure, process or staff—all of which I believe Mark is accountable for.

Manager Overall Comments: (required) continued

We now have a little over a year before we are required to notify Mark if we do not intend to renew his employment contract. A significant improvement in Mark's performance during this next year will be necessary for me to support renewal of his contract. We need a specific performance improvement plan, with specific goals, milestones, and measures--and we need to monitor performance at least quarterly against this plan. The opportunities and challenges facing the Town over the next several years require our TA to exhibit strong leadership skills, effective management skills, and consistent effort to improve a variety of elements of Town service delivery. I believe that Mark's performance can reach this level if we set clear expectations for him and support his efforts. If Mark is unwilling or unable to meet this challenge, the sooner we all recognize this and move in a different direction, everyone is better off. (SS)

Mark continues to provide exemplary service to the Town of Southborough and its residents. His work ethic is outstanding, and he always provides strong advice. (DK)

Impressed with Mark's overall performance. In terms of communications, generally very good to excellent, but occasionally he'll make a decision to hold off on notice/forwarding to the BOS until a 2d or 3d event happens. Often not sure why that happens and, in my view, really shouldn't. I get the sense that sometimes Dept heads are reluctant to engage with a member of the BOS and I have to conclude that it's a result of a general or specific directive/experience with Mark. He's a good manager and there's no reason not to trust his Dept heads even more than he does. In terms of quality of work/productivity, my main observation is that I think he could be more proactive about pushing a technology agenda for the BOS and for the Town. (MH)

Supervisor Comments: Another outstanding year, Mark! You are a great asset to the Town of Southborough, and we are better because of you. (DK)

Employee Overall Comments (required)

Performance Assessment Ratings

Please describe the employee's contributions and professional strengths and/or weaknesses in each of the performance categories below.

Please illustrate specific, detailed examples of goals, results, and job-related attributes and behaviors since last review (if applicable).

Please rate each category according to the definition of ratings.

Comments are required for all sections.

5	**Exceptional** - Outstanding performance, results far exceed the position requirements including all individual objectives areas.
4	**Above Expectations** - Performance surpasses that expected of experienced and qualified individuals in this position. Performance consistently meets and often exceeds standards. Individual shows initiative, motivation, and versatility. Provides leadership, is highly productive, innovative, and responsive.
3	**Meets Expectations** - Performance is at the level expected of experienced and qualified individuals in this position. Performance meets all standards. The employee is considered to be "fully competent."
2	**Does Not Meet Expectations** - Sometimes meets performance standards. Performance in a majority of areas is below the level expected of experienced and qualified individuals in this position.
1	**Unsatisfactory** - Performance fails to meet position requirements, immediate improvement plan must be prepared, or termination is possible. Review performance again within 90 days. *All performance evaluations must be accompanied by a copy of the prior year's evaluation [with the exception of the employee's probationary review].

Performance Assessment – Town Administrator – Southborough

Criteria & Performance Elements

Quality of Work / Job Knowledge:

		SS	BS	DK	MH	LB	A
A.	Employee's understanding of rules, procedures, workflow, policies, and operations	3	4.5	5	4	5	4.2
B.	Demonstrates expertise in skill and knowledge within areas relevant to one's own function and/or work group	3	4	5	4	4	4.0
C.	Measures business decisions with customer/public satisfaction in mind	1	4	5	3	5	3.6
D.	Information shared publicly is accurate, thorough, and complete	2	4	5	4	4	3.8
E.	Acquires and maintains the skills and knowledge required for the position and area of expertise	3	5	5	3	5	4.2
F.	Work is performed with very few errors and mistakes	3	4	5	4	4	4.0
Average		2.5	4.3	5	3.7	4.5	**4.0**

Quality of Work / Job Knowledge Comments:

- Mark's experience provides him with the knowledge to perform the basic tasks of the TA job. As above, my concern is that we need much better performance from our TA than "meets expectations. I expect our TA to be out in front of the needs of the staff and the public— anticipating and being prepared to deliver high quality customer services. I believe that we have consistently fallen short of this objective, and I believe that the TA is where success with this objective starts and is maintained.
- An example of this customer service shortcoming is the need for improved access to Town information and enhanced services through technology. Some progress has been made in this regard, but I expect a TA to provide much more leadership and progress. A second example is the ongoing feedback relative to the difficulty and complexity of the Town's permitting processes. This has been a source of public complaints for many (over 10?) years. I expect our TA to recognize this, develop a plan to make this work smoothly, and implement this plan across all Town departments. This hasn't happened during Mark's tenure as TA.

Quality of Work / Job Knowledge Comments (continued)

- I also see a significant shortcoming over the past several years in the personnel management area. As a frequent attendee at Personnel Board meetings, I have observed gaps such as missing/outdated job descriptions, the SAP failure at the 2017(?) ATM, ineffective performance reviews, and failure to adequately address staff performance shortfalls. All of these shortcomings rest ultimately with the Personnel Director and/or his designee. The Town needs a strong staff team across the board if we are going to meet the challenges and realize the opportunities in the coming years. The TA needs to lead this process and establish a high expectation for staff performance and active management of this critical resource. (SS)

- Mark is very good/excellent in productivity, quality of work, planning/organizing/follow through and self-management. The quality of his work is very good/excellent, as is his job knowledge. He is always available as a resource to provide insight and background information to help Board members arrive at decisions on issues that arise. Mark takes direction and input well from all Board members to take the lead on developing policies/documents for the full Board review. (BS)

- Mark's years of experience greatly benefit the town. He clearly takes pride in his work and his work product is exceptional (DK)

- Need to pay more attention to details – including OML, public records requests, budget/workbook errors.
- Clearer definition of Personnel Director responsibilities.
- Need to work with the BOS for more transparency with the Public on past issues and updates.
- At times individual requests are not valid unless full Board position – TA decides
- PS Complex an impressive highlight to your Southborough career for the ability to work with vendors, PSBC and supporters.
- Crown Castle issue, clear facts and options were presented for the Board to make decision (LB)

Employee Feedback (as needed)

Productivity:

		SS	BS	DK	MH	LB	A
A.	Accuracy, neatness, thoroughness, and completeness of work duties performed	3	4	4	4	4	3.8
B.	Work assignments are planned, organized, and analyzed for optimum results	2	4	5	5	4	4.0
C.	Implements appropriate cost-saving measures	2	5	5	3	3	3.6
D.	Takes action on assigned projects without being directed to do so and looks for opportunities to move projects along	1	4	5	4	4	3.6
E.	Employee's willingness to take on extra work when required by circumstances	3	5	5	4	5	4.4
F.	Employee's ability to meet deadlines in a timely manner	3	4	4	3	4	3.6
G.	Project goals and task deadlines are routinely met	3	4.5	4	4	5	4.1
H.	Accomplished previously established goals and objectives	3	4	5	3	N/A	3.8
Average		2.5	4.3	4.6	3.8	4.1	**3.9**

Productivity Comments:

- As above, I believe that Mark has the knowledge and skills to perform the "basic tasks" of the TA job, but "meets expectations" is not sufficient for dealing with the challenges and opportunities that we will face over the next several years.

- I look to Mark to lead ongoing evaluation of staff and organizational productivity across all Town departments. I believe that we still have many opportunities to improve productivity through such approaches as consolidation of functions, cross training, and most important— through better use of technology. I also believe that we could make useful progress with better measures of staff productivity. These measures could allow us to better allocate resources. Another area of likely missed opportunity is the possibility of more cost-effective financing of capital equipment. While Mark may delegate the details of this type of initiative to the Finance Director or others, I look to the TA's leadership to push to evaluate and take advantage of this type of opportunity. (SS)

Productivity Comments: **(continued)**

- One of Mark's best achievements since joining Southborough in the Town Administrator role has been the improvement in the budget review process. He has developed an excellent working relationship with our Town Finance team, and together the team presents full and complete information to the Board and Advisory Committee for review during budget season. Mark took on a great deal of extra work with the undertaking of the Public Safety complex design and construction, and re-development of the golf course. This was a significant amount of work for which he deserves tremendous credit. Development of the budget book, and working with Town staff on a capital improvement program has been excellent. Extra work required by the Covid-19 pandemic was also a challenge, to which Mark has responded in an excellent manner. (BS)

- Mark's productivity is exemplary, and he is always reachable, even on vacation. He accomplishes required tasks and ensures his team does as well. (DK)

- N/A have not seen updated goals or objective since 2017 – BOS error
- More attention to detail and cost saving opportunities as related to operations as things change.
- Board still waiting on the energy stipend job description update
- Through COVID and the extra responsibilities, Mark has done a great job. (LB)

Employee Feedback (as needed)

Communications:

		SS	BS	DK	MH	LB	A
A.	Employee's ability to accept and understand criticism, and take appropriate action to correct and improve performance	2	4	4	3	4	3.4
B.	Team player; Maintains open communication with other employees in the organization and is conscientious, dependable and hard-working	2	4.5	4	4	3	3.5
C.	Appropriately communicates to constituents when needed, follows up promptly with peers/board when needed	3	4.5	4	3	5	3.9
D.	Employee's ability to communicate, both verbally and in writing	3	4	4	4	3	3.6
E.	Employee performs well based on use of active listening skills	2	4	4	4	4	3.6
F.	Actively solicits feedback from peers/others to determine needs and understand concerns	2	4.5	4	3	5	3.7
G.	Customer Service: Is able to find the right approach, depending on the situation with the colleague/official/peer and is articulate and diplomatic [when under pressure]	2	4.5	4	4	4	3.7
Average		2.3	4.3	4	3.6	4.0	**3.6**

Communications Comments

- This is a particularly subjective area to evaluate. Mark does have adequate written and verbal communication skills (a "meets expectations" level).
- I've had feedback from some more "difficult" members of the public that Mark's responses to them leave them feeling that Mark is impatient with them and is not sufficiently respectful of their comments. This isn't an easy situation for a TA to deal with, but I believe that it's an important part of the job and is something that Mark needs to work on.
- My impression of internal communication between Mark and others is that it tends to be more "one-way" than is most productive. I believe it's important to solicit and at least listen to other opinions, and to have staff feel that they have opportunity to express their opinions.
- I've observed that Mark sometimes does not choose to communicate the "entire story" in response to a question, so it's necessary to continue to restate the question to get the desired answers. This lack of transparency is not helpful in maintaining good internal and external communication. (SS)

Communication Comments (continued):

- Mark is always a team player. In his role, he may not always give the answer that department heads want to hear, but often that is required in that position. As evidenced by the recent Covid-19 pandemic, Mark acted quickly and appropriately to ensure safe workplaces for town employees. I attended a meeting with Town House staff prior to the Town House being shut down, and Mark was authoritative, while showing concern for each employee's health/safety. Staff responded very well to Mark's leadership. (BS)

- Mark has very good communication skills, both written and verbal. He also is an active listener who takes in many opinions before rendering a recommendation to others. (DK)

- Always available and promptly responds to all.
- Excellent communication in writing, verbal can be lacking sometimes
- Some staff feel they are not valued, are treated as such and are not seen as part of the team.
- Need to work in a less silo type style and more inclusive. (LB)

Employee Feedback (as needed)

Collaboration/Interpersonal Skills

		SS	BS	DK	MH	LB	A
A.	Contributes to a positive working environment through behavior; demonstrates commitment to their work	2	4.5	4	3	3	3.3
B.	Makes effective decisions	2	4.5	4	5	5	4.1
C.	Employee's success in gaining cooperation from peers	2	4	4	3	5	3.6
D.	Facilitates sharing of methods and knowledge; demonstrates "mentoring" ideas/tasks	2	4.5	4	3	3*	3.3
E.	Willingly places extra time and effort to meet deadlines and accomplish goals, assumes additional responsibilities as needed	3	4.5	4	4	5	4.1
F.	Exhibits strong interpersonal skills; presents willingness to offer counsel to others	2	4.5	4	4	4	3.7
G.	Board relations: Is responsive and timely when dealing with appointed/elected board and cognizant of MGL's that apply to department/organization	1	4	4	5	2	3.2
Average		2	4.4	4	3.9	3.9	**3.6**

Collaboration/Interpersonal Skills Comments:

- This is also a particularly subjective area to evaluate. My impression is that there is not much of a "team" mentality across Town staff. The TA needs the ability to collaborate with all department staff, with the various elected boards and their staffs and motivate everyone to work toward common goals. I believe that we have not reached this objective, and this will limit our ability to get the best results from our limited resources.
- My primary concern for this category is the "board relations" question. Mark's failure to address the Selectmen's minutes problem leading to the AG's "guilty" determination leaves me wondering if there are other similar regulatory gaps that have yet to be discovered (or if this type of situation could re-occur. (SS)

- Mark is always a team player. In his role, he may not always give the answer that department heads want to hear, but often that is required in that position. As evidenced by the recent Covid-19 pandemic, Mark acted quickly and appropriately to ensure safe workplaces for town employees. I attended a meeting with Town House staff prior to the Town House being shut down, and Mark was authoritative, while showing concern for each employee's health/safety. Staff responded very well to Mark's leadership. (BS)

Collaboration/Interpersonal Skills Comments (continued)

- Mark utilizes team members to a great extent and gathers input from all stakeholders. His relations with board and committee members is solid and built on years of effort/collaboration. (DK)

- Need better collaboration with other Boards, can sometimes appear frustrated and not paying attention.
- Again, OML violations, when TA has paid staff reflects negatively on the Board.
- * Depends who is being mentored.
- TA ALWAYS puts in extra time when needed and accepts extra responsibility. (LB)

Employee Feedback (as needed)

Leadership [Managers Only]

	SS	BS	DK	MH	LB	A
A. Contributes to a positive working environment through behavior; demonstrates commitment to their work	2	4.5	4	4	3	3.5
B. Makes effective decisions based on available information	3	4	5	4	5	4.2
C. Employee's success in gaining cooperation and a high level of performance from employees supervised	2	4	4	3	4	3.4
D. Employee's ability to motivate employees he/she supervises through their action and example	2	4	4	3	3	3.2
E. Facilitates sharing of methods and knowledge; demonstrates "mentoring" ideas/tasks	2	4.5	5	3	3	3.5
F. Actively seeks new opportunities to network and build relationships with outside agencies and communities; has improved job performance and workplace presence through professional development	2	5	5	4	4	4 .0
G. Coaches, motivates, and develops other staff members in department/organization; gleans succession planning methods and puts them into practice	2	4.5	4	3	4	3.5
H. Willingly places extra time and effort to meet deadlines and accomplish goals, assumes additional responsibilities as needed	3	4.5	4	4	5	4.1
I. Exhibits strong interpersonal skills; presents willingness to offer counsel to others	2	4.5	4	3	4	3.5
J. Presentation and public speaking skills are articulate and tactful	3	4.5	5	4	5	4.3
K. Board relations: Is responsive and timely when dealing with appointed/elected board and cognizant of MGL's that apply to department/organization	2	4	4	4	3	3.4
L. Identify training/development opportunities for their employees, discuss with these individuals a plan for the year ahead and how these tasks will be measured for completion and effectiveness	1	4	4	3	4	3.2
Average	2.2	4.3	4.3	3.5	3.9	**3.7**

Leadership Comments

- There are significant shortcomings in this area. I expect the TA to pro-actively identify areas that need improvement, develop implementation plans to address them, build the necessary staff and support to make the specific improvements, and drive implementation of the improvement plans. While Mark has demonstrated some ability to do this in selected areas, he has not pursued a number of important opportunities over the past years. I expect consistent execution across a broad set of issues. What I've observed is progress with a very limited set of initiatives. Examples of important foregone opportunities include:
    - integration/streamlining of permitting processes;
    - overall review/restructuring of administrative staffing;
    - enhancement/integration of technology capabilities;
    - update/modernization of the Town's zoning code;
    - longer-term planning for the "next step" of significant capital investment (community center?);
    - plan for leveraging the Town's commuter rail asset;
    - plan for longer-term revenue generation as the Town's excess levy capacity disappears;
    - coordination/management of the "downtown initiative" across various boards/committees;
    - driving town entities (including DPW, Planning, Trails, EDC, etc.) to coordinate transportation/connectedness;
    - increase coordination and use of shared resources with the schools;
    - identifying/acquiring targeted grant funding;
    - working with each employee to create a training/development plan to enhance individual job skills and growth potential;
    - improve the quality/professionalism of the Town's administrative functions (e.g., upgrade the budgeting process to get GFOA budget award) (SS)

- Mark defines the purpose and long-term vision for departments, and with assistance from his Finance Team and Assistant Town Administrator seeks improvements in department processes and function. Mark is effective in getting ideas accepted and has an ability to inspire, motivate, instill confidence and high morale; earns respect and trust of others. Leads by example with words and deeds. Demonstrates integrity and business behavior and expects this in others. Instills accountability for results.
- Mark accepts responsibility and failures, quickly credits others on is team, and aligns priorities of work for an effective organization and delegates effectively. Tackles performance & discipline issues in a fair and timely manner. Resolves conflicts that arise in departments under his control. Understands the

Leadership Comments (continued)

- unique value of each person to enrich the effectiveness of the organization and its people (right people in right place at right time). Clearly communicates expectations. (BS)

- Mark exhibits excellent leadership abilities, and provides direction to a variety of employees, staff, boards, and committees. He presents very well and is always prepared for meetings. (DK)

- Did not set any goals in DPW Superintendent contract.
- A violation of the OML for the BOS for not responding in a timely manner should not have happened. Outside Council or the TA should have calculated the due date and not depended on a computer program that clearly in the past has done the correct date.
- Did not get up to help/defend the Facilities Director at Town Meeting, when the Finance Team scrubbed the budget and should have been confident in their numbers.
- Performance of employees should be reflective in TA review.
- Is not always aware of potential funding available for Southborough – Cares Act or legislative
- Overall gives very good guidance and information to the Board and does a very good job.
- These comments are only to make the TA more effective and transparent to the BOS and taxpayers. (LB)

Employee Feedback (as needed)

Performance Assessment – Town Administrator – Southborough

Rating Averages - FINAL - 2020

	SS	BS	DK	MH	LB		
QUALITY OF WORK						**AVERAGE**	
A	3.0	4.5	5.0	4.0	5.0	**4.3**	Above Expectations
B	3.0	4.0	5.0	4.0	4.0	**4.0**	Above Expectations
C	1.0	4.0	5.0	3.0	5.0	**3.6**	Meets Expectations
D	2.0	4.0	5.0	4.0	4.0	**3.8**	Meets Expectations
E	3.0	5.0	5.0	3.0	5.0	**4.2**	Above Expectations
F	3.0	4.0	5.0	4.0	4.0	**4.0**	Above Expectations
	2.5	4.3	5.0	3.7	4.5	**4.0**	Above Expectations
PRODUCTIVITY						**AVERAGE**	
A	3.0	4.0	4.0	4.0	4.0	**3.8**	Meets Expectations
B	2.0	4.0	5.0	5.0	4.0	**4.0**	Above Expectations
C	2.0	5.0	5.0	3.0	3.0	**3.6**	Meets Expectations
D	1.0	4.0	5.0	4.0	4.0	**3.6**	Meets Expectations

Rating Averages - FINAL - 2020

	SS	BS	DK	MH	LB		
E	3.0	5.0	5.0	4.0	5.0	**4.4**	Above Expectations
F	3.0	4.0	4.0	3.0	4.0	**3.6**	Meets Expectations
G	3.0	4.5	4.0	4.0	5.0	**4.1**	Above Expectations
H	3.0	4.0	5.0	3.0		**3.8**	Meets Expectations
	2.5	4.3	4.6	3.8	4.1	**3.9**	Meets Expectations

Rating Averages - FINAL - 2020

	SS	BS	DK	MH	LB		
COMMUNICATIONS						**AVERAGE**	
A	2.0	4.0	4.0	3.0	4.0	**3.4**	Meets Expectations
B	2.0	4.5	4.0	4.0	3.0	**3.5**	Meets Expectations
C	3.0	4.5	4.0	3.0	5.0	**3.9**	Meets Expectations
D	3.0	4.0	4.0	4.0	3.0	**3.6**	Meets Expectations
E	2.0	4.0	4.0	4.0	4.0	**3.6**	Meets Expectations
F	2.0	4.5	4.0	3.0	5.0	**3.7**	Meets Expectations
G	2.0	4.5	4.0	4.0	4.0	**3.7**	Meets Expectations
	2.3	4.3	4.0	3.6	4.0	**3.6**	Meets Expectations

COLLABORATION/INTERPERSONAL SKILLS						**AVERAGE**	
A	2.0	4.5	4.0	3.0	3.0	**3.3**	Meets Expectations
B	2.0	4.5	4.0	5.0	5.0	**4.1**	Above Expectations
C	2.0	4.0	4.0	3.0	5.0	**3.6**	Meets Expectations

Rating Averages - FINAL - 2020

	SS	BS	DK	MH	LB		
D	2.0	4.5	4.0	3.0	3.0 *	**3.3**	Meets Expectations
E	3.0	4.5	4.0	4.0	5.0	**4.1**	Above Expectations
F	2.0	4.5	4.0	4.0	4.0	**3.7**	Meets Expectations
G	1.0	4.0	4.0	5.0	2.0	**3.2**	Meets Expectations
	2.0	4.4	4.0	3.9	3.9	**3.6**	Meets Expectations

Rating Averages - FINAL - 2020

	SS	BS	DK	MH	LB		
LEADERSHIP						**AVERAGE**	
A	2.0	4.5	4.0	4.0	3.0	**3.5**	Meets Expectations
B	3.0	4.0	5.0	4.0	5.0	**4.2**	Above Expectations
C	2.0	4.0	4.0	3.0	4.0	**3.4**	Meets Expectations
D	2.0	4.0	4.0	3.0	3.0	**3.2**	Meets Expectations
E	2.0	4.5	5.0	3.0	3.0	**3.5**	Meets Expectations
F	2.0	5.0	5.0	4.0	4.0	**4.0**	Above Expectations
G	2.0	4.5	4.0	3.0	4.0	**3.5**	Meets Expectations
H	3.0	4.5	4.0	4.0	5.0	**4.1**	Above Expectations
I	2.0	4.5	4.0	3.0	4.0	**3.5**	Meets Expectations
J	3.0	4.5	5.0	4.0	5.0	**4.3**	Above Expectations
K	2.0	4.0	4.0	4.0	3.0	**3.4**	Meets Expectations
L	1.0	4.0	4.0	3.0	4.0	**3.2**	Meets Expectations
	2.2	4.3	4.3	3.5	3.9	**3.7**	Meets Expectations

RECEIVED
By Town Clerk/rhc at 1:53 pm, Jan 13, 2021

TOWN OF SOUTHBOROUGH

BOARD OF SELECTMEN Meeting Minutes

Meeting Date: Tuesday, December 15, 2020, 6:30 P.M.
Location: Virtual Meeting through Zoom
Present: Marty Healey, Lisa Braccio, Chelsea Malinowski, Brian Shea, Sam Stivers and Town Administrator Mark Purple

I. Chairman Healey called the meeting to Open Session at 6:30 P.M. Chairman Healey read the following statement:

Pursuant to Governor Baker's March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, §18, and the Governor's March 15, 2020 Order imposing strict limitation on the number of people that may gather in one place, this meeting of the Southborough Board of Selectmen will be conducted via remote participation to the greatest extent possible. Specific information and the general guidelines for remote participation by members of the public and/or parties with a right and/or requirement to attend this meeting can be found on the Town of Southborough's website, at https://www.southboroughtown.com/. For this meeting, members of the public who wish to watch or participate in the meeting may do so in the following manner by finding the meeting at: https://www.southboroughtown.com/remotemeetings. No in-person attendance of members of the public will be permitted, but every effort will be made to ensure that the public can adequately access the proceedings in real time, via technological means. In the event that we are unable to do so, despite best efforts, we will post on Southborough's website an audio or video recording, transcript, or other comprehensive record of proceedings as soon as possible after the meeting.

II. Public Comment
None

III. Scheduled Appointments
State Delegation – Legislative update
Chairman Healey welcomed Senator Eldridge and Representative Dykema and invited them to speak. Senator Eldridge reviewed some of the initiatives he is working on at the State House which includes support of public health departments, food assistance in the fiscal year 2021 budget, the police reform bill, a clean energy bill, an economic development bill and the Community Mass Works grants. Senator Eldridge explained his work on inclusion housing, affordable housing and healthcare bills. He stated he has worked with Mr. Purple to inform him of upcoming grant opportunities and summarized some that the Town has been granted in the past. Senator Eldridge stated he set aside $250,000 for every Town in his district that has an MBTA station for improvements and asked the Town to inform him if they would like to move forward with this as it is possible to have the funds released from the Governor as a bond.

Representative Dykema explained the status of the budget which she described as behind schedule due to the pandemic. She stated that this year the State budget is based on estimates rather than a solid understanding of revenues and these numbers assume the success of a vaccine rollout program. She described the program and urged the public to look at the DPH website to find which phase they fall into. Representative Dykema stated that there will be more

funds from the federal government, more focus on support for unemployment, individuals and municipalities. She described multiple grants that could be applicable related to public health, technology assistance, main street economic recovery and small business and economic development. She urged those interested to look into more at the Mass Development website page. Representative Dykema described the Allston/Brighton Viaduct Project and her work to ensure lanes on the Mass Turnpike are not eliminated.

Ms. Braccio asked for more information on the Allston/Brighton Viaduct Project and how it could impact the Town. She asked for assistance with reaching the DCR regarding a resident's property on the reservoir. Senator Eldridge stated he can assist through his office. Representative Dykema stated she knew the person to contact at DCR and would be happy to assist Ms. Braccio with the matter. Ms. Braccio asked for their opinions on the Presidential Election. Senator Eldridge replied that changes were made to ensure it was easier for the public to vote and has not seen or heard evidence of voter fraud. Representative Dykema stated that Mr. Hegarty and the Town Clerk's Office is excellent at running an election and she also has not heard of any voter fraud which is a testament to the great work they do. Ms. Braccio asked for guidance on OPEB or unfunded pensions. Senator Eldridge stated that most towns are continuing to meet the guidelines. Representative Dykema stated the same concerns exist at the State House and they must fund this when possible.

Ms. Malinowski asked for more clarity on regionalization funding. Representative Dykema stated the guidelines should be coming when the application is released. She added that she will send a copy of the legislature to review the legal language. Ms. Malinowski asked about distribution of the COVID-19 vaccine outside of phase one. Representative Dykema replied that the majority of vaccinations will be distributed through a partnership with Walgreens and CVS.

Mr. Shea asked about the timing for the public health grants. Senator Eldridge stated that he hopes within the next month or two and they would have to see what the Legislature overrides. Mr. Stivers stated that the Town would be eligible for approximately $14,000 of the $10 million public health support funding based off of population. He asked for assistance in gaining access to more funding. Mr. Stivers requested assistance to accelerate the cooperation with DCR on the Town's public access plan. Mr. Stivers asked to follow up with them regarding a piece of property owned by MASSDOT near the Mass Turnpike and a possible easement to open space land. Senator Eldridge stated he would follow up with DCR on his request and Representative Dykema stated she was hopeful for more federal funding to help supplement public health resources.

Chairman Healey described the work done with Chief Paulhus and Chief Achilles regarding steps taken to improve recruitment and hiring in light of events taken place in 2020. He asked if there was much of a gap between the police reform bill passed by the Legislature and what the Governor sent back. Senator Eldridge gave a description of what was passed and what will be reconsidered. He added that the House does not have enough votes to override a veto and it will be challenging to do so. Chairman Healey asked about the safety of commuter rails with less frequent service due to the pandemic. Representative Dykema described another country where train cars were congested but not limited during the pandemic and was found to not be a significant spreader of COVID-19. She stated that the challenge is increasing the confidence of the public that public transportation is safe. She described measures the T has taken to enforce mask wearing, spot checking and ideas about future habits to gain more ridership. Chairman Healey stated affordable housing is challenging for a small Town like Southborough and stated he may be reaching out for assistance. Senator Eldridge replied that most towns are focused on this

and most have created an affordable housing trust. He described the work the Town of Acton is doing to increase affordable housing and what is being done at the State level. He stated he was happy to connect the Town with non-profit developers and he would like to discuss strategies at another time.

Frederica Gillespie, Chair of the Open Space Preservation Commission asked about next steps to move the fence at the Mass Turnpike and Halloran property for more access to the open space. Representative Dykema stated that the next step would be to work with the Board and get an endorsement to move forward for Senator Eldridge and Representative Dykema to connect with MASSDOT for this project. She asked for more information on the project to be forwarded as well. Mr. Stivers stated he had a map he could forward.

Kathryn McKee, Chair of the Trails Committee offered her assistance to send resources to Senator Eldridge and Representative Dykema for the conversation with DCR regarding the public access plan.

<u>Karen Galligan – DPW Superintendent</u>

a. Main Street update

Ms. Galligan stated the project is 99% done with a punch list of items to finish that are set for next spring. She listed these items to include the addition of a crosswalk, shrubs and trees and other small items. Chairman Healey asked about the placement of stop signs and Ms. Galligan replied that is decided federally through the MUTCD. She said some utility poles still need to be moved which is the responsibility of the utility company. She added that she believes the project will be complete by June. Mr. Shea asked if there were any outstanding issues the State needs to complete. Ms. Galligan replied there were and she is working with them. Mr. Stivers said he sees inconsistent behavior from the traffic light at the intersection and Ms. Galligan stated she would look into this. Ms. Braccio requested speed bump signs be added to the Town House as they are much bigger than she initially thought. Ms. Galligan stated Mr. Purple requested that and they will be installed. She also is having them reviewed as they were not built to design.

b. Proposal for intersection/pocket park at Cordaville/Common intersection

Ms. Galligan shared multiple plans depicting a proposed pocket park, additional parking and a fix to the intersection. She explained the results of her meeting with St. Mark's and an engineer regarding this project. She showed where the pocket park would be and the approach for fire trucks at this intersection. Ms. Galligan explained a proposed native species garden on Library property and trails for people to walk. Mr. Shea asked for clarity on the plan and a potential secondary outlet. Ms. Galligan explained this and the proposed drainage solution. Mr. Stivers stated he would be in support of access at both ends of the parking lot and asked about overflow parking. Ms. Galligan explained that the lot will be mostly St. Mark's with some shared spots.

Ms. Braccio asked who would be maintaining the parking lot and Ms. Galligan stated St. Mark's would as it is their lot. Ms. Braccio asked about funding and Ms. Galligan explained that the Shared Streets Winter Grant will be used for as much funding as possible but did not believe it would cover all the costs. She added there is a grant for the native species garden that could be used. Ms. Malinowski asked for clarity on where the parking is that will no longer exist and Ms. Galligan explained. Ms. Malinowski asked if St. Mark's was going to ask the Town to pay for the paving that is not covered by the grant. Ms. Galligan replied that they are working hard to get the grant application in as soon as possible and there will be discussions and negotiations on this topic but the work will need to be done. Ms. Malinowski asked if this project was the best fit for

the grant. Ms. Galligan stated she believed it integrates the most of what is being looked at for this grant. Ms. Malinowski asked Ms. Galligan to speak with Chief Achilles regarding the reconfiguration of the street and Ms. Galligan agreed. Chairman Healey stated that the sense of the Board is that St. Mark's is benefitting greatly from this project and they can cover the cost of paving the lot. Mr. Purple noted that the collaboration with St. Mark's is a great public/private partnership.

Kristin LaVault (12 Southwood Drive) asked if the primary driver for discussions to begin was St. Mark's request for an expanded and paved parking lot. Ms. Galligan stated that it was not and the Town started the discussion as there were complaints that on street parking was being eliminated during the Main Street project.

Frederica Gillespie (78 Southville Drive) stated that there is potential for OSPC to collaborate with St. Mark's for native plant programming with a biology connection. She added that green stormwater infrastructure is a great nature-based option and cost effective.

Mr. Donovan stated that he has conducted two strategic plans for the Library and parking is consistently an issue. He added that parking is not an issue only during high volume events but also throughout the summer season.

c. Review of CSX easement for Main Street project

Ms. Galligan gave the Board an update on the CSX easements with the landowners affected and stated the Knights of Columbus sent in their signed easement agreement and will be installing a fence, Mr. Lamy of Lamy Insurance will be entering into an easement agreement and Mauro's has not been in contact with CSX. She added that 2 East Main Street is a vacant lot and their easement will be dealt with when it is developed. Ms. Galligan shared her screen to show updated plans and explained where the easements and curbing would be placed and why. Chairman Healey asked Ms. Galligan to speak with CSX regarding not proceeding with this project and she agreed to do so. Chairman Healey asked CSX's position at Mauro's. Ms. Galligan explained that CSX needs to ensure the tracks are not accessible and the Town is obligated to fix the drainage. Eversource will be replacing the gas main located there at the same time. Mr. Stivers asked if CSX's primary interest is safety and Ms. Galligan replied in the affirmative. Ms. Malinowski asked what would happen if the Town does not move forward with the project. Ms. Galligan explained what work would be conducted and the relative challenges. She explained the advantages to moving forward with CSX to fix drainage and underground work to improve the crossing. Ms. Malinowski clarified that by doing the entire project the Town would be fixing approximately two to four issues and Ms. Galligan agreed with that assessment. Ms. Galligan stated she believes part of the issue with Mauro's is the potential to lose parking.

Mr. Shea asked for clarity on the plans and the easement agreement with the Knights of Columbus and Lamy Insurance. Ms. Galligan provided more information. Ms. Malinowski asked for timelines. Ms. Galligan stated she would like to be able to vet the project over January, February and March to bid and start work in the summer and fall. Chairman Healey outlined the three options for the Town to receive the easements and stated that a thorough discussion needs to be had with CSX and Mauro's. Ms. Braccio stated that the advantages of getting easements from CSX is to put additional curbing to protect the tracks and defray people from going on to the tacks and the opportunity to fix drainage in the area. Ms. Galligan agreed with the statement and reminded the Board that CSX is getting value from the Town and the easements are not free of charge.

IV. Reports

Chairman's Report

a. FY22 Budget Update

Chairman Healey updated the Board that the schools, Advisory Committee, Mr. Ballantine, Mr. Purple and he has met about the budget and it is concluded that fiscal year 2022 will have a higher tax rate. He stated work is being done to lower the tax rate and they are waiting for final preliminary numbers from the school. Mr. Purple stated that the budget from the school is submitted to them around the second week of January. He outlined an enrollment shift in the regional school.

Members' Reports

a. Closeout on Rent & Mortgage program

Ms. Malinowski stated that the program has been closed out after receiving eight applications; seven of which qualified for rent or mortgage assistance. She stated Ms. McAuliffe and she reviewed every document to ensure they met all requirements for the program. Checks totaling $13,000 was released to Youth and Family Services to those families who applied. Ms. Malinowski stated Ms. McAuliffe worked hard with Youth and Family Services to ensure checks were timely cut in order for reimbursement from the CARES ACT.

b. Update on Senior Events

Ms. Malinowski stated she had the opportunity to touch base with Ms. LeFrancois and coordinated efforts for community outreach with seniors. She added she is excited to partner with the Senior Center staff to coordinate COVID-19 and post COVID-19 community connections with seniors.

Ms. Braccio stated she assisted with a Santa/Holiday drive through with the Seniors and it was a huge success.

c. Board of Health staffing

Mr. Stivers stated that the Board of Health is working to staff appropriately to keep up with contract tracing of COVID-19 and the upcoming vaccine distribution process. He added that Mr. Purple has organized a meeting with the Board of Health, Fire Department and Advisory Committee to collaborate resources and create a program to support the needs of the Town. Mr. Purple stated that during the meeting they were notified that the Public Health Nurse is resigning from her position in February and he was notified that Mr. Pisinski will be resigning as the Public Health Director. He explained that Mr. Pisinski has more of an expertise in environmental health and moving forward, the Town will be looking for someone who also has public health experience. He added that Ms. Woodford had outlined a plan moving forward that included assigning responsibilities for this process. Mr. Purple said that after Representative Dykema told the Board that vaccines will be given to the general public through Walgreens and CVS, the meeting members spoke about establishing relationships with one of these stores to inquire what could be done locally.

Town Administrator's Report

a. Update on CHA for CommCan, RE: Payments

Mr. Purple explained the terms of the community host agreement and payments required from CommCan, Inc. He stated the Town was issued a letter from their attorney stating that any payment above the 3% is no longer allowed for fees you can include in agreements. Ms.

Esposito, Ms. Hale and he had inquired to other towns regarding their agreements and payments and most were not aggrieved that they were not getting their payments per their community host agreement. He gave Uxbridge as an example and stated most agreements focus on the 3% payment and the marijuana dispensary or growing facility tends to make a voluntary donation of $10,000 - $25,000 to a charity of the Town's choosing. Chairman Healey stated that contract law should apply unless negated by an act of legislature and he was unaware of any that did so. Mr. Shea stated that as a Board member who negotiated the agreement, CommCan provided example host agreements to reference and he did not recall the Board creating the $50,000 payment in addition to the 3%. He added that the agreement was signed by both parties and he is not willing to walk away from that based on CommCan's attorney opinion. Ms. Braccio agreed. Mr. Stivers suggested an informational session with a cannabis attorney. Chairman Healey stated he would like to find the correct path to proceed regarding this disagreement before investing resources.

b. Update on Arts Center notice for perc test

Mr. Purple stated that a notice was sent out to abutters within a three-hundred-foot radius and special notification was sent to the two departments residing in the Art Center. He added that Ms. Galligan is working to make the perc tests happen as soon as possible to complete before the ground begins to freeze.

c. Reminder on CARES ACT closeout on 12/30

Mr. Purple stated that reminders went sent out from the Town Accountant to explain that closeouts are on 12/30 for the CARES ACT. He added that responses were already submitted and will be included. He explained that reconciliation and checks for the appropriate funding will be done in January and if any submissions are not applicable to FEMA, then it will carry over to the CARES ACT as a funding request.

d. Update on Common flagpole

Mr. Purple stated the Board received plans from the Building Commissioner for a 110-foot flagpole. He stated one question was why the pole was moving fifteen feet from its current location and he explained it was because new footings were needed to support the pole. He added that all the landscaping and the wall around the pole will be moved or recreated.

Mr. Purple gave accolades to Mr. Davis as both lighting projects have been unanimously approved by the Planning Board and permitting is completed. He will now be focusing on bidding and construction pieces.

Consent Agenda

a. Ms. Malinowski asked to hold agenda item "a." Ms. Malinowski asked to reword the sentence on the November 24th minutes to read, "she asked Mr. Purple to revise the minutes to include the second agenda item and the motion, the second and unanimous vote affiliated with it." The Board agreed. Chairman Shea made a motion to approve Open Session Minutes: August 28, 2020; November 24, 2020; December 1, 2020 with the revision as amended for November 24, 2020. Mr. Shea seconded. The motion passed all in favor (5-0-0) by roll call vote, Braccio, aye; Malinowski, aye; Shea, aye; Stivers, aye; Healey, aye.

b. Chairman Healey made a motion to approve 2021 Annual License Renewals (Detailed list attached). Mr. Shea seconded. The motion passed all in favor (5-0-0) by roll call vote, Braccio, aye; Malinowski, aye; Shea, aye; Stivers, aye; Healey, aye.

c. Chairman Healey made a motion to accept the donation of $24,354.00 from Harvard University Southborough Campus for the Police and Fire donation accounts. Mr. Shea seconded. The motion passed all in favor (5-0-0) by roll call vote, Braccio, aye; Malinowski, aye; Shea, aye; Stivers, aye; Healey, aye.

d. Chairman Healey made a motion to accept a donation in the amount of $100.00 for the Fire Dept. Ambulance Fund. Mr. Shea seconded. The motion passed all in favor (5-0-0) by roll call vote, Braccio, aye; Malinowski, aye; Shea, aye; Stivers, aye; Healey, aye.

e. Chairman Healey made a motion to extend the term for Capital Planning – School Research Subcommittee to February 28, 2021. Mr. Shea seconded. The motion passed all in favor (5-0-0) by roll call vote, Braccio, aye; Malinowski, aye; Shea, aye; Stivers, aye; Healey, aye.

f. Ms. Malinowski asked to hold agenda item "f." Ms. Malinowski informed the Board she would need to abstain to this vote and Chairman Healey stated he would need to recuse himself. Mr. Shea made a motion to approve Bond Anticipation Notes for Fire Truck and Finn Boiler. Mr. Stivers seconded. The motion passed (3-0-2) by roll call vote, Braccio, aye; Shea, aye; Stivers. Ms. Malinowski and Chairman Healey abstained.

V. Other Matters Properly Before the Board

Review of EDC Residential Info Packet

Ms. Braccio stated that the EDC created a package they intend to share with businesses and residents in the downtown area. She added the EDC approved the document and Ms. Connelly is asking for Board approval. She said that the document was to provide history and background to residents and businesses in the downtown area regarding the downtown initiative for transparency. Ms. Connelly elaborated that the document would educate those potentially affected by the zoning changes and the EDC would like to distribute it before the Planning Board hearings. Ms. Braccio listed her concerns which included the inclusion of an address not in the proposed Downtown Village District, including an image of a lot with a stream that runs through it which could lead to conservation concerns and item number seven which is part of a court case. She suggested item number seven be completely removed until a resolution has been reached. Ms. Connelly stated the items included were identified two years ago in the ULI report. Ms. Braccio suggested that item number three and seven be removed for transparency. Ms. Malinowski agreed. Mr. Shea suggested the entire page be removed and Mr. Stivers agreed. Ms. Braccio asked that the picture on page nine be removed as well and explained that she would not want the public to see this document and think the Downtown Initiative is motivated for a specific project which is not the case. Mr. Shea agreed and said the document should have a minimal number of renderings as what is depicted could be very different from what is built. Ms. Malinowski agreed and explained that the Town may not have control over the physical appearance of these projects and there should be no reference to anything pending a court hearing.

Chairman Healey stated he felt it was a sales document and understood taking the dryness of changing zoning and turning into more aesthetic renderings. He added that a lot of the renderings could be achieved without changing the zoning and the sales aspect feels unnecessary. Ms. Connelly stated the intention is not to be salesy but to show the potential of what could happen if zoning was changed. Ms. Braccio reviewed more concerns regarding pictures referenced in the document and the statement that in 2018 the EDC supported 2 East Main Street as a mixed-use building. Chairman Healey stated that the reference to the 2018 EDC support could stay in as it is an accurate telling of history. Chairman Healey made a motion to give Ms. Braccio authority to sign off on any edits to the document before it is distributed. Ms. Malinowski seconded. Mr. Stivers stated that it is important to keep the process moving

forward. The motion passed all in favor (5-0-0) by roll call vote, Braccio, aye; Malinowski, aye; Shea, aye; Stivers, aye; Healey, aye.

Ms. Luttrell stated she had an issue with the statement that the EDC supported mixed-use at 2 East Main Street as it is not allowed. Chairman Healey replied that he did not disagree with that statement and asked if in fact this happened. Ms. Luttrell replied that it was questionable. Ms. Connelly stated it was complicated and Chairman Healey asked that the statement be removed from the document.

Ms. LaVault stated as a member of the public she felt the renderings were important to gain interest from resident. She suggested adding what the zoning change will not allow as well.

Goal setting for the Town Administrator

Chairman Healey explained that Mr. Purple's next evaluation is February or March and the goals for this would be relatively modest due to timing. He listed his goals for Mr. Purple which included having more fulsome communication with the Board and using his authority as listed in the Town Administrator bylaw to take initiative on his own projects. Mr. Stivers stated that there could be a dozen worthwhile projects for Mr. Purple to initiate and coordinate. He asked Mr. Purple to suggest some items and listed the Board of Health, Personnel Board and coordination between the Building Inspector and Historical Commission as appropriate to focus on. Ms. Braccio added she would like to see formal reviews for other contracted employees and setting goals for department heads and contracted employees who fall under him. Ms. Malinowski asked for reviews and goals for contracted employees and tying those goals to their annual review. She asked that Mr. Purple hold evaluations for any employee that has not been reviewed in the last eighteen months by February or March. Ms. Malinowski asked Mr. Purple to work collaboratively with department heads and other elected boards to improve Town services and reduce costs. She highlighted his work with Ms. Galligan as a good example. Mr. Shea stated he agreed with the above but stated the goals for Mr. Purple should be manageable and a long list will set him up for failure. He asked Mr. Purple to create a list of long-term goals to present to the Board in February or March.

Mr. Purple stated he will include a goal chart that highlights progress into the Board agenda packet. He explained that the sidewalk access to the Public Safety Building will be reviewed during the transition plan being done by CMRPC. He further explained what would be done if it is something that needs to be done. Mr. Purple explained the reorganization of the Selectmen's Office including the transition of Ms. Barry to the Selectmen's Office and the plan to revise the job descriptions for Ms. Esposito and Ms. Hale to broaden the benefit of these positions to support other offices.

Board liaison for Finance Team, RE: Quarterly financial reports

Chairman Healey made a motion to designate Ms. Malinowski as the Board liaison for the Finance Team. Ms. Braccio seconded. The motion passed all in favor (5-0-0) by roll call vote, Braccio, aye; Malinowski, aye; Shea, aye; Stivers, aye; Healey, aye.

Approve draft zoning bylaw for Downtown Initiative

Ms. Braccio stated she had concerns approving the document this evening as she found inconsistencies from the consensus agreed upon at the last meeting. She explained the inconsistency of the documented floor area ratio and the feedback provided by Attorney Costa. Ms. Braccio suggested the Board not vote on this document and work with the EDC and Ms.

Barrett to update the document to include what was agreed upon in their previous joint meetings. She stated she could work with the EDC and bring an updated document to the Board at the first meeting in January. The Board agreed.

Discussion of policies and practices for boards & committees

Chairman Healey asked to move this agenda item to the January 5, 2020 meeting. The Board agreed. Chairman Healey asked that the chairs of boards and committees be advised that the Board will be reviewing and updating these documents to reflect the virtual meeting environment.

Close warrant for March 20, 2021 Town Meeting

Chairman Healey made a motion to close the Town Warrant for March 20, 2021 Town Meeting. Mr. Shea seconded. Mr. Purple explained the additional warrant articles sponsored by the Community Preservation Commission. He added that there is a placeholder for the potential for another article from the CPC.

Ms. Malinowski asked about the process for potential changes to the Demolition Delay Bylaw from the Historical Commission. Mr. Purple explained and stated that no formal documentation for this has been submitted. He added that he will add a placeholder for a potential Historical Commission bylaw change in the warrant. Ms. Malinowski asked about the articles carried over from the previous Town Meeting. Mr. Shea explained that citizen petitions must be included in the warrant and cannot be pulled. Mr. Purple explained additional placeholders and stated with these there are forty-three articles. Chairman Healey made a motion to close the forty-three article warrant for the March 20, 2021 Town Meeting. Mr. Stivers seconded. Ms. Malinowski asked about a separate CPC article for SHOPC. Mr. Purple explained and stated it would fall under a current CPC article. The motion passed all in favor (5-0-0) by roll call vote, Braccio, aye; Malinowski, aye; Shea, aye; Stivers, aye; Healey, aye.

VI. Public Comment

None

VII. Executive Session

At 10:24 P.M. Chairman Healey made a motion for the Board to enter into The Board will be entering into Executive Session per M.G.L. Chapter 30A, Section 21, and not returning to Open Session, for the following matters – to discuss the value of real property (Exemption 3) as it relates to tax foreclosure proceedings for 44 Bigelow Road; and to comply with, or act under the authority of, any general or special law (Exemption 7) to review and approve the Executive Session minutes of November 17, 2020. Mr. Stivers seconded. The motion passed by roll call all in favor (5-0-0) by roll call, Braccio, aye; Malinowski, aye; Shea, aye; Stivers, aye; Healey, aye.

Upcoming Meetings
January 5, 2020
January 19, 2020

Respectfully submitted,

Kathleen Barry, Recording Secretary

List of Documents referred to at the December 15, 2020 BOS Meeting:

- Fiscal Year 2021 Goals
- Draft Selectmen's Minutes, August 28, 2020
- Draft Selectmen's Minutes, November 24, 2020
- Draft Selectmen's Minutes, December 1, 2020
- 2021 Annual License Renewals
- Letter from Andrew Laplume to Mark Purple dated 12.3.20
- Letter from Chief Achilles to BOS dated 12.9.30
- Letter from Jason Malinowski to Mark Purple dated 12.8.20
- Letter from Brian Ballantine to BOS dated 12.9.20
- EDC Downtown Initiative Update
- Draft Downton Business Village District V.3
- Town of Southborough Policies and Procedures
- AG Opinion – Sandisfield OML violations
- Annual Town Meeting Warrant, March 20, 2021
- Packet Easement Decision BOS 12.2020
- Sec 174TownCtrDistrict v4 FINAL Annotated by AJC
- 12.4.20 - Forging Ahead MetroWest Legislator Comments
- 10.30.20 - Allston Multimodal Legislator Comments

THE GENERAL COURT OF MASSACHUSETTS
STATE HOUSE, BOSTON 02133-1053

October 30, 2020

Secretary Stephanie Pollack
Massachusetts Department of Transportation
10 Park Plaza, Suite 4160
Boston, MA 02116

Jeffrey McEwen
Division Administrator
Federal Highway Administration
55 Broadway, 10th Floor
Cambridge, Massachusetts 02142

Dear Secretary Pollack and Administrator McEwen,

We appreciate this opportunity to offer comment on the alternative designs being considered for the Allston Multimodal Project. The final design chosen for this project will impact generations of residents in the Allston and surrounding areas as well as those who, like our constituents, commute in and out of greater Boston from the west.

There appears to be growing support among stakeholders for the selection of the Modified All At Grade alternative and we have carefully followed the process which brought us to this point. There are many benefits to an all-at-grade design, however these comments are not offered to advocate for or take a position on any particular alternative. Regardless of the selected alternative, it is essential that travel options are protected for commuters from areas west of the project, both during and after construction.

Legislators from the MetroWest and Central MA regions have expressed our interests and priorities in numerous previous communications and meetings. While there are many important considerations to be taken into account when selecting a preferred alternative including potential environmental impacts to the Charles River, the following concerns are of primary importance to the constituents we represent.

Maintain Existing Turnpike Travel Lanes and Tracks; Minimize Impacts During Construction: The chosen design must maintain the current highway capacity of at least four lanes of traffic in each direction on the Massachusetts Turnpike, including adequate shoulder space for public safety and snow removal. While the pandemic has resulted in decreased congestion in the immediate term, it should be expected that pre-pandemic congestion levels will return, and all current traffic lanes must be retained. During construction, four operational lanes of highway traffic and two tracks on the Framingham/Worcester Commuter Rail line

must be maintained to the greatest extent possible, and any closures or reductions must be limited in duration and scheduled during off-peak times.

In addition, any closures of the Grand Junction rail bridge during construction have the potential to significantly disrupt service on the south side of the Commuter Rail system, including the Framingham/Worcester line. The project must account for and fully mitigate impacts resulting from bridge closure, if such closure is required, and any capital improvements required for this mitigation should be fully completed prior to the start of construction.

Address Expected Climate Impacts: Careful attention must be paid to flood and stormwater mitigation and management both during and after construction given the increasing frequency and intensity of extreme weather events. Designs must account for both present and expected future climate conditions to ensure that the roadway and rail lines, particularly in the throat area, will not be subject to closures due to flooding.

Fully Account for Project Impacts to Commuters with a Formal Mitigation Plan: Given the potential impacts to commuters of this large, multi-year construction project, substantive and proactive mitigation planning must be incorporated into the design process and not left to a future time. A complete review of possible mitigation options must be undertaken and, to the greatest extent possible, mitigation must be identified, designed, and implemented prior to the start of construction. Mitigation efforts should include, at a minimum:

a) **Alternative transit options** tailored to the expected constraints created by construction, including, but not limited to, increased rail service during periods of lane reductions, shuttle bus service and increased satellite parking/park-and-ride service, and carpool incentives.
b) **Investments in existing infrastructure** which will experience additional demand as a result of the project, including acceleration of needed capital improvements for the Framingham-Worcester line.
c) **Coordination with other projects** that may impede travel along the corridor in order to ensure that the worst periods of construction-related travel impacts do not coincide with other construction delays along any of the multimodal travel corridors impacted by the Project.
d) **A standing Corridor Working Group** must be established for the duration of Project planning and construction to facilitate active communication among the legislative delegation, MassDOT, and identified stakeholders in order to anticipate, minimize, and mitigate potential impacts to commuters traveling in the corridor on all modes of transportation.
e) **A user-friendly online portal** for commuters and the public during construction to provide timely, up-to-date travel information and allow commuters to assess various travel options in planning their commutes.

These priorities are crucial to maintaining a functional travel corridor that under more traditional conditions is traveled by 130,000 commuters daily and experiences significant congestion. Whichever design is selected as the preferred alternative, these considerations must be addressed in a proactive and comprehensive manner.

Thank you for the opportunity to comment and for your attention to this important matter.

Sincerely,

Carolyn C. Dykema
State Representative
8th Middlesex District

Carmine L. Gentile
State Representative
13th Middlesex District

Jack P. Lewis
State Representative
7th Middlesex District

Maria D. Robinson
State Representative
6th Middlesex District

THE GENERAL COURT OF MASSACHUSETTS
STATE HOUSE, BOSTON 02133-1053

December 4, 2020

Secretary Stephanie M. Pollack
Department of Transportation
10 Park Plaza
Boston, MA 02116

Joseph Aiello, Chair
MBTA Fiscal and Management Control Board
10 Park Plaza
Boston, MA 02116

RE: Forging Ahead Legislative Comments

Dear Sec. Pollack, Chair Aiello, and members of the MBTA Fiscal and Management Control Board:

We write today to offer comment on MBTA Commuter Rail service changes that have been proposed as part of Forging Ahead. These comments are offered with a recognition that the COVID-19 pandemic has had unprecedented impacts on ridership and revenues, and that thoughtful policy discussions about how to respond to revenue shortfalls are required. We appreciate the Board's efforts to center these discussions around the needs of the riding public and applaud the numerous efforts to engage the public for feedback. Prior to the pandemic, constituents from MetroWest communities relied heavily on multiple Commuter Rail lines, including the Framingham/Worcester line, the Franklin line, the Needham line, and the Fitchburg line, and retaining this essential service in both the short and long term is essential.

The following comments are provided with three goals in mind: 1) to fully understand the financial picture and assumptions underlying these discussions and better assess the cost/benefit of proposed service changes; 2) to understand how a rapid return to full service can occur under the proposed scenarios; and 3) to urge the Board to delay any action until these proposals are better understood.

Clarify cost/benefit of proposed changes in both the short- and long-term
The financial and service implications of the various scenarios under consideration, in both the short and long term, remain unclear. Knowing that many costs associated with the Commuter Rail system are fixed in nature, more clarity is needed around where savings will be found, in addition to how these savings might impact fare revenue and other interdependent aspects of the rail system. It would be particularly concerning if workforce reductions factor significantly into expected savings, as this would hinder rapid return to service once ridership resumes. We know that experienced and highly trained staff are essential to rail safety, and training and onboarding new staff would be a lengthy process with the potential to greatly impede return of service. A clearer cost/benefit calculation and associated impacts to service levels must be understood before voting on any changes to ensure we are not pursing a plan that may generate short-term savings, but greatly compromise the future of the system.

Detail return-to-service expectations and assumptions
The proposed service changes have been described as temporary, but there has been little information presented on when service is expected to return and what assumptions have been made in the planning process. Before any service reductions are decided upon, there needs to be a

clear presentation of how, and how quickly service can be restored once ridership returns under the scenarios. This presentation needs to include detail on the data and information which serve as the basis for return to service assumptions, particularly information gained directly from the Commonwealth's employers relative to return to work expectations. A proposal to implement service cuts at a time when a vaccine is imminent raises questions that must be more directly addressed.

Find opportunities to innovate during this time of low ridership

Temporary decreases in ridership related to the pandemic do not diminish the longstanding challenges faced by MetroWest customers and Commuter Rail systemwide. Many of these needs were clearly defined in the Rail Vision process, including ideas for more consumer-friendly approaches to both scheduling and fares. During this time of low ridership, we should take the opportunity to experiment with and measure innovative ridership and fare approaches that could pay dividends in ridership and revenue post-pandemic. We all know that Commuter Rail will continue to play a crucial role in the Massachusetts economy and climate response. While we face short-term funding challenges, this doesn't preclude opportunities to pilot test limited-cost service delivery innovations and make progress toward the 21st-century transit system envisioned in the Rail Vision process.

Prioritize previously scheduled capital projects for possible federal funding

It is becoming increasingly likely that Congress may approve an infrastructure package that would provide funding to states for transit-related capital improvements. This funding should be used to restore essential projects that will dramatically improve service once ridership returns, including these priorities on the Framingham/Worcester Line:

- **Third Track project**: The proposed Third Track project, which is currently in the design stage, should be accelerated to minimize disruption to commuters during this low-ridership period and to increase mitigation options for upcoming major construction projects. This project, which would install an express track between Framingham and I-95, will increase availability of express rush hour trains that will be needed under normal conditions and especially during construction of the Allston Multimodal Project.
- **Increased parking capacity**: Parking-related capacity improvements are urgently needed on the Framingham/Worcester line.
- **Improvements to stations:** It should be the goal of the MBTA to make all Commuter Rail stations ADA-compliant with high platforms, particularly those already scheduled in Newton and improvements to Worcester Union Station which will allow for more robust and responsive future service.

Account for mitigation of Allston Multimodal Project impacts

As you are aware, planning and engagement is continuing for the upcoming Allston Multimodal Project which is expected to begin construction in 2022. The administration has recognized that mitigation planning for the Allston Multimodal Project is essential, and the Framingham/Worcester line will serve as an important alternative to I-90 during periods of construction-related lane closures. This project must be considered when estimating service requirements and return of ridership on the Framingham/Worcester line specifically.

Delay binding FMCB votes until financial needs and short- and long-term impacts are better understood

Given the significant number of questions still outstanding including a recent finding by the MBTA Advisory Board that cuts are unnecessary, and the clear opposition to service reductions shown in the recent MassINC poll, it is premature for the FMCB to take any binding votes on specific service

changes at this time. With a vaccine on the immediate horizon, and the likelihood of federal funding increasing, any votes on service changes should be delayed, at a minimum, until 2021.

Thank you for your consideration of these comments. We welcome your ongoing engagement and any questions that you may have and look forward to receiving additional information about this initiative.

Sincerely,

Carolyn C. Dykema
State Representative
8th Middlesex District

David P. Linsky
State Representative
5th Middlesex District

Denise C. Garlick
State Representative
13th Norfolk District

Brian W. Murray
State Representative
10th Worcester District

Carmine L. Gentile
State Representative
13th Middlesex District

Alice H. Peisch
State Representative
14th Norfolk District

Danielle W. Gregoire
State Representative
4th Middlesex District

Maria D. Robinson
State Representative
6th Middlesex District

Kate Hogan
State Representative
3rd Middlesex District

Jeffrey N. Roy
State Representative
10th Norfolk District

Hannah E. Kane
State Representative
11th Worcester District

Danillo Sena
State Representative
37th Middlesex District

Kay Khan
State Representative
11th Middlesex District

Michael J. Barrett
State Senator
3rd Middlesex District

Jack P. Lewis
State Representative
7th Middlesex District

Jamie B. Eldridge
State Senator
Middlesex & Worcester District

Becca L. Rausch
State Senator
Norfolk, Bristol, & Middlesex District

CC:
MBTA Fiscal and Management Control Board
Steven Poftak, MBTA General Manager
David Scorey, CEO, Keolis Commuter Services
Rep. William Straus, House Chair, Joint Committee on Transportation
Sen. Joseph Boncore, Senate Chair, Joint Committee on Transportation
Jonathan Lenicheck, MassDOT
Owen Kane, FMCB
Michael Muller, MBTA
Robert DiAdamo, MBTA

2021 Annual License Renewals			12-15-20 Board of Selectmen's Meeting	
License Type	**Liquor Type if applicable**	**Business Name**	**D/B/A**	**Address**
Automatic Amusement Device		Cork's Inc.	d/b/a Owen O'Leary's Restaurant	50 Turnpike Rd
Class I Auto Dealer		R.H. Long Motor Sales, Inc	Long Cadillac	218 Turnpike Road
Class II Auto Dealer		Bottom Line Exchange Co., Inc.		10 Turnpike Road
Class II Auto Dealer		Southborough Auto Sales Inc.	d/b/a Direct Auto Mall.com	251 Turnpike Road
Class II Auto Dealer		T&L Auto Care Inc.		6 Turnpike Road
Common Victualer		B.K.P. Inc.	d/b/a Fitzgerald's General Store	110 Southville Road
Common Victualer		L. Carpentier, Inc.	d/b/a Tomasso Trattoria & Enoteca	154 Turnpike Road
Common Victualer		Mauro's Village Café Inc.		2 Main Street
Common Victualer		J.D. Pizza Inc.	d/b/a Domino's Pizza	21-C Turnpike Road
Common Victualer		Muktesh Corp.	d/b/a Mauro's Market	4 Main Street
Common Victualer		The Wendy's Company	d/b/a Wendy's Properties, LLC	359 Turnpike Road
Common Victualer		Starbucks Corporation	d/b/a Starbucks Coffee #2950	154 Turnpike Road
Common Victualer		Joyce Jolina, Inc.	d/b/a Pizza 19	150 Framingham Road
Common Victualer		Cumberland Farms, Inc.		365 Turnpike Road
Common Victualer		O'Happy Foods Corp.	d/b/a Cold Stone Creamery	154 Turnpike Road, Ste 120
Common Victualer		Virgin Mary Mother of Light Inc.	d/b/a Turnpike Food & Liquor	65 Turnpike Rd
Common Victualer		Cork's Inc.	d/b/a Owen O'Leary's Restaurant	50 Turnpike Rd
Common Victualer		Southborough Variety Corp.	d/b/a Stony Brook Market	162 Cordaville Rd., Ste 100
Common Victualer		AV & ST, Inc.	d/b/a Pizzaville	90 Southville Road
Common Victualer		Culinary Underground LLC		21 Turnpike Rd, Suite E
Entertainment		Cork's Inc.	d/b/a Owen O'Leary's Restaurant	50 Turnpike Rd
Liquor	Club/All Alcohol	Fayville Athletic Assoc., Inc.		6 Grove Street
Liquor	Retail Package/All Alcohol	Southborough Variety Corp.	d/b/a Stony Brook Market	162 Cordaville Rd., ite 100
Liquor	Retail Package/Wine & Malt	B.K.P. Inc.	d/b/a Fitzgerald's General Store	110 Southville Road
Liquor	Restaurant/All Alcohol	L. Carpentier, Inc.	d/b/a Tomasso Trattoria & Enoteca	154 Turnpike Road
Liquor	Restaurant/All Alcohol	Cork's Inc.	d/b/a Owen O'Leary's Restaurant	50 Turnpike Rd

THE COMMONWEALTH OF MASSACHUSETTS
OFFICE OF THE ATTORNEY GENERAL
ONE ASHBURTON PLACE
BOSTON, MASSACHUSETTS 02108

MAURA HEALEY
ATTORNEY GENERAL

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November 20, 2020

OML 2020 – 149

VIA EMAIL

Brian Riley, Esq.
KP LAW
101 Arch Street, 12th Floor
Boston, MA 02110
[redacted]

RE: Open Meeting Law Complaint

Dear Attorney Riley:

This office received three complaints from Alex Bowman on April 22 and June 1, 2020, alleging that the Sandisfield Board of Selectmen (the "Board") violated the Open Meeting Law, G.L. c. 30A, §§ 18-25. The complaints were originally filed with the Board on February 17, April 14, and April 21, and the Board responded by letters dated March 5, April 27 and May 26.[1] In his complaints, Mr. Bowman alleges that the Board 1) posted insufficiently detailed meeting notices, 2) failed to timely respond to a request for open and executive session minutes, and 3) created insufficiently detailed meeting minutes.[2]

Following our review, we find that the Board violated the Open Meeting Law as alleged. In reaching this determination, we reviewed the original complaints, the Board's response to the complaints, and the complainant's requests for further review. We also reviewed the Board's January 27 open and executive session minutes.

DISCUSSION

1. The notices for the Board's January 27 and April 21 meetings contained insufficient detail.

[1] Unless otherwise specified, all dates refer to 2020.
[2] In addition, we decline to review any additional allegations contained in the request for further review that were not included in the original complaints filed with the public body. Our office does not conduct broad audits of public bodies and will address only specific allegations made in an Open Meeting Law complaint. See OML 2020-2; OML Declination 4-22-15 (Natick Economic Development Committee).

A public body must post notice of every meeting at least 48 hours in advance, not including Saturdays, Sundays, and legal holidays. G.L. c. 30A, § 20(b). Notices must include the date, time and place of the meeting, as well as a "a listing of topics that the chair reasonably anticipates will be discussed at the meeting." Id. The list of topics shall have sufficient specificity to reasonably advise the public of the issues to be discussed at the meeting. 940 CMR 29.03(l)(b). We generally consider a topic to be sufficiently specific when a reasonable member of the public could read the topic and understand the anticipated nature of the public body's discussion. See OML 2015-35.[3] A public body may discuss a topic not listed on a meeting notice if the topic was not anticipated by the chair 48 hours in advance of the meeting. See OML 2017-2; OML 2013-87.

The complaint alleges that several of the Board's meeting notices were insufficiently detailed. We address each in turn. First, as the Board concedes, the topic "contract negotiations" as included on the notice for executive session at the Board's January 27 meeting was insufficiently detailed because the Board could have specified that the negotiations pertained to the "Town Manager" without compromising the purpose for the executive session. See OML 2019-118 ("When convening in executive session pursuant to Purpose 2 or Purpose 3, a public body must identify the collective bargaining unit or nonunion personnel with whom it will be negotiating, if doing so will not compromise the lawful purpose for secrecy."). Second, as the Board concedes, an item "Selectmen's updates and Town Manager updates" for the January 27 meeting was insufficiently detailed where the Chair failed to list specific anticipated updates from the Selectmen. See OML 2020-44 (Public body chair must list all topics the chair anticipates will be discussed and, as a best practice, should solicit from non-members detail regarding the precise matters to be discussed.). Third, we find no violation with respect to the item "FY2021 Budget" on the March 18 meeting notice, as the meeting was cancelled. See OML 2020-53 ("When a public body does not actually deliberate on a noticed topic, the public body cannot violate the Open Meeting Law with respect to that topic, even if it would have been insufficiently detailed had the public body proceeded with its deliberation."). Fourth, the Board was not required to list every department that could be affected by "Budget reductions" on the notice for the March 25 meeting as the Chair anticipated discussing almost all departments and was not required to anticipate the course of the discussion. See OML 2019-26 ("We find that this topic, although not specifically listed on the meeting notice, fit within the Board's larger budget discussion, listed on the notice as 'Budget Review.'"); OML 2014-44 (Public body not required to anticipate course of deliberation); OML 2012-83 ("Where a public body is reviewing all articles for a Town Meeting warrant, it is not required to list all of the warrant articles on its meeting notice."). Finally, the Board provided insufficient detail about known Chapter 90 projects on its meeting notice for April 21. See OML 2019-121. ("Where a public body anticipates discussing specific Town Meeting warrant articles, it must specifically list them in its meeting notice."). Therefore, we find that the Board's notices for its January 27 and April 21 meetings violated the Open Meeting Law by providing insufficient detail.

2. The Board failed to timely respond to a request for open and executive session minutes.

The Open Meeting Law requires that a public body "create and maintain accurate minutes of all meetings, including executive sessions, setting forth the date, time and place, the

[3] All previous determinations issued by the Division can be found on the Attorney General's website: https://www.mass.gov/the-open-meeting-law.

members present or absent, a summary of the discussions on each subject, a list of documents and other exhibits used at the meeting, the decisions made and the actions taken at each meeting, including the record of all votes." G.L. c. 30A, § 22(a). The "minutes of an open session, if they exist and whether approved or in draft form, shall be made available upon request by any person within 10 days." Id. Upon request by any person to inspect or copy the minutes of an executive session or any portion thereof, the body must respond to the request within 10 days following receipt and release any such minutes where publication would not defeat the lawful purposes of the executive session.[4] See G.L. c. 30A, § 22(g)(2). If the body has not performed a review, it must do so and then release any non-exempt minutes, or portions thereof, not later than the body's next meeting or in 30 days, whichever first occurs. See Id.; OML 2013-180.

Here, in response to Mr. Bowman's January 28 request for open and executive meeting minutes from the Board's January 27 meeting, the Board prepared a draft of the meeting minutes and sent them to Mr. Bowman within 10 business days. Under the Open Meeting Law, a public body has 10 calendar days from the date a request for meeting minutes is received to provide a response, unlike requests made under the Public Records Law for which a records custodian has 10 business days to respond. See OML 2019-125. The Board concedes that this response was late, due to a misunderstanding of the applicable timeframe for responding. We therefore find a violation as the Board's response was late.

However, we find that the Board permissibly withheld from release the January 27 executive session minutes. The Board asserts, and we have confirmed during an *in camera* review, that this executive session relates to ongoing negations with the Town Manager, and therefore the purpose is still ongoing. Therefore, the Board was not required to release these executive session minutes in response to Mr. Bowman's request and we find no violation of the Open Meeting Law in this respect.

3. The Board created and approved insufficiently detailed open session and work session meeting minutes for a January 27 meeting.[5]

The Open Meeting Law requires a public body to "create and maintain accurate minutes of all meetings, including executive sessions, setting forth the date, time and place, the members present or absent, a summary of the discussions on each subject, a list of documents and other exhibits used at the meeting, the decisions made and the actions taken at each meeting, including the record of all votes." G.L. c. 30A, § 22(a). When reviewing minutes for compliance with the Open Meeting Law, we look for substantial compliance with the accuracy requirement. See OML 2017-104; OML 2013-64. By substantial compliance, we mean that the minutes should contain enough detail and accuracy so that a member of the public who did not attend the meeting could read the minutes and have a clear understanding of what occurred. See OML 2019-145; OML 2012-106. Although a transcript of the discussions is not required, and the

[4] Executive session minutes may be withheld from disclosure to the public "as long as publication may defeat the lawful purposes of the executive session, but no longer." G.L. c. 30A, § 22(f). When the purpose for a valid executive session has been served, the minutes and any documents or exhibits used at the session must be disclosed unless the attorney-client privilege or an exemption to the Public Records Law applies to withhold them, in whole or in part, from disclosure. See id. Public bodies have an obligation to review the minutes of executive sessions at reasonable intervals to determine if continued non-disclosure of minutes is warranted, and to announce that determination at the next meeting following its review. G.L. c. 30A, § 22(g)(l); see OML 2015-94; OML 2013-56.

[5] The Board's "work sessions," which generally include longer discussions on single topics, are open to the public.

minutes need not include every remark or opinion presented, minutes must include a substantive summary of the discussion on each topic. See OML 2020-18; OML 2012-29; OML 2011-55. Minutes of executive sessions must include the same level of detail as is required for open sessions. See OML 2018-26; OML 2014-43.

Here, as the Board concedes, both the Board's open and work session minutes for its January 27 meeting do not provide sufficient detail regarding each topic discussed. In many places, the minutes note that a discussion was held, or a topic was addressed, without specifying what was said on each topic, leaving the reader without a clear understanding of what occurred. The Open Meeting Law requires that meeting minutes include more than a statement that a public body held a discussion about a specified topic; the Law requires that the minutes summarize the substance of the public body's discussion. See OML 2019-167; OML 2018-8. We therefore find that the Board violated the Open Meeting Law by failing to draft and approve accurate minutes for the January 27 open session and work session.

CONCLUSION

For the reasons stated above, we find that the Board violated the Open Meeting Law by 1) posting January 27 and April 21 meeting notices which contained insufficient detail; 2) failing to timely respond to a request for open and executive session minutes; and 3) creating and approving insufficiently detailed open session and work session meeting minutes for a January 27 meeting.

We order the Board's immediate and future compliance with the Open Meeting Law and caution the Board that a determination by our office of a similar violation in the future may be considered evidence of intent to violate the Open Meeting Law. In addition, we order the Board to create and approve sufficiently detailed meeting minutes for its January 27 open session and work session with **60 days** of the receipt of this order.

We now consider the complaints addressed by this determination to be resolved. This determination does not address any other complaints that may be pending with our office or the Board. Please feel free to contact the Division at (617) 963 - 2540 if you have any questions.

Sincerely,

Sarah Monahan
Assistant Attorney General
Division of Open Government

cc: Alexander Bowman (via e-mail: [redacted])
Sandisfield Board of Selectmen c/o Town Manager (via e-mail: [redacted])

This determination was issued pursuant to G.L. c. 30A, § 23(c). A public body or any member of a body aggrieved by a final order of the Attorney General may obtain judicial review through an action filed in Superior Court pursuant to G.L. c. 30A, § 23(d). The complaint must be filed in Superior Court within twenty-one days of receipt of a final order.

ANNUAL TOWN MEETING WARRANT

of the

TOWN OF SOUTHBOROUGH

MASSACHUSETTS

For the Annual Town Meeting
on

March 20, 2021

1:00 – 5:00 p.m.
7:00 – 11:00 p.m.

Contents

Page No.

Town Finance Terminology 4
Introduction to the Rules of Town Meeting 5

Articles

1. To Hear Reports 9
2. Acceptance of Monies from Contributors 9
3. Borrowing Authorization XX
4. Authorize Board of Selectmen and Supt. of Schools/Three Year Contracts XX
5. Amend the Personnel Salary Administration Plan XX
6. Adjustments to Fiscal Year 2021 Budget XX
7. Fiscal Year 2022 Budget XX
    - Moderator XX
    - Elected Board of Selectmen XX
    - Board of Selectmen XX
    - Advisory Committee XX
    - Reserve Fund XX
    - Town Accountant XX
    - Audit XX
    - Elected Board of Assessors XX
    - Assessors XX
    - Treasurer/Collector XX
    - Legal XX
    - Personnel Board XX
    - Special Legal Counsel XX
    - Municipal Technology Committee XX
    - Technology XX
    - Other Operation Support XX
    - Elected Town Clerk XX
    - Town Clerk XX
    - Conservation Commission XX
    - Planning Board XX
    - Zoning Board of Appeals XX
    - Open Space XX
    - Economic Development Committee XX
    - Public Buildings and Properties Maintenance XX
    - Public Accessibility Committee XX
    - Police Department XX
    - Fire Department XX
    - Building Department XX
    - Civil Defense XX
    - Animal Control Officer and Animal Inspector XX
    - Department of Public Works – Highway, Cemetery, Tree XX
    - Elected Board of Health XX
    - Board of Health XX
    - Council on Aging XX
    - Youth Commission XX
    - Veterans' Services XX
    - Library XX
    - Recreation Commission XX
    - Historical Commission XX

DRAFT

Contents

Page No.

Articles (cont.)

Memorial Day XX
Debt Principal and Debt Interest XX
Employee Benefits XX
Court Judgments XX
Liability Insurance XX
Elected School Committee XX
Southborough Schools XX
Algonquin Regional High School XX
Assabet Valley Regional Technical High School XX
Norfolk County Agricultural High School XX

8. Fiscal Year 2022 Water Budget XX
9. Annual Appropriation for OPEB Trust Fund XX
10. General Government Capital Items (Non-borrowing) XX
11. General Government Capital Items (Borrowing) XX
12. Payment to Retirees for Accrued Leave Time XX
13. Insurance Deductible Account XX
14. Facilities Maintenance Fund XX
15. Fire PPE Fund XX
16. Annual Authorization of Revolving Fund Amounts XX
17. Appropriation from CPA Funds – Administrative XX
18. Appropriation from CPA Funds – Debt Payment for Burnett House XX
19. Appropriation from CPA Funds – Debt Payment for Library Façade Project XX
20. Appropriation from CPA Funds – Kallander Field Construction XX
21. Appropriation from CPA Funds – St. Mark's Church Bell Tower Renovation XX
22. Appropriation from CPA Funds – Town House Improvements XX
23. Appropriation from CPA Funds - TBD XX
24. Disposition of 21 Highland Street (South Union School) XX
25. Purchase of National Grid parcel 54-40 XX
26. Adopt New Income Limits/Interest Rates for Clause 41A Tax Deferrals XX
27. Amend Town Code – Increase Qualification Period for Appointments XX
28. Adopt MGL to Reduce Speed Limit in Thickly Settled Areas XX
29. Adopt MGL to Designate Safety Zones XX
30. Adopt MGL to Implement Local Meals Tax XX
31. Amend Town Code – Southborough Public Accessibility Committee XX
32. Amend Town Code – Advisory Committee XX
33. Amend Town Code – Capital Planning Committee XX
34. Adopt MGL for Saturday Office Hours XX
35. Amend Town Code – Zoning – Miscellaneous Provisions XX
36. Amend Town Code – Zoning – Outdoor Illumination XX
37. Amend Town Code – Zoning – Site Plan Review XX
38. Amend Town Code – Zoning – Downtown Overlay District XX
39. Citizen Petition – Amend Town Code: Noise Bylaw XX
40. Citizen Petition – Amend Town Code: Reduce Plastic Waste XX

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Town Finance Terminology

The following terms are frequently used in the Advisory Committee Report and at Town Meeting. For your convenience, we provide the following definitions.

Surplus Revenue: (Often referred to as "Excess and Deficiency")
The fund represents the amount by which the Cash, Accounts Receivable and other floating assets exceed the liabilities and reserves.

Available Funds: (Often referred to as "Free Cash")
The amount of the Unreserved Fund Balance (Surplus Revenue) account over and above uncollected taxes of prior years constitutes "free cash" or "available funds".

Overlay:
The Overlay is the amount raised by the Assessors in excess of appropriations and other charges for the purpose of creating a fund to cover abatements and exemptions as granted.

Overlay Reserve:
This is the accumulated amount of the Overlay for various years not used or required to be held in the specific Overlay account for a given year, and may be used by vote of the town for extraordinary or unforeseen purposes or voted into the Reserve Fund.

Stabilization Fund:
An outside section of Chapter 138 of the Acts of 1991 (the FY92 State budget) modifies limitations on the Stabilization Fund appropriation process by enabling communities to appropriate from this fund for any non-capital, lawful purpose without Emergency Finance Board approval (section 333). Beginning in FY92, the Stabilization Fund will thus become a source of revenue for general operating expenses for communities.

The Stabilization Fund is a mechanism for setting aside money for capital projects. It equalizes the effect of capital expenditures over time, as capital appropriations can change considerably from year to year. The balance in the fund will build up during years when expenditures for capital items are low. During years with high capital expenditures, the community will transfer money from the fund to reduce the project's impact on the tax rate or the amount of borrowing required for the project.

A community may appropriate up to 10% of its tax levy each year, as long as the balance in the Stabilization Fund does not exceed 10% of the community's equalized valuation. Interest earned on any fund balance is retained as part of the fund.

Appropriations into a Stabilization Fund can be made at either an annual or special town or district meeting. Chapter 94 of the Acts of 1985 permits appropriations to be made from a Stabilization fund at a special town or district meeting, not just at the annual meeting. Regardless of the timing, appropriations from the Stabilization Fund require a two-thirds vote by the appropriating authority. Until the FY92 state budget, a community could only appropriate from the Stabilization Fund for a none-capital purpose with the approval of the Emergency Finance Board.

Reserve Fund:
This fund is established by the voters at the Annual Town Meeting only and may be composed of (a) an appropriation (not exceeding 5% of the tax levy of the preceding year), (b) money transferred from Overlay Reserve, or (c) both. Transfers from the Reserve fund may be made only by the Advisory Committee and are for "extraordinary or unforeseen expenditures" only.

Conservation Fund:
For land purchases and any other conservation use.

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Introduction to the Rules of Town Meeting

Southborough's Town Meeting is an open town meeting in which all registered voters may participate. Town Meeting is a deliberative assembly, conducted via a defined process, charged with considering a maximum number of questions of varying complexity in a minimum amount of time and with full regard to the rights of the majority, strong minority, individuals, absentees and all of these together. In other words, we gather for the purpose of conducting the Town's business thoughtfully and efficiently.

AUTHORITY

The three elements of authority at Town Meeting are a quorum of one hundred (100) registered voters or more, the Clerk and the Moderator. Of these three, the quorum is the most important.

The Town Clerk is responsible for voter registration, certification of a quorum, setting up the hall and keeping the record of the proceedings. He may also officiate Town Meeting in the absence of a Moderator.

The Moderator presides at and regulates the proceedings, decides all questions of order, and makes declarations of all votes. No one may speak on an issue without being recognized by the Moderator. It is the Moderator's responsibility to approve the distribution of materials, and persons wishing to do so must seek his permission. The Moderator appoints Tellers and alternates for the purpose of counting votes of the meeting.

THE WARRANT

All matters to be considered at Town Meeting must be published in the Town Meeting Warrant, which is the responsibility of the Board of Selectmen. The primary and most important purpose of the Warrant is to notify voters in advance the nature of the business to be taken up at Town Meeting. By state law, Town by-law or custom, several business articles (such as budget appropriations) must be presented in the Town Warrant each year for consideration. Other items are added by warrant articles proposed by Town officials, committees, boards, or groups of ten or more registered voters. The Advisory Committee reviews the Warrant, making recommendations on all the items of business to be presented. In accordance with the Town by-laws, all articles in the Warrant are considered in the order in which they appear in the Warrant, unless the Town Meeting votes to change the order for reasons that reasonable people would entertain.

PARTICIPATION

Any voter wishing to participate in Town Meeting must go to one of the floor microphones and wait to be recognized by the Moderator. Upon recognition by the Moderator, first state your name and address, and then state your business.

Anyone whose name is not on the list of registered voters requires the approval of either the Moderator or a majority of the Meeting to sit in the voting area.

All remarks shall be limited to the subject then under discussion. It is improper to indulge in references to personalities, and all expressions of approval or disapproval, such as applause or booing, are out of order. The Moderator may request any person to keep silent. If after warning from the Moderator, a person refuses to be silent or persists in other disorderly behavior, the Moderator may order a person to withdraw and if he fails to withdraw, may order a police officer to remove such person from Town Meeting.

Individuals who have a personal or financial interest with respect to a matter may speak or vote thereon but should frankly disclose their interest. However, no Town Meeting voter should accept compensation for participating without disclosing that fact.

There is no fixed time limit to the debate of any question. However, out of consideration for the others in attendance and the need to give adequate time to all matters coming before Town Meeting, each individual who speaks should make an effort to be as brief as possible and avoid repeating facts, views or opinions already expressed by others.

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Anyone wishing to make a presentation with respect to any article must, prior to Town Meeting, obtain the Moderator's approval.

In order to give all a fair opportunity to speak, no one who has addressed any particular motion shall speak again, except to answer questions, until all others wishing to speak to the motion have done so.

HOW ARE MOTIONS CLASSIFIED?

Main Motions
Motions of this group are for the bringing of questions, or propositions, before Town Meeting for consideration. Only one main motion can be considered at a given time, and once introduced such a motion excludes all other main motions until it has been disposed.

Subsidiary Motions
Motions of this group have are for the modification or disposition of the main motion that is being considered. Their existence as motions depends entirely upon the principal motion to which they are subordinate. Since they relate to the question then under consideration, it is in order to propose them when a main motion is pending and to vote upon them before voting upon the main motion.

Privileged Motions
Motions of this group have no connection whatsoever with any main motion, but are motions of such importance that they are entitled to immediate consideration. These motions have the privilege of temporarily setting aside the main business then before Town Meeting.

Incidental Motions
Motions of this group have few characteristics in common, but for convenience have been grouped into one class. The name "incidental" applies because they arise only incidentally out of the business of Town Meeting.

RULES RELATIVE TO MOTIONS

A motion is the means of bringing a proposal or question for consideration by Town Meeting. When first put forward it is a motion; after it is seconded and acknowledged by the Moderator, it becomes the question or proposal. Except for complimentary resolutions (the presentation of which must be approved in advance by the Moderator), no main motion shall be entertained unless it's substance is contained within the scope of a Warrant article. Upon completion of debate, articles will be voted upon.

The Moderator shall determine whether a motion, or any discussion relative to a motion, is within the scope of the Warrant article under consideration. That is, the motion and the debate must be relevant to the article as written in the Warrant, since the purpose of the Warrant is to apprise voters of the actions to be taken at Town Meeting.

Articles only give notice to the voters and do not initiate action; motions do. Motions may be withdrawn; articles may not be withdrawn – articles must be acted upon by Town Meeting.

There are four types of amendments: striking out, inserting, striking out and inserting, and substitution. Motions to amend may be hostile as long as they are germane. An amendment to a motion is an amendment of the first rank; an amendment to an amendment is of the second rank; there can be no amendment beyond that of the second rank.

Some motions do not lead to a final determination by Town Meeting. A motion to commit or to refer sends the matter to an existing board or committee or one to be established. The motion to postpone indefinitely disposes of the question without bringing it to a direct vote. The motion to postpone indefinitely should not be confused with the motion to table which only temporarily delays a vote. As previously stated, articles may not be withdrawn; so when the Meeting does not wish to act on a particular article, the proper motion is to postpone consideration indefinitely.

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Motions to reconsider shall be entertained when new information is available that is materially different than was presented (or could have been presented) at the time of the original vote on the article. Articles may be reconsidered only once. If a motion to reconsider is passed by the necessary 2/3 vote, it brings the original article back to the floor (which requires a new motion and additional debate); if the motion to reconsider is defeated, then the original article stands as previously voted and may not be reconsidered again. Actions to reconsider can be taken at the same session or any subsequent session of Town Meeting. A notice of reconsideration may be filed in advance with the Town Clerk stating that, at a specific point during the current Town Meeting, a voter will move for reconsideration on a particular article, and the Moderator will inform the hall of said action. Note that such a motion so noticed in advance must still be in order (i.e., must comply with all conditions required of any reconsideration motion).

All motions other than purely procedural motions must be in writing and signed by the sponsor.

CHART OF PRECEDENCE OF MOTIONS AND SUMMARY OF GOVERNING RULES

	May interrupt a speaker	Req. a sec.	Debatable	Vote Required	Motions that may apply
PRIVILEGED MOTIONS					
1. To dissolve	no	yes	no	majority	none
2. To adjourn	no	yes	limited	majority	amend
3. Point of no quorum	no	no	no	none	none
4. Recess	no	yes	limited	majority	amend
5. Question of privilege	yes	no	no	chair rules	none
SUBSIDIARY MOTIONS					
6. To lay on the table	no	yes	no	2/3	none
7. Previous question	no	yes	no	2/3	none
8. Limit or extend debate	no	yes	no	2/3	amend, reconsider
9. To postpone to time certain	no	yes	limited	majority	amend, reconsider
10. To commit or refer	no	yes	limited	majority	amend, reconsider
11. To amend	no	yes	yes	majority	amend, reconsider
12. To postpone indefinitely	no	yes	yes	majority	reconsider
MAIN MOTIONS					
Main Motions	no	yes	yes	majority*	all
To reconsider or rescind	no	yes	yes	2/3	table previous question postpone definitely
To take from the table	no	yes	no	majority	none
To advance an article	no	yes	yes	majority	amend, reconsider
INCIDENTAL MOTIONS					
Point of order	yes	no	no	chair rules	none
Division of a question	no	yes	no	majority	none
Separate consideration	no	yes	no	majority	none
To withdraw a motion	no	no	no	majority	reconsider
To suspend rules	no	yes	no	2/3	none
Orders of the day	yes	no	no	none	none

*The vote required to pass an affirmative main motion is a matter of substantive law, but is usually a majority.

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FORM USED IN MAKING MOTIONS

1. Main Motion	Mr. Moderator, I move that...(statement of the proposal)
2. Adjourn	Mr. Moderator, I move to adjourn to...(state time)
3. Amend	Mr. Moderator, I move to amend by adding...
	Mr. Moderator, I move to amend by inserting...before...
	Mr. Moderator, I move to amend by stroking out...
	Mr. Moderator, I move to amend by striking out...and inserting...
	Mr. Moderator, I move to substitute...for...
4. Amend an Amendment	Mr. Moderator, I move to amend the pending amendment by (see above)
5. Amend Something Previously Adopted	Mr. Moderator, I move to amend the resolution under Article...by...
6. Commit or Refer	Mr. Moderator, I move that the proposal be referred to a committee of...
8. Division of a Question	Mr. Moderator, I move to divide the question.
9. Lay on the Table	Mr. Moderator, I move that the proposal be laid on the table.
10. Point of Order	Mr. Moderator, I rise to a point of order.
11. Postpone to a time certain	Mr. Moderator, I move to postpone the question to...
12. Postpone Indefinitely	Mr. Moderator, I move that the question be postponed indefinitely.
13. Previous Question	Mr. Moderator, I move the previous question.
14. Question of Privilege	Mr. Moderator, I rise to a question of privilege.
15. Recess	Mr. Moderator, I move to recess for...
16. Reconsider	Mr. Moderator, I move to reconsider the vote under Article...
	Mr. Moderator, I move to reconsider the vote on the amendment to...
17. Separate Consideration	Mr. Moderator, I move for separate consideration.
18. Suspend the Rules	Mr. Moderator, I move to suspend the rules which interfere with...
19. Take from the Table	Mr. Moderator, I move to take from the table the motion relating to...

INTERRUPTING A SPEAKER

No one may interrupt a speaker except for a point of order or a question of privilege.

POINT OF ORDER

A point of order if a question of the Moderator about whether the speaker is entitled to be speaking, or whether the current subject under discussion (or what the speaker is saying) is irrelevant, illegal or contrary to proper procedure. No other “point of order” is proper.

PREVIOUS QUESTION

To call or move the question is a request to stop discussion and to take an immediate vote. This requires a 2/3 vote.

VOTING

Voting is by hand vote and the Moderator declares the result of such votes. If seven or more voters immediately question the declared result, the Moderator shall determine the result by a standing count of votes by the Tellers. After the vote counted by the Tellers is presented to the Moderator and announced to the floor, any further motions for recount are out of order.

ADJOURNMENT AND DISSOLUTION

Sessions of Town Meeting normally adjourn at eleven o’clock in the evening but may adjourn at such earlier or later time as vote of the majority may determine. Town Meeting shall not dissolve until all articles in the warrant have been properly considered.

DRAFT

T O W N W A R R A N T
C O M M O N W E A L T H O F M A S S A C H U S E T T S

ANNUAL TOWN MEETING

Worcester, ss. February XX, 2020

In the name of the Commonwealth of Massachusetts you are hereby directed to notify and warn the Inhabitants of the Town of Southborough qualified to vote in town affairs, to meet in the P. Brent Trottier Middle School, 49 Parkerville Road, in said Southborough, on

Saturday, March 21, 2020

at ***1:00 p.m.***, then and there to take action on the following Articles:

ARTICLE 1: To hear reports of the various Town Officers and Committees and to take such action thereon as the Town may vote.

Proposed by: BOARD OF SELECTMEN
Board of Selectmen Recommendation:
Advisory Committee Recommendation:
Summary: *To hear reports of Town Boards, Committees or Commissions.*

ARTICLE 2: To see if the Town will vote to accept any sum of money from St. Mark's School, Fay School, Harvard Medical School, L'Abri Fellowship, The New England Center for Children, and any other contributor and deposit same amount in Estimated Receipts Account, and determine what disposition shall be made of the same, if accepted, or do or act anything in relation thereto.

Proposed by: BOARD OF SELECTMEN
Board of Selectmen Recommendation:
Advisory Committee Recommendation:
Summary: *To allow the Board of Selectmen to accept donations from Tax Exempt organizations and determine the disposition of funds.*

ARTICLE 3: To see if the Town will vote to authorize the Town Treasurer, with the approval of the Selectmen, to borrow from time to time in anticipation of revenue of the financial year beginning July 1, 2019 in accordance with the provisions of Massachusetts General Laws, Chapter 44, and to issue a note or notes as may be given for a period of less than one year in accordance with Massachusetts General Laws, Chapter 44, Section 17 as amended, or do or act anything in relation thereto.

Proposed by: BOARD OF SELECTMEN
Board of Selectmen Recommendation:
Advisory Committee Recommendation:
Summary: *This article allows the Town Treasurer to short-term borrow in anticipation of revenue.*

ARTICLE 4: To see if the Town will vote in accordance with the provisions of Massachusetts General Laws Chapter 30B, Section 12(b), to authorize the Board of Selectmen or the Superintendent of Schools to solicit and award contracts for terms exceeding three years, including any renewal, extension or option, provided in each instance the longer term is determined to be in the best interest of the Town by a vote of the Board of Selectmen or the School Committee, as appropriate, or do or act anything in relation thereto.

Proposed by: BOARD OF SELECTMEN
Board of Selectmen Recommendation:
Advisory Board Recommendation:

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Summary: *This article allows the Selectmen and/or the School Committee to enter into contracts in excess of three years, if deemed in the best interest of the Town to do so. This has been an annual article, and the exemption has been limited to contracts of no more than seven years.*

ARTICLE 5: To see if the Town will vote to accept the Personnel Salary Administration Plan, as specified in Chapter 31 of the Code of the Town of Southborough, entitled: PERSONNEL.

, or do or act anything in relation thereto.

Proposed by: PERSONNEL BOARD
Board of Selectmen Recommendation:
Advisory Committee Recommendation:
Summary: *The Personnel By-Law governs policies and pay structures for non-union employees.*

ARTICLE 6: To see if the Town will vote to transfer a sum of money between and among various accounts for the fiscal year ending June 30, 2021, or do or act anything in relation thereto.

Proposed by: BOARD OF SELECTMEN
Board of Selectmen Recommendation: At Town Meeting
Advisory Committee Recommendation: At Town Meeting
Summary: *This article is intended to address any unexpected or unusual funding needs for the current fiscal year via transfers between accounts.*

ARTICLE 7: To see if the Town will vote to raise a sum of money as may be necessary for the Town's use for Fiscal Year 2022, and make appropriations of the same, as detailed following, or do or act anything in relation thereto.

SEE BUDGETS ON THE FOLLOWING PAGES

Proposed by: BOARD OF SELECTMEN

Summary: *See budget report including Advisory Committee and Board of Selectmen's FY22 recommendations. If the Advisory Committee recommendation differs from that of the Board of Selectmen, it shall be noted in that departmental budget.*

ARTICLE 8: To see if the Town will vote to raise a sum of money as may be necessary for the Water Enterprise Fund's use for Fiscal Year 2022, and make appropriations of the same, as detailed following, or do or act anything in relation thereto.

Proposed by: BOARD OF SELECTMEN
Board of Selectmen Recommendation:
Advisory Committee Recommendation:
Summary: *The Water budget is funded through an Enterprise Fund that is supported entirely through the water rates, which supports all aspects of the department's operation.*

ARTICLE 9: To see if the Town will vote the sum of $250,000 to deposit into the Town's OPEB Trust Fund.

, or do or act anything in relation thereto.

Proposed by: BOARD OF SELECTMEN
Board of Selectmen Recommendation:
Advisory Committee Recommendation:
Summary:

DRAFT

ARTICLE 10: To see if the Town will vote to raise and appropriate, or transfer from available funds a sum of money for General Government capital items for the following purposes:

	DESCRIPTION	REQUEST	LEVY	OTHER FUNDS
A.		$	$	
B.		$	$	
C.		$	$	
D.		$	$	
E.		$	$	
F.		$	$	
G.		$	$	

, or do or act anything in relation thereto.

Proposed by: BOARD OF SELECTMEN
Board of Selectmen Recommendation:
Advisory Committee Recommendation:
Summary:
A.
B.
C.
D.
E.
F.
G.

ARTICLE 11: To see if the Town will appropriate a sum of money to pay costs of the equipment listed below, and for the payment of costs incidental or related thereto, and to determine whether this amount shall be raised by borrowing, transfer from available funds, or otherwise:

	DESCRIPTION	REQUEST	LEVY	WATER AND OTHER FUNDS
A.		$	$	

, or do or act anything in relation thereto.

Proposed by: BOARD OF SELECTMEN
Board of Selectmen Recommendation:
Advisory Committee Recommendation:
Summary:
A.

ARTICLE 12: To see if the Town will vote to raise and appropriate or transfer from any available funds the sum of $XX,XXX for the purpose of paying to retirees the amount due for accrued vacation and sick time, or do or act anything in relation thereto.

Proposed by: BOARD OF SELECTMEN
Board of Selectmen Recommendation:
Advisory Committee Recommendation:
Summary: *This article will fund any vacation and sick pay due to employees upon their retirement.*

ARTICLE 13: To see if the Town will vote to raise and appropriate the sum of $XX,XXX for the purpose of paying the Town's share of casualty and other losses incurred to Town property and equipment which are not covered by insurance policies, or do or act anything in relation thereto.

DRAFT

Proposed by: BOARD OF SELECTMEN
Board of Selectmen Recommendation:
Advisory Committee Recommendation:
Summary: *This article will provide funds to be used to pay the deductible for property damage which is not covered by insurance.*

ARTICLE 14: To see if the Town will vote to raise and appropriate, borrow and appropriate or transfer from available funds the sum of $100,000 for the ongoing maintenance of capital equipment and systems associated with town buildings and facilities. The Town Facilities Manager shall recommend appropriate projects to the Town Administrator. The Town Administrator shall approve all expenditures under this article. The Town Facilities Manager shall report all funded projects to the Advisory Committee as requested, or do or act anything in relation thereto.

Proposed by: BOARD OF SELECTMEN
Board of Selectmen Recommendation:
Advisory Committee Recommendation:
Summary: *This article will provide for the maintenance and repair of capital equipment and systems associated with the Town's buildings and facilities.*

ARTICLE 15: To see if the Town will vote to raise and appropriate, borrow and appropriate or transfer from available funds the sum of $XX,XXX for the ongoing replacement of Personal Protective Equipment for the Fire Department.

Proposed by: BOARD OF SELECTMEN
Board of Selectmen Recommendation:
Advisory Committee Recommendation:
Summary:

ARTICLE 16: To see if the Town will vote pursuant to Massachusetts General Laws, Chapter 44 § 53E ½ to authorize the following spending limits for Fiscal Year 2022:

1. Immunization/emergency dispensing clinic; $12,000.
2. Inspectional services; $100,000.
3. 9-11 Field Maintenance; $100,000.
4. Wetland Protection; $30,000.
5. Hazardous materials; $75,000.
6. CPR classes; $6,500.
7. Community garden; $2,500.
8. Recreation programs; $400,000.
9. Tobacco Control Program; $4,000.
10. Golf Course maintenance; $30,000.

, or do or act anything in relation thereto.

Proposed by: BOARD OF HEALTH, BOARD OF SELECTMEN, RECREATION COMMISSION, AND CONSERVATION COMMISSION
Board of Selectmen Recommendation:
Advisory Committee Recommendation:
Summary: *This article approves the annual spending limits for revolving funds that are now authorized by Town by-law.*

DRAFT

ARTICLE 17: To see if the Town will vote to accept the report of the Community Preservation Committee for the FY 2022 Community Preservation Projected Receipts and act upon the recommendations of the Community Preservation Committee and to set aside for later expenditure, certain sums of money from the Community Preservation Fund established pursuant to Chapter 44B of the General Laws, as follows:

Estimated Surcharge Receipts (based on Town Treasurer's projections)……... $
State Match (projected FY2022 State match)……...……..…….. $
FY2021 State Match Adjustment……. $
Total Projected Revenue…….. $

Set Aside- Open Space

$XX,XXX to be set aside, held in the Community Preservation Fund, and spent in FY2022 or later years for acquisition, creation or preservation of open space, and for the rehabilitation and/or restoration of open space acquired under the Community Preservation Act.

Set Aside – Historic Preservation

$XX,XXX to be set aside, held in the Community Preservation Fund, and spent in FY2022 or later years for the acquisition, preservation, rehabilitation and restoration of historic resources.

Set Aside – Community Housing

$XX,XXX to be set aside, held in the Community Preservation Fund, and spent in FY2022 or later years for the creation, preservation and support of community housing, and for the rehabilitation and/or restoration of community housing acquired under the Community Preservation Act.

Administrative Costs – Community Preservation Committee

$XX,XXX to defray the administrative and operating expenses of the Community Preservation Committee in FY2022 for the Community Preservation Fund (discretionary)

Set Aside -Budgeted Reserve/Discretionary

Reserved For FY22 CPF (Budgeted Reserve/Discretionary) $XXX,XXX

, or do or act anything in relation thereto.

Proposed by: COMMUNITY PRESERVATION COMMITTEE
Board of Selectmen Recommendation:
Advisory Committee Recommendation:
Summary: *The budget and set asides are an annual requirement under the Community Preservation Act.*

ARTICLE 17: To see if the Town will vote to appropriate $XX,XXX to be applied towards the bond for the Perpetual Preservation Restriction on 84 Main Street also known as the Burnett House for the purpose of Historic Preservation. $XX,XXX from the CPA Historic Preservation Reserve Fund and $XX,XXX from the CPA FY2022 Budgeted Reserve Fund. Said funds to be expended under the direction of the Community Preservation Committee and the Town Treasurer; or do or act anything in relation thereto.

Proposed by: COMMUNITY PRESERVATION COMMITTEE
Board of Selectmen Recommendation:
Advisory Committee Recommendation:
Summary: *This article is the Community Preservation Fund payment towards the FY2022 debt funding for the Preservation Restriction of 84 Main Street as approved at the 2016 Annual Town Meeting.*

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ARTICLE 18: To see if the Town will vote to appropriate a total of $XXX,XXX to be applied towards the bond for the renovation and restoration of the Historic Southborough Library building, $XX,XXX for interest due September 2020 and $XX,XXX to be applied towards the bond for the purpose of Historic Preservation. $XX,XXX from the CPA historic Preservation Reserve Fund and $XX,XXX from CPA General Unreserved Fund. Said funds to be expended under the direction of the Community Preservation Committee and the Town Treasurer; or do or act anything in relation thereto.

Proposed by: COMMUNITY PRESERVATION COMMITTEE
Board of Selectmen Recommendation:
Advisory Committee Recommendation:
Summary: *This article is the Community Preservation Fund payment toward the FY2022 debt funding for the renovation and restoration of the Historic Southborough Library as approved at the 2019 Annual Town Meeting.*

ARTICLE 19: To see if the Town will vote to appropriate $238,750 from the CPA Fund FY2021 Budgeted Reserve for the renovation and restoration of Kallander Field, located on Kallander Drive in Southborough (Parcel ID 56-0000-012-0) for recreation purposes as requested by the Recreation Department. This consists of $210,100 in project costs and an additional $28,650 in contingency funding. Contingency funds only available after approval of the CPC for unexpected costs unforeseen at the time of application. Project to be completed in conformance with details as presented to the members of the CPC and to be documented in the application and signed Memorandum of Understanding. Said funds to be expended under the direction of the Community Preservation Committee and the Town Treasurer; or do or act anything in relation thereto.

Proposed by: COMMUNITY PRESERVATION COMMITTEE
Board of Selectmen Recommendation:
Advisory Committee Recommendation:
Summary: *Under the direction of the Recreation Director Tim Davis and the Southborough Recreation Department, said funds will be used to restore and renovate Kallander Field, to address significant drainage issues that plague the field.*

ARTICLE 20: To see if the Town will vote to appropriate $300,000 for the restoration and preservation of the Historic St. Mark's Bell Tower located at 27 Main Street Southborough for Historic purposes. $23,061.76 from the CPA Historic Preservation Reserve Fund and $276,938.24 from CPA General Unreserved Fund. Project to be completed in conformance with details as presented to the members of the CPC and to be documented in the application and signed Memorandum of Understanding. Said funds to be expended under the direction of the Community Preservation Committee and the Town Treasurer; or do or act anything in relation thereto.

Proposed by: COMMUNITY PRESERVATION COMMITTEE
Board of Selectmen Recommendation:
Advisory Committee Recommendation:
Summary: *Under the direction of the St. Mark's Building Committee said funds will be used to restore and preserve the St. Marks Bell Tower in conformance with a Preservation Restriction held by the Massachusetts Historical Commission. The goal is to preserve St. Mark's Bell Tower for many future generations of Southborough residents to enjoy. Built in 1891 on land donated by Joseph Burnett, the tower has fallen into major disrepair over the years. Issues include water penetration, unevenly faced stones, cracked mortar joints, and stone slippage. Without restoration of the tower, the historic viewscape of our town will be forever changed. Satisfying the Community Preservation Act goal to preserve and maintain historic landmarks, this project would preserve the tower and keep its historical significance. St. Mark's Church is part of the Southborough Historical Commission project to add downtown Southborough to the State and National Register of Historic Places. The tower restoration project strictly falls under historic preservation and does not contain any religious depiction. This $300,000 request is for partial funding of total project costs of $565,000 with remainder raised by St. Mark's.*

ARTICLE 21: To see if the Town will vote to appropriate $XXX,XXX for the restoration and preservation of the Historic Southborough Town House located at 17 Common Street, Southborough. Said funds to be expended under the direction of the Community Preservation Committee and the Town Treasurer; or do or act anything in relation thereto.

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Proposed by: COMMUNITY PRESERVATION COMMITTEE
Board of Selectmen Recommendation:
Advisory Committee Recommendation:
Summary:

ARTICLE 22*:* Additional CPA project(s)

Proposed by: COMMUNITY PRESERVATION COMMITTEE
Board of Selectmen Recommendation:
Advisory Committee Recommendation:
Summary:

ARTICLE 23*: Disposition of 21 Highland Street (South Union School)*

; or do or act anything in relation thereto.

Proposed by: BOARD OF SELECTMEN
Board of Selectmen Recommendation: Support
Advisory Committee Recommendation: Support
Summary:

ARTICLE 24*: Purchase of National Grid parcel 54-40*

; or do or act anything in relation thereto.

Proposed by: BOARD OF SELECTMEN
Board of Selectmen Recommendation: Support
Advisory Committee Recommendation: Support
Summary:

ARTICLE 25: To see if the Town will vote to amend the interest rate per annum from 4% to 2% and increase the income limit (gross receipts) from $20,000 to $45,000 under the provisions of Massachusetts General Laws, Chapter 59, §5 (41A) which regulates tax deferral for homeowners 65 years or older pursuant to the authority contained in Chapter 136 of the Acts of 2005 of the General Court thereby amending M.G.L. Ch. 59, §5 (41A), or do or act anything in relation thereto.

Proposed by: BOARD OF SELECTMEN, BOARD OF ASSESSORS & COUNCIL ON AGING
Board of Selectmen Recommendation: Support
Advisory Committee Recommendation: Support
Summary:

ARTICLE 26: To see if the Town will vote to amend Section 9-24 "Qualification of elected and appointed officials" of the Town Code, by deleting the text in its entirety, and replacing with the following:

"All elected and appointed officials shall be qualified by the Town Clerk within 30 days of their election except where a different period is specified in the General Laws. If an appointed official is not qualified in this period, his/her appointment shall terminate, and the appointing authority shall be so notified by the Town Clerk."

; or do or act anything in relation thereto.

Proposed by: BOARD OF SELECTMEN
Board of Selectmen Recommendation: Support

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Advisory Committee Recommendation: Support
Summary: *Currently, elected and appointed officials have 15 days to be sworn in by the Town Clerk's office; this article will allow those officials additional time to be sworn in following their appointment or election. The current requirement of 15 days was found to be too limiting, as appointment dates often conflicted with the 4th of July holiday and summer vacations. The Board of Selectmen was having to reappoint certain positions multiple times due to the inability of individuals to be sworn in within the required timeframe.*

ARTICLE 27: To see if the Town will vote to adopt MGL c.90, Section 17C to allow the Board of Selectmen to reduce the statutory speed limit from 30MPH to 25MPH on any or all town-owned roadways in thickly settled or business district areas, or do or act anything in relation thereto.

Proposed by: BOARD OF SELECTMEN
Board of Selectmen Recommendation: Support
Advisory Committee Recommendation: Support
Summary: *This article provides the Selectmen with the authority to reduce speed limits on certain town-owned streets in the interest of public safety.*

ARTICLE 28: To see if the Town will vote to adopt MGL c.90, Section 18B to allow the Board of Selectmen to establish regulatory 20MPH safety zones on public streets within the Town of Southborough, or do or act anything in relation thereto.

Proposed by: BOARD OF SELECTMEN
Board of Selectmen Recommendation: Support
Advisory Committee Recommendation: Not Support
Summary: *This article provides the Selectmen with the authority to establish safety zones on streets in the interest of public safety.*

ARTICLE 29: To see if the Town will vote to impose a .75% meals tax on the sales of restaurant meals by accepting Massachusetts General Laws, Chapter 64L, Section 2(a), or do or act anything in relation thereto.

Proposed by: BOARD OF SELECTMEN
Board of Selectmen Recommendation: Support
Advisory Committee Recommendation: Support
Summary: *This article will require all local restaurants to charge an additional .75% in meals tax, which will come back to the Town as unallocated revenue through State Local Aid. Most other communities in our area have adopted this local option as well. The local meals tax has been identified as an additional revenue source to help alleviate increases to residential property taxes.*

ARTICLE 30: To see if the Town will vote to adopt as Chapter 9, Article IX Southborough Public Accessibility Committee, Sections 9.34 through 9.35 of the Town bylaws, the following:

Article IX Southborough Public Accessibility Committee

§9.34 Purpose

Numerous laws, statutes, policies and regulations require and/or encourage access to facilities, programs and services for all members of the public. These include, but are not limited to:

- The Americans with Disabilities Act of 1990 - 42 U.S.C. ch. 126 § 12101 et seq
- Regulations promulgated by the Massachusetts Architectural Access Board (521 CMR)
- The Voting Accessibility for the Elderly and Handicapped Act of 1984 - P.L. 98-435, 42 U.S.C. §§ 1973ee–1973ee-6
- The Individuals with Disabilities Education Act – 20 U.S.C. §§ 1400 et seq.
- The Rehabilitation Act of 1973 – USC 31-41c, 29 U.S.C. § 701 et seq
- The Architectural Barriers Act - 42 U.S.C. §§ 4151 et seq.

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- Massachusetts Employment Law MGL ch 151B
- Massachusetts Public Accommodation Law - MGL ch 272
- Massachusetts Equal Rights Act - MGL Ch. 93 §§ 102
- Massachusetts Constitution Article CXIV (114)
- Massachusetts Service Animals Law – MGL Ch. 272 §§ 98A

Southborough supports a coordinated approach to monitoring and increasing public accessibility and ensuring compliance with local, state and federal requirements. In addition, it is desirable to encourage property owners to consider adopting optional policies that increase accessibility. As more fully described in the remainder of this Article IX, this article establishes a committee that will be responsible for developing and implementing this coordination. It will report on status and progress to the Board of Selectmen and the Town Meeting.

§9.34.A Establishment; Membership; Qualifications

There shall be a Southborough Public Accessibility Committee ("SPAC"), which shall consist of five voting members appointed by the Board of Selectmen, plus the non-voting, ex-officio members identified below. Any non-voting, ex-officio member shall not count toward the calculation of a quorum for the SPAC for voting purposes.

Each voting member shall be a registered voter in the Town and shall not be a Town officer (where a "Town officer" means a Town official who serves in an elected position) or a Town employee (where a "Town employee" is any person holding a non-elected, paid position in the Town other than a volunteer who is deemed a Special Municipal employee solely for the purposes of MGL Chapter 268A).

The Board of Selectmen shall designate a Public Accessibility Coordinator ("Coordinator"), in consultation with the SPAC. The Coordinator shall be responsible for accepting and recording concerns, coordinating reviews, and such other duties as may be assigned.

The Building Commissioner and Coordinator shall be ex-officio members of the SPAC.

§9.34.B Appointments; Terms

Voting members shall be appointed for two-year terms. The initial appointments shall be divided between one and two-year terms, so as to establish overlapping terms.

§9.34.C Organization

The voting SPAC members shall select annually, from among themselves by majority vote, a Chairman and a Secretary.

§9.34.D Funding

The SPAC shall have a budget, as may be approved through the Town's regular budget process, for consultants and other expenses. The SPAC shall submit its projected expenses annually as input to the Town's regular budget process. Any expenditures from the SPAC budget shall require a majority vote of the SPAC, and shall be subject to the Town's policies for such expenditures.

§9.35 Powers and Duties

The SPAC Powers and Duties include, but are not limited to, the following:

- To monitor and enhance the Town's compliance with all applicable laws, statutes, policies, and regulations that require (or encourage) access to facilities, programs and services for all members of the public.
- In coordination with Town officers, departments, and other government entities, to endeavor to ensure that all Town citizens have equal access to:
  - Town government offices and communications
  - Public and commercial buildings
  - Programs
  - Goods and services
  - Transportation
  - Telecommunications, including the internet
  - Recreational facilities and programs

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- To review existing and proposed facilities, programs, and projects undertaken by the Town, and to notify the responsible official or entity of its comments. The SPAC may request that other Town officials, committees, departments, and/or entities provide input to these reviews.
- To undertake public outreach and advocacy for accessibility in the Town,
- To periodically, but no less than once per calendar year, report to the Board of Selectmen and the Town Meeting on its activities and findings.
- To provide a mechanism for the public and/or any Town employee to raise concerns about the accessibility of any Town facility, service or program.
- The SPAC (or its designee) shall maintain records of such concerns and their dispositions. To the extent permissible by law, the identities of persons raising such concerns shall be confidential, unless confidentiality is waived by such person.

, or act or do anything in relation thereto.

Proposed by: BOARD OF SELECTMEN
Board of Selectmen Recommendation: Support
Advisory Committee Recommendation: At Town Meeting
Summary: *This article replaces the current ad-hoc Accessibility Compliance Committee with a standing committee. The existing committee was established to address the issues raised by the 1990 Americans with Disabilities Act, and was thought to be needed for a short time. In the time since, regulations in this area have increased and public demand for accessibility has increased. Since the need has persisted for several decades, a standing committee that is not limited to the ADA is the more appropriate construct.*

ARTICLE 31: Amend Town Code – Advisory Committee (change membership from 9 to 7; allow members to participate in one standing committee or one ad-hoc committee).

, or act or do anything in relation thereto.

Proposed by: ADVISORY COMMITTEE
Board of Selectmen Recommendation:
Advisory Committee Recommendation:
Summary:

ARTICLE 32: Amend Town Code – Capital Planning Committee (establish)

, or act or do anything in relation thereto.

Proposed by: BOARD OF SELECTMEN
Board of Selectmen Recommendation:
Advisory Committee Recommendation:
Summary:

ARTICLE 33: To see if the Town will accept the provisions of Chapter 41, Sec. 110A of the Massachusetts General Laws "Office hours on Saturday": "Any public office in any city or town may remain closed on any or all Saturdays as may be determined from time to time, in a city by the city council, subject to the provisions of the city charter, or, in a town, by vote of the town at a special or regular town meeting, and the provisions of section nine of chapter four shall apply in the case of such closing of any such office on any Saturday to the same extent as if such Saturday were a legal holiday."

;or do or act anything in relation thereto.

Proposed by: TOWN CLERK
Board of Selectmen Recommendation: Support
Advisory Committee Recommendation: Support

Summary: *Acceptance of this provision of the General Law would extend a voter registration deadline which occurs on a Saturday to the following Monday.*

ARTICLE 34: To see if the Town will vote to amend the Zoning Code of the Town of Southborough, Zoning Article I entitled "Miscellaneous Provisions" and Article V entitled "Nonconforming Uses and Structures" by amending thereto Section 174-9 entitled "Special Permit Requirements" and 174-19 entitled "Extensions" as hereinafter specified.

****Bold text are insertions. Strikethrough text are deletions.*

Article I: Miscellaneous provisions
§ 174-9 Special permit requirements.
[Amended 4-14-1986 ATM by Art. 46]

E. Nonconforming uses, lots and structures. Special permits may be issued for the extension**,** ~~or~~ alteration**, reconstruction or structural change** of legally nonconforming uses, structures and lots, including a change in the non**-**conforming use to another non-conforming use, provided that the Board of Appeals finds that such extension, alteration**, reconstruction** or **structural** change shall not be substantially more detrimental to the neighborhood, will not increase the extent of non**-**conformance in size or in impact and that the cost thereof shall not exceed 50% of the assessed value of the non-conforming structure at the time of application, and further provided that the estimate of the cost of any extension**,** ~~or~~ alteration**, reconstruction or structural change** utilized by the Board of Appeals in evaluating the above specified 50% requirement of the assessed value shall not be less than a cost estimate of such extension**,** ~~or~~ alteration**, reconstruction or structural change** based on a nationally recognized building cost estimate manual or system acceptable to the Zoning Board of Appeals. ~~No special permits under this subsection shall be granted for nonconforming signs subject to Chapter 93 or 93D of the General Laws.~~
[Amended 4-15-2008 ATM by Art. 38]

§ 174-19 **Extensions,** ~~or~~ alterations**, reconstruction or structural changes.**
[Amended 4-10-2000 ATM by Art. 55]

A. Nonconforming structures or uses shall not be extended**,** ~~or~~ altered**, reconstructed or structural changes made** except to make them conforming~~,~~ unless the Board of Appeals authorizes such extension**,** ~~or~~ alteration**, reconstruction or structural change** by special permit upon making findings as provided in § 174-9E.

B. ~~Single-family and two-family residential structures. In the following circumstances,~~ **Notwithstanding the provisions of Section A above, as provided in M.G.L. c.40A, § 6, if any proposed extension, alteration**, reconstruction**,** ~~extension~~ or structural change to a single or two-family residential **structure complies with one of the conditions set forth in subsections (1) through (5) below, such extension, alteration, reconstruction or structural change** ~~structure~~ shall not be considered an increase in the non-conforming nature of the structure and shall be permitted as of right.
[Amended 10-7-2013 STM by Art. 9]

(1) **Extension, a**~~A~~lteration**, reconstruction or structural change** to a structure which complies with all current setbacks, lot coverage and building height requirements but is located on a lot with insufficient area~~,~~ where the alteration will also comply with all of said current requirements.~~;~~

(2) **Extension, a**~~A~~lteration**, reconstruction or structural change** to a structure which complies with all current setbacks, lot coverage and building height requirements but is located on a lot with insufficient frontage~~,~~ where the alteration will also comply with all of said current requirements.~~;~~

(3) **Extension, a**~~A~~lteration**, reconstruction or structural change** to a structure which encroaches upon one or more required setbacks~~,~~ where the alteration will comply with all current setbacks, open lot coverage and building height requirements. The provisions of this ~~s~~Subsection ~~B (3)~~ shall apply regardless of whether the lot complies with current area and frontage requirements.

(4) Extension, alteration, reconstruction or structural change to the rear, side or fascia of a structure which encroaches upon a required yard or setback area where the alteration will not encroach upon such area to a

distance greater than the existing structure. The provisions of this subsection shall apply regardless of whether the lot complies with current area and frontage requirements.

(5) Extension, alteration, reconstruction or structural change to a non-conforming structure which will not increase the footprint of the existing structure providing that existing height restrictions shall not be exceeded.

In the event that the Building Commissioner determines that none of the exemptions set forth in subsections (1) through (5) apply, and the Building Commissioner determines that the non-conforming nature of such structure would be increased by the proposed extension, alteration, reconstruction or structural change, then the Board of Appeals may, by special permit, allow such extension, alteration, reconstruction or structural change where the proposed modification will not be substantially detrimental than the existing non-conforming structure to the neighborhood.

; or do or act anything in relation thereto.

Proposed by: ZONING BOARD OF APPEALS
Board of Selectmen Recommendation: Support
Advisory Committee Recommendation: At Town Meeting
Summary: *This article proposes to amend the Special Permit Requirements and Exemptions by the addition of language for the purpose of clarity and the inclusion of exemptions to comply with current case law.*

***ARTICLE 35**:* To see if the Town will vote to amend the Zoning Code of the Town of Southborough Article III entitled "Use Regulations" by replacing thereto Section 174-12.1 thereof entitled "Outdoor illumination" as hereinafter specified.

****Bold text are insertions. Strikethrough text are deletions.*

§ 174-12.1
Outdoor illumination.
[Added 4-11-2005 ATM by Art. 40]

A. Purpose. This section recognizes the benefits of outdoor lighting and provides clear guidelines for its installation, so as to help maintain and complement Southborough's character. The intent of this section is to**:**

(1) encourage lighting that provides safety, utility and security, **productivity, enjoyment and commerce;**

(2) prevent glare on public roadways;

(3) protect the privacy of residents;

(4) promote energy-efficient outdoor lighting;

(5) limit the total allowable illumination of lots located in the Town of Southborough;~~ to reduce atmospheric light pollution.~~

(6) minimize adverse offsite impact such as light trespass, and obtrusive light;

(7) curtail light pollution and reduce skyglow to create a healthy night-time environment for residents of Southborough

The Planning Board is authorized to promulgate rules and regulations to carry forth the purpose and intent of these Bylaw provisions. Appropriately regulated, and properly installed, outdoor lighting will contribute to the safety and welfare of the residents of Southborough.

B. Applicability. Outdoor illumination by flood or spot luminaries rated at 900 lumens or more (which is approximately equal to one sixty-watt incandescent light bulb) or by any other luminaires rated at 1,800 lumens or more (which is approximately equal to one one-hundred-twenty-watt incandescent light bulb) shall be subject to the provisions of this section **including application to single and two-family residential lots**, with the following exceptions:

(1) emergency lighting;

(2) hazard warning;

(3) temporary decorative or holiday lighting ~~or public roadway illumination.~~

It shall also not apply to any luminaire intended solely to illuminate any freestanding sign, flag or the walls of any building, but such luminaire shall be shielded so that its direct light is confined to the surface of such sign, flag or building.

~~(1) The replacement of existing fixtures shall be subject to the provisions of this section; however, the replacement of existing nonconforming lamps or fixtures with the same or lower output nonconforming lamps or fixtures is exempted.~~

The replacement of fixtures or luminaires shall be subject to the provisions of this section and comply with guidance outlined in the Rules and Regulations for Outdoor Illumination maintained by the Planning Board. Non-conforming fixtures or luminaires requiring replacement for any reason (including but not limited to end of life, breakdown, vandalism) shall be replaced in compliance with this Bylaw.

~~(2)~~ The Planning Board, in performing review pursuant to § 174-10, Site plan approval, may determine that special circumstances of the site, context or design make an alternative lighting design at least equally effective in meeting the purposes of this section and, in such cases, may modify the requirements of this section.

C. Enforcement. The owner of any lot or property on which a luminaire subject to this Bylaw is located or proposed to be located shall have the burden of demonstrating that the existing or proposed luminaire complies with the standards established by this Bylaw. The manufacturer's specification sheet may be used to establish the lumen level of a luminaire, correlated color temperature (CCT) and, if required, to verify the use of fully shielded fixture design. Illumination levels may be verified through the use of manufacturer's photometric data sheet and/or photometric site drawing or through on-site calibrated light level meter readings. A site visit at night by a representative of the Town in the form of a visual observation and/or photograph may be required to determine if a nuisance has occurred.

(1) Violations of this Bylaw shall be subject to the provisions of the Town of Southborough Article III entitled "Use Regulations" Section 174-24 thereof entitled "Enforcement; procedures; violations and penalties."

D. Definitions. For the purposes of this section, the following terms shall be defined as indicated below. Although set forth here for convenience, the terms shall have the same effect as if in § 174-2 of this Bylaw.

BACKLIGHT – For an exterior luminaire is the 90-degree quarter-sphere located behind and below the light source. For luminaires with symmetric distribution, backlight will be the same as front light.

BUG RATING – A luminaire classification system that classifies backlight (B), uplight (U), and glare (G) per IES TM-15-11.

CORRELATED COLOR TEMPERATURE (CCT) – A specification of the color appearance of the light emitted by a lamp, relating its color to the color of light from a reference source when heated to a particular temperature, measured in degrees Kelvin (K).

FIXTURE – The assembly that houses a lamp or lamps, and which may include a housing, a mounting bracket or pole socket, a lamp holder, a ballast, a reflector or mirror, and/or a refractor, lens or diffuser lens.

FRONTLIGHT – For an exterior luminaire is the 90-degree quarter-sphere located in front and below the luminaire.

FULL CUTOFF – A luminaire designed with an opaque shield surrounding and extending below the lamp, such that no direct light is emitted above a horizontal plane.

FULLY SHIELDED LUMINAIRE — A luminaire constructed and installed in such a manner that all light emitted by the luminaire, either directly from the lamp or a diffusing element, or indirectly by reflection or refraction from any part of the luminaire, is projected below the horizontal plane through the luminaire's lowest light-emitting part.

GLARE – Light emitted from a luminaire with intensity great enough to produce annoyance, discomfort or a reduction in a viewer's ability to see, and in extreme cases causing momentary blindness.

HARDSCAPE – Permanent hardscape improvements to the site including parking lots, drives, entrances, curbs, ramps, stairs, steps, medians, walkways, and non-vegetated landscaping that is 100 feet or less in width. Materials may include but are not limited to concrete, asphalt, stone, and gravel.

INDIRECT LIGHT – Light scatter caused by direct light being redirected from a surface.

LAMP – The component of a luminaire that produces the actual light.

LED LAMP– (Light Emitting Diode) An electric lamp with a much longer lifespan than incandescent lighting and low energy consumption.

LIGHT TRESPASS – The shining of direct **or indirect** light produced by a luminaire beyond the boundaries of the lot on which it is located.

LUMEN – A measure of light energy generated by a light source. One footcandle is one lumen per square foot. For purposes of this bylaw, the lumen output shall be the initial lumen output of a lamp, as rated by the manufacturer.

LUMINAIRE – A complete lighting ~~system, including a lamp or lamps and a fixture.~~ **unit (fixture), consisting of a lamp, or lamps and ballast(s) (when applicable), together with the parts designed to distribute the light (reflector, lens, diffuser), to position and protect the lamps, and to connect the lamps to the power supply.**

LUMINAIRE LUMENS - For luminaires with relative photometry per Illuminating Engineering Society (IES), it is calculated as the sum of the initial lamp lumens for all lamps within an individual luminaire, multiplied by the luminaire efficiency. If the efficiency is not known for a residential luminaire, assume 70%. For luminaires with absolute photometry per IES LM-79, it is the total luminaire lumens. The lumen rating of a luminaire assumes the lamp or luminaire is new and has not depreciated in light output.

MOUNTING HEIGHT - The height of the photometric center of a luminaire in feet above grade level. Feet above grade level refers to the overall average grade of the area being illuminated.

UPLIGHT - For an exterior luminaire is all of the light escaping above the luminaire.

E. Lighting zones. The Lighting Zone shall determine the limitations for lighting as specified in this section.

LZ-0: No ambient lighting

Areas where the natural environment will be seriously and adversely affected by lighting. Impacts include disturbing the biological cycles of flora and fauna and/or detracting from human enjoyment and appreciation of the natural environment. Human activity is subordinate in importance to nature. The vision of human residents and users is adapted to the darkness, and they expect to see little or no lighting. When not needed, lighting should be extinguished.

Zoning Districts: Conservation and Research, Scientific & Professional

LZ-1: Low ambient lighting

Areas where lighting might adversely affect flora and fauna or disturb the character of the area. The vision of human residents and users is adapted to low light levels. Lighting may be used for safety and convenience but it is not necessarily uniform or continuous. After curfew, most lighting should be extinguished or reduced as activity levels decline.

Zoning Districts: Residence A and Residence B

LZ-2: Moderate ambient lighting

Areas of human activity where the vision of human residents and users is adapted to moderate light levels. Lighting may typically be used for safety and convenience, but it is not necessarily uniform or continuous. After curfew, lighting may be extinguished or reduced as activity levels decline.

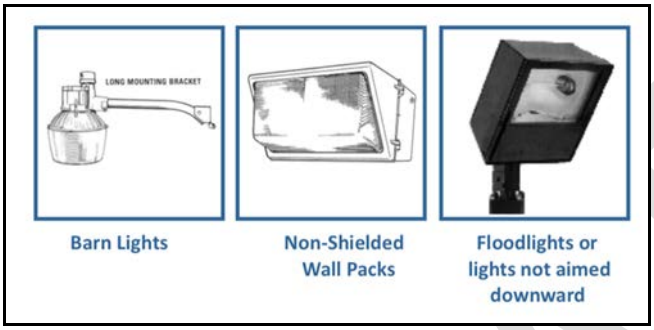
Zoning Districts: Business Village

LZ-3: Moderately high ambient lighting

Areas of human activity where the vision of human residents and users is adapted to moderately high light levels. Lighting is generally desired for safety, security and/or convenience and it is often uniform and/or continuous. After curfew, lighting may be extinguished or reduced in most areas as activity levels decline.

Zoning Districts: Business Highway, Industrial and Industrial Park

Non-shielded wall-packs, barn lights, and floodlights not aimed downward are prohibited in all zones.



F. Total site lumen limit. The total installed initial luminaire lumens of all outdoor lighting shall not exceed the total site lumen limit. The total site lumen limit shall be determined using the hardscape area and table below. For sites with existing lighting, existing lighting shall be included in the calculation of total installed lumens. The total installed initial luminaire lumens are calculated as the sum of the initial luminaire lumens for all luminaires.

Table 1: Allowed Total Initial Lumens Per Site for Outdoor Lighting by Hardscape Method

LZ-0	LZ-1	LZ-2	LZ-3
• Conservation • Research, Scientific & Professional	• Residential A • Residential B	• Business Village	• Business Highway • Industrial • Industrial Park
0.5 lumens per SF of hardscape	1.25 lumens per SF of hardscape	2.5 lumens per SF of hardscape	5.0 lumens per SF of hardscape

G. Correlated Color Temperature (CCT). All proposed LEDs shall have a correlated color temperature (CCT) between 2200K and 3000K.

H. Exterior lighting plan. Applications subject to the provisions of § 174-10, Site plan approval, shall submit a lighting plan which shall include the following information, except to the extent waived by the Planning Board. All other lighting not subject to the provisions of said § 174-10 does not require a lighting plan but shall meet the standards as set forth in this **Bylaw** ~~section~~, unless as may otherwise be provided herein. **The installation of fixtures or luminaires shall be subject to the provisions of this bylaw and comply with guidance outlined in the Rules and Regulations for Outdoor Illumination maintained by the Planning Board. The** lighting plan shall include the following information **and comply with the regulations adopted pursuant to this Bylaw**:

(1) Location, orientation and type of outdoor luminaire, including the height of the luminaire, both existing and proposed;

(2) Type of lamp, such as metal halide, compact fluorescent, high pressure sodium**, LED;**

(3) Luminaire manufacturer's specification data, including lumen output and photometric data showing cutoff angles, as well as a description of all illuminating devices, fixtures, lamps, supports, reflectors, both existing and proposed; this may include, but is not limited to, catalog cuts and illustrations by manufacturers;

(4) Complete report of BUG rating data for all luminaires (if not already included in the manufacturer's specification data) calculated from photometric data (as per IES TM-15-11) showing compliance with the Planning Board Rules and Regulations for Outdoor Illumination;

(5) Photometric plan showing the intensity of illumination expressed in footcandles at ground level within the interior of the property and at the property boundaries **that also includes the Total Site Lumen Limit; Limits to Off Site Impact; Light Shielding for LED lighting; and the Correlated Color Temperature; according to adopted regulations;**

(6) Evidence that the plan complies with light trespass restrictions as set forth herein.

I. Waivers. An applicant may make a waiver request to the Planning Board for increased lighting levels within any given lighting zone and the Planning Board shall have such waiver authority hereunder.

J. Lighting control requirements. Automatic switch controls shall be provided that automatically extinguish all outdoor lighting when sufficient daylight is available using a control device or system such as a photoelectric switch, astronomic time switch or equivalent functions from a programmable lighting controller, building automation system or lighting energy management system, all with battery or similar backup power or device. The Exterior Lighting Plan shall establish curfew time(s) after which total outdoor lighting lumens shall be reduced by at least 30% or extinguished. Lighting reductions are not required for any of the following:

(1) Lighting for residential properties including multiple residential properties not having common areas; with the exception of landscape lighting

(2) When the outdoor lighting consists of only one luminaire.

(3) Code required lighting for steps, stairs, walkways, and building entrances.

(4) Lighting under canopies, in tunnels, parking garages, and similar conditions.

(5) When in the opinion of the Planning Board, lighting levels must be maintained.

(6) Motion activated lighting.

(7) Lighting regulated by special use in which times of operation are specifically identified.

(8) Businesses that operate on a 24-hour basis.

K. Community outdoor sports/recreational lighting requirements. These requirements are an exemption from the total site lumen limit based on hardscape metrics. Community outdoor sports or recreational facilities will be held to the IDA, IES criteria for outdoor sports lighting. On-field illuminance values will be determined by current IDA, IES set forth in the Rules and Regulations for Outdoor Illumination adopted to implement the intent and purpose of this bylaw. Standard regulations include:

(1) Color, luminaire correlated color temperature (CCT) may not exceed 4000 Kelvin;

(2) Other lighting, parking and concession area lighting will be considered a separate luminaire system and must meet the applicable lighting standards for the relevant lighting zones;

(3) Shut-off, curfew time shall be no later than 10:00PM (2200 hrs.); for good cause shown, the Planning Board may waive the compliance requirement of this subsection

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L. Street lights. Light emitted by the fixture shall have a correlated color temperature no greater than 3000 Kelvin and/or comply with Massachusetts DPU Tariff standards if applicable. All other street light features are exempt from regulation under this bylaw.

M. Light shielding for parking lot illumination. All parking lot lighting shall have no light emitted above 90 degrees from the installed vertical axis.

N. Flickering and flashing lights. No flickering or flashing lights shall be permitted. Processes, such as arc welding, which create light flashes shall be confined within buildings or shielded to prevent either direct glare or flashing.

O. Fixture mounting heights.

(1) ~~F.~~ Wall-mounted fixtures. In nonresidential districts, a luminaire attached to the exterior of a building or structure for area lighting shall be mounted no higher than 15 feet above grade and shall be shielded to control glare. ~~"Wal-pac" lighting fixtures are prohibited.~~

(2) ~~P.~~ Pole-mounted fixtures. Pole-mounted exterior lighting fixtures **shall not exceed the pole-mounted height limitation of 20 feet in all zones.** ~~types are defined and restricted as follows:~~

Existing non-conforming light heights may remain as mounted until modification is proposed, at which time the height must be brought into compliance.

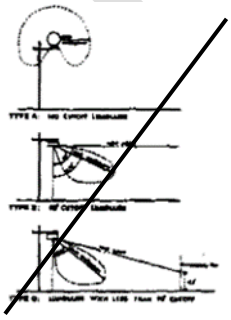
~~(1) Type A: no light cutoff.~~

~~(2) Type B: luminaire shielded such that peak candlepower is at an angle of 75° or less from straight down, and essentially no light is emitted above the horizontal.~~

~~(3) Type C: luminaire shielded such that total cutoff is at less than 90° from straight down, and no light source is in direct view of an observer five feet above the ground at any point off the premises.~~

~~H. Pole-mounted fixtures height limitation. Illustrations of pole-mounted exterior lighting fixture types are shown in Chart I herein. Pole-mounted fixtures shall not exceed the applicable pole-mounted height limitation set forth in Chart II in any district. The Type A pole-mounted exterior lighting fixture is prohibited in all nonresidential districts, unless equipped with shields.~~

~~CHART I. ILLUSTRATIONS~~



~~**HART II. POLE MOUNTING HEIGHT LIMITATIONS**~~

~~**Maximum Luminaire Mounting Height**~~

~~**(feet above grade)***~~

~~"District" is that in which fixtures are located.~~

~~**District**~~

~~**Residential**~~ ~~**Nonresidential**~~

~~**HART II. POLE MOUNTING HEIGHT LIMITATIONS**~~

	~~**Maximum Luminaire Mounting Height (feet above grade)***~~ ~~"District" is that in which fixtures are located.~~	
	~~**District**~~	
	~~**Residential**~~	~~**Nonresidential**~~
~~Fixture Type A~~	~~10~~	~~Not allowed (unless shielded)~~
~~Fixture Type B~~	~~15~~	~~20~~
~~Fixture Type C~~	~~20~~	~~20~~

~~* Note: Feet above grade refers to the overall average grade of the area being illuminated.~~

P. Ceiling-mounted fixtures. In nonresidential districts, luminaires mounted on an exterior ceiling such as under a canopy shall be mounted with the refractor or lens flush with or recessed in the ceiling or fixture.

Q. Lighting levels. Any luminaire with a lamp or lamps rated at a total of 1**,**800 lumens or more (which is approximately equal to one one-hundred-twenty-watt incandescent light bulb) and all flood or spot luminaires rated at 900 lumens or more (which is approximately equal to one 60-watt incandescent light bulb) shall not emit any direct light above a horizontal plane through the lowest direct-light-emitting part of the luminaire. If any spot or flood luminaire rated 900 lumens or less is directed or focused such as to cause direct light from the luminaire to be cast toward residential buildings on adjacent or nearby land, or to create glare perceptible to persons operating motor vehicles on public ways, the luminaire shall be redirected or its light output controlled as necessary to eliminate such conditions. The Planning Board reserves the right to limit and regulate the amount of illumination on a project site between the hours of 10:00 p.m. and 6:00 a.m., while understanding the need for safety and security lighting.

R. Light trespass limitations. There shall be no light trespass by a luminaire beyond the property boundaries of the lot on which it is located, except as within a street right-of-way for which there shall be no limit.

; or do or act anything in relation thereto.

Proposed by: PLANNING BOARD
Board of Selectmen Recommendation: At Town Meeting
Advisory Committee Recommendation: At Town Meeting
Summary: *This article proposes to amend the Site Plan Approval bylaw by bringing minor site plan approval under the purview of the Planning Board, as opposed to the Site Plan Review Committee and further clarify steps for minor and major site plan approval.*

***ARTICLE 36**:* To see if the Town will vote to amend the Zoning Code of the Town of Southborough, Article III entitled "Use Regulations" by amending thereto Section 174-10, entitled "Site Plan Approval" as hereinafter specified.

****Bold text are insertions. Strikethrough text are deletions.*

§ 174-10
Site plan approval.
[Amended 4-8-1985 ATM by Art. 39; 4-14-1986 ATM by Art. 48; 4-13-1987 ATM by Art. 43; 4-11-1988 STM by Art. 4; 4-26-1990 ATM by Art. 41]

A. The purpose of the site plan review procedure is to encourage a desirable and compatible character of development within the Town of Southborough and to assure safety, promote logic, imagination and innovation in the design process while complying with all zoning requirements. The requirements of this section shall be applicable to the following:

(1) Any nonresidential development that results in an increase in on-site parking.

(2) All modifications to existing development projects which fall within the applicability of the Town's regulations for parking and loading (§ 174-12) or landscaping (§ 174-13).

(3) Any change in use or reactivation of a facility that has not been in use for a period of two years.
[Added 4-8-1996 ATM by Art. 51]

(4) Multifamily housing for the elderly.
[Added 4-15-1997 ATM by Art. 56]

(5) Adaptive reuse of historic buildings.
[Added 4-25-2017 ATM by Art. 30]

B. Site plan review will be processed by one of the following means:

(1) Minor plan review. Any new development, or expansion in use other than a single-family or two-family residence which adds less than 2,000 square feet of floor area or which would require at least five but fewer than 20 parking spaces regardless of the number of parking spaces existing on the premises, or any change of use of a facility that totals less than 2,000 square feet shall be subject to minor plan review by the **Planning Board** ~~Site Plan Review Committee. The Site Plan Review Committee shall be chaired by the Town Planner and will consist of a Selectmen or its designee, Building Inspector, Highway Superintendent, Board of Health Agent, Superintendent of the Water Department, Police Chief and Fire Chief or their designee, who will meet at a regularly scheduled time and place to review plans.~~ The **Planning Board** ~~Committee~~ shall also seek the advice of the Conservation Commission in the review of all minor plan submissions.
[Amended 4-8-1996 ATM by Art. 51]

(a) ~~Minor plan review will require 10 copies of the site plan to be submitted to the office of the Planning Board, together with an application form and filing fee.~~ **A complete application form, filing fee and multiple copies of all submission documents shall be submitted to the office of the Planning Board according to instructions on the application form.** All plans will be prepared at a scale no greater than one inch equals 40 feet on standard twenty-four-by-thirty-six-inch sheets and shall show, as a minimum:

[1] All existing and proposed buildings, including setbacks.

[2] Existing and proposed parking.

[3] Driveway openings.

[4] All property and street lines.

[5] Existing and proposed landscaping.

[6] Existing and proposed signs.

[7] Surfacing, indicating treatment of all surfaces.

[8] Location of all wetlands.

[9] Method of sewage disposal.

[10] Water supply.

[11] Stormwater drainage.

[12] Such other information as the **Planning Board** ~~Site Plan Review Committee~~ may reasonably request.

~~(b) Any dispute arising from the minor plan review process or any plan not receiving unanimous approval from the Site Plan Review Committee shall be referred to the Planning Board for action. The Committee may also refer any site plan that, due to unusual circumstances or a unique situation, it feels should be~~

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~~approved by the Planning Board. All site plans sent to the Planning Board by the Site Plan Review Committee for action will be handled through the minor plan review process.~~

~~[Amended 4-8-1996 ATM by Art. 51]~~

(b) Minor site plan is not a public hearing.

(c) The **Planning Board** ~~Site Plan Review Committee~~ shall approve, **or** disapprove ~~or refer to the Planning Board~~ all submittals for minor **site** plan review within **the required** 30 days of a completed application to the office of the Planning Board**, but the required time may be extended by written agreement between the applicant and the Board, a copy of said agreement to be filed with the Town Clerk. The actions allowed by the minor site plan approval are authorized for a one-year period from the date of grant thereof. The applicant shall be granted a single one-year extension by applying to the Planning Board, in writing, prior to the date of expiration. If the actions permitted are not exercised or the approval not extended, they shall lapse, and a new application will be required.**

(d) Where applicable, all other criteria and conditions of this section will govern minor plan review.

(2) Major plan review. Any new development, or expansion in use other than a single-family or two-family residence which adds 2,000 square feet or more of floor area or which would require 20 or more parking spaces, regardless of the number of parking spaces existing on the premises, or any change of use of a facility that totals 2,000 square feet or more shall be subject to major plan review by the Planning Board. The major site plan submission shall consist of the following elements:
[Amended 4-8-1996 ATM by Art. 51]

(a) Ownership, zoning, use and the general location of structure and topography within 300 feet of the property lines of the site or adjacent land contiguously owned with the site.

(b) All **plans will be prepared at a scale no greater than one inch equals 40 feet on standard twenty-four-by-thirty-six-inch sheets and shall show, as a minimum, all** site features, existing or proposed, including but not limited to the following:

[1] Driveways, including widths.

[2] Parking facilities, including dimensions thereof.

[3] Loading facilities.

[4] Service areas.

[5] Street line, including widths.

[6] Roadways, including widths.

[7] Pedestrian walks, including widths and types of surface.

[8] Landscaping designation, specific plantings.

[9] Screening.

[10] Signs, including proposed sizes, mounting heights, types and drafted design.

[11] Lighting, including plan location and detail information, size, type and wattage.

[12] Surfacing, indicating treatment of all surfaces.

[13] Existing trees on the site which are a caliper of six inches or larger.

[14] Wetlands.

[15] Drainage, including detailed design data, pipe sizing, etc.

[16] Stone walls.

[17] Topography at two-foot contour intervals.

[18] Sewage disposal, including detailed design information.

[19] Water supply.

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[20] Curbing.

[21] Such other information as the Planning Board may reasonably request.

(c) The construction of the work as detailed on the site plan shall not deviate from the work shown on the approved site plan. Accordingly, the site plan shall contain a sufficient level of detail to ensure the constructability of the project. Supporting details and documentation shall be presented as part of the site plan submission.

(3) Incomplete applications for both the minor and major review shall not be accepted by the Planning Board. Following submission of a site plan to the Planning Board, the Board or its designee shall review the **application/**plan for completeness within three business days of the submission. Completeness shall be based on the requirements of **the** ~~this~~ **respective** subsection**s for minor or major review.** If the submission is determined incomplete by the Planning Board or its agent, notice will be **provided** ~~mailed~~ to the applicant ~~by certified mail~~ within three business days of the submission specifying the deficiencies.

C. The plan**s for minor or major site plan approval** shall be prepared by a professional engineer, land surveyor, architect or landscape architect registered to practice in the Commonwealth of Massachusetts**. A complete application form, filing fee and multiple copies of all submission documents shall be submitted to the office of the Planning Board according to instructions on the application form.** ~~and shall be submitted with 11 copies to the office of the Planning Board, together with an application form and a filing fee, if any.~~

D. Approval required.

(1) Site plan approval shall be granted **by a majority vote** upon determination by the Planning Board that the following are complied with. Any new building construction or other site alteration shall provide adequate access to each structure for fire and service equipment**; shall provide** ~~and~~ adequate provision for utilities and stormwater drainage consistent with the functional requirements of the Southborough Planning Board's Rules and Regulations for the Subdivision of Land**;** ~~and~~ shall be so designed that for the given location, ~~and~~ type and extent of land use, the design of building form, building location, egress points, grading and other elements of the development shall be so as to:

(a) Minimize the volume of cut and fill, the number of removed trees six inches in caliper and larger, the length of removed stone walls, the area of wetland vegetation displaced, the extent of stormwater flow increase from the site, soil erosion and the threat of air or water pollution.

(b) Maximize pedestrian and vehicular safety and convenience within the site and egressing from it.

(c) Minimize obstruction of scenic views from publicly accessible locations.

(d) Minimize visual intrusion by minimizing the visibility of parking, storage or other outdoor service areas viewed from public ways or premises residentially used or zoned; minimizing glare from headlights through plantings or other screening; minimizing lighting intrusion through use of such devices as cutoff luminaires confining direct rays to the site; fixture mounting height not higher than 20 feet except adjacent to Route 9; and avoiding unreasonable departure from the character of building**s** in the vicinity.

(2) The Planning Board shall adopt and from time to time amend reasonable regulations for the administration of these guidelines.

E. The Planning Board shall hold a public hearing on the application for **major** site plan approval, with a written notice of the time and place of said hearing being given the applicant and the Board of Selectmen. The applicant is responsible for sending this notice to the certified abutters by certified mail return receipt requested, at least 10 days before the scheduled hearing. The Planning Board shall not act on the application until it has received and given due consideration to the recommendations of the Board of Selectmen or until 10 days have elapsed after the public hearing without receipt of the Selectmen's comments.

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F. The Planning Board shall act on a~~n~~ **complete** application for **major** site plan approval and shall notify, in writing, the applicant, the Board of Selectmen and the Building Inspector of its action within 60 days of the receipt of **a** ~~the~~ **complete** application**, but the required time may be extended by written agreement between the applicant and the Board, a copy of said agreement to be filed with the Town Clerk.** ~~Failure of the Planning Board to so act and to notify the applicant within said 60 days shall constitute approval of the site plan.~~ The actions allowed by the **major** site plan approval are authorized for a one-year period from the date of grant thereof. The applicant shall be granted a single one-year extension by applying to the Planning Board, in writing, prior to the date of expiration. If the actions permitted are not exercised or the approval not extended, they shall lapse, and a new application notice and hearing will be required.

G. Any person aggrieved by the action of the Planning Board on ~~a~~ **either minor or major** site plan approval application may appeal said action to a Court of competent jurisdiction in accordance with M.G.L. c.40A, Section 17**, as amended.**
[Amended 5-22-2018 STM by Art. 3]

H. Minor departures from the site plan as approved**,** may be authorized by the Building **Commissioner** ~~Inspector~~ after approval of the **Planning Board** ~~Site Plan Review Committee~~ if required by engineering or other circumstances not foreseen at the time of plan approval. Any change increasing the size of any building or structure, changing the location of any building, parking or access road by more than 10 feet or reducing landscaping or screening may be made only through review by the Planning Board following the same procedures as for an original submittal. Any departure must be requested, in writing, with the basis for the change given. Any change authorized shall be recorded on the file copy of the site plan with the Building **Commissioner** ~~Inspector~~'s signature and the date.

I. The removal, fill or change of grade of earth materials, including soil, loam, sand or gravel, undertaken in order to construct or locate buildings, structures and such features accessory thereto as ways, driveways, areaways, walks or parking areas, and therefore exempt from regulations under Chapter 85 of this Code, is a part of construction and development process regulated by the Zoning Chapter. Except as necessary for the construction of detached one- or two-family dwellings and of features accessory thereto, the removal, fill or change of grade of earth materials for the purposes defined above shall be subject to approval under this section. Where the commencement of removal, fill or change of grade of earth materials precedes construction by three months or more, the submission and approval of the site plan may be undertaken in two stages, with the information for the first stage limited to property boundaries, existing and proposed topography at two-foot or lesser contour intervals, the character of the soil to be removed, added or relocated, the location and depth of any service and drainage conduits or pipes and the approximate location of any existing or proposed buildings, structures or physical features accessory thereto. Each stage shall be treated as a separate site plan for the purposes of this section, and the approval of Stage 1 of a site plan shall not be construed to assure the subsequent approval of Stage 2.

J. Compliance. The issuance of an occupancy permit will not be given prior to the satisfactory completion of all elements and conditions of the approved site plan. A temporary occupancy permit may be issued after the satisfactory completion of all items essential to public health and safety and sufficient bonding acceptable to the Planning Board is provided to the Town to cover all outstanding items.

; or do or act anything in relation thereto

Proposed by: PLANNING BOARD
Board of Selectmen Recommendation: Support
Advisory Committee Recommendation: At Town Meeting

Summary: *This article proposes to amend the Site Plan Approval bylaw by bringing minor site plan approval under the purview of the Planning Board, as opposed to the Site Plan Review Committee and further clarify steps for minor and major site plan approval.*

ARTICLE 37: Amend Town Code – Zoning – Downtown Overlay District

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, or act or do anything in relation thereto.

Proposed by: BOARD OF SELECTMEN
Board of Selectmen Recommendation:
Advisory Committee Recommendation:
Summary:

ARTICLE 38: To see if the Town of Southborough will vote to approve the Southborough Noise Bylaw proposal attached to this document, as amended, or do or act anything in relation thereto.

SOUTHBOROUGH NOISE BYLAW

1.1 **Declaration of Policy**
Whereas excessive sound can be a serious hazard to the public health and welfare and safety and the quality of life; and whereas a substantial body of science and technology exists by which excessive sound may be substantially abated; and whereas the citizens of Southborough have a right to and should be ensured an environment free from excessive sound that may jeopardize their health or welfare or safety or degrade the quality of life; now, therefore, it is the policy of the Town of Southborough (the "Town") to prevent excessive sound which may jeopardize the health and welfare or safety of its citizens and/or degrade the quality of life.

It shall be unlawful for any person to make, continue to make, permit or cause to be made or continued, any loud, excessive, unnecessary or unusually loud noise or any noise which either annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of reasonable persons of normal sensitivities. Furthermore, it shall be unlawful for any person who has custody and control of the premises to allow or permit another person to make, continue or permit to be made or continued any loud, excessive, unnecessary or unusually loud noise or any noise which either annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of reasonable persons of normal sensitivities within the limits of the Town of Southborough.

1.2 **Definitions**
Except as may be specified herein, acoustical terminology used throughout this Bylaw is that approved as American National Standard Acoustical Terminology [ANSI S1.1-1994] by the American National Standards Institute (ANSI). The following words, phrases and terms as used in this Bylaw shall have the meanings as indicated below:

A. BACKGROUND SOUND LEVEL shall mean the sound level associated with a given environment, being a composite of sounds from all sources excluding the alleged offensive noise, at the location and approximate time at which a comparison with the alleged offensive noise is to be made.

B. CONSTRUCTION shall mean those activities requiring a building permit, and shall also include any site preparation, cemetery burial and caretaking operations, seismic surveys grading, assembly, erection, substantial repair, alteration, or similar action, including demolition, for or of public or private rights-of-way, structures, utilities or similar property.

C. The abbreviation dBA shall mean the A-weighted sound pressure level expressed in decibels and referenced to 20 Micropascals. The abbreviation dBC shall mean the C-weighted sound pressure level expressed in decibels and referenced to 20 Micropascals.

D. EMERGENCY VEHICLE: shall mean any vehicle operated in an effort to protect, provide or restore public safety, including, but not limited to, ambulances, police vehicles and fire vehicles.

E. EMERGENCY WORK: shall mean any work performed in an effort to protect, provide or restore public safety, or work by private or public utilities when restoring utility service or any work performed for the purpose of preventing or alleviating the physical trauma or physical damage threatened or caused by an emergence – an occurrence or set of circumstances involving actual or imminent physical trauma or property damage.

F. ENFORCING PERSON: shall mean any police officer, building official or public health official of the Town or any other Town employee designated by the Town Manager for this purpose.

G. IMPACT DEVICE: shall mean a construction device in which or by which a hammer, meaning a moving mass of hard solid material, is mechanically by means of a working fluid or compressed air caused to repetitively impact upon and transmit kinetic energy to a tool. The tool may be included as a part of the device, as in the case of a moil on a paving breaker or the drill steel of a jackhammer, or it may be a mass to which the impact device is temporarily connected as in the case of a pile and pile driver. Examples of impact devices are pile drivers, paving breakers, power impact hammers, impact wrenches, riveters and stud drivers.

H. INTRUDING NOISE: shall mean the total sound level created, caused, maintained by, or originating from an alleged offensive source at a specified location while the alleged offensive source is in operation.

I. PERSON: shall mean a person, firm, association, co-partnership, joint venture, corporation or any entity recognized by applicable law, public or private in nature.

J. SOUND LEVEL: shall mean the instantaneous A-weighted sound pressure level, in decibels, (dBA) as measured with a sound level meter set to the "A" weighting scale, slow response. On the decibel scale a sound level increase of 10 means the sound is 10 times more intense or powerful.

Decibel levels of some common activities are listed below:

Sound Level - dB	**Source**
50 - 65	normal conversation
60 - 65	laughter
70	hair dryer, vacuum
V Increasing risk of hearing loss V	
80	garbage disposal
85 - 90	lawnmower
100	garbage truck
120	walk behind leaf blower
130	jet takeoff/landing
145	fireworks

K. SOUND LEVEL METER: shall mean an instrument meeting American National Standard Institute's (ANSI) Standard S1.4-1983 for Type 1 or Type 2 sound level meters or an instrument and the associated recording and analyzing equipment, which will provide equivalent data.

1.3 **Designated Noise Zones**

The properties hereinafter described are hereby assigned to the following noise zones:

NOISE ZONE I: All properties utilized as residential uses in accordance with the Town of Southborough Zoning Bylaws and the grounds of any school, hospital or similar health care institution, house of worship or library while the same is in use, and any Cemetery or Open Space.

NOISE ZONE II: All other property used in accordance with the Town's Zoning Bylaw.

1.4 **Exterior Noise Standards**

It shall be unlawful for any person at any location within the area of the Town to create any loud noise, or to allow the creation of any noise, on property owned, leased, occupied or otherwise controlled by such person, which causes the sound level when measured on complainant's property to exceed the greater of:

A. The maximum allowable exterior sound level outlined in Table I; or
B. Five dB over the background sound level.

Table 1. Maximum Allowable Exterior Sound Level		
Noise Level	Daytime level 7:00 AM to 10:00 PM	Nighttime level 10:00 PM to 7:00 AM
I	60 dBA	50 dBA
II	70 dBA	65 dBA

If the intruding noise source is continuous and cannot reasonably be discontinued or stopped for a time period whereby the background sound level can be determined, the measured sound level obtained while the source is in operation shall be compared directly to the maximum allowable exterior sound level outlined in Table I.

1.5 **Construction Noise Standards**
A. Noise associated with construction is permitted between 7:00 AM and 6:00 PM on weekdays and 9:00 AM and 5:00 PM Saturdays provided the sound level from:

1. Non-impact devices do not exceed 70 dBA as measured over a time interval of 1 minute with the sound meter set to slow located on any other property, but at least 50 feet from the construction activity;

2. Impact devices does not exceed 90 dBA as measured with a sound level meter set to slow response located on any other property, but at least 30 feet from the construction activity.

B. Between the hours of 6:00 PM and 7:00 AM on weekdays and Saturday, noise associated with construction, shall be limited by the standards of Section 1.4.

C. Construction activities shall not be allowed on Sundays or legal holidays.

1.6 **Maintenance Noise Standards**
A. Noise associated with maintenance is permitted between 7:00 AM and 6:00 PM on weekdays, 8:00 AM and 6:00 PM on Saturdays and between the hours of 9:00 AM and 6:00 PM on Sunday, provided the sound level does not exceed 70 dBA as measured with a sound level meter set to slow response on any other property, but at least 50 feet from the maintenance;

B. Between the hours of 6:00 PM and 7:00 AM on weekdays, 6:00 PM and 8:00 AM on Saturday and between the hours of 6:00 PM and 9:00 AM on Sunday or a legal holiday, noise associated with maintenance, shall be limited by the standards of Section 1.4.

1.7 **Commercial Trash Collection and Deliveries or Pick-up**
A. The operation of commercial trash compactors or collection of trash, rubbish, refuse or debris, which generates noise in excess of the criteria given in Section 1.4 at any point of public or common pass-by between the hours of 7:00 PM and 7:00 AM is prohibited.

B. Deliveries or pick-ups for commercial or business purposes between 10:00 PM and 6:00 AM are prohibited unless the noise level of such deliveries or pick-ups in nearby residential areas does not exceed the noise criteria listed in Section 1.4.

1.8 **Motor Vehicles or Motorcycles**
Motor vehicles or motorcycles operated on public ways in the Town of Southborough or in any place where the public has the right of access as invitees or licensees may not exceed a maximum sound level of 85 dBA. It is also in

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violation of the Bylaw to operate a motor vehicle or motorcycle without a sound-limiting device connected to the exhaust system. This prohibits so-called "straight pipe" exhaust systems. This section shall not include screeching sounds emitted from emergency braking. Measurement for the purposes of this Section shall be at a distance of 36 inches from the noise source.

1.9 **Special Provisions**
Noise associated with the following activities shall be exempted from the provisions of this Bylaw:

A. Emergency work or emergency vehicles.

B. The operation of any vehicular alarm provided it terminates within 15 minutes of the initially recorded complaint.

C. Occasional outdoor gatherings, public dances, shows, and sporting and entertainment events provided said events are conducted pursuant to a permit or license issued by the appropriate jurisdiction relative to the staging of said events.

D. The intermittent or occasional use, during the daytime, of homeowners' light residential outdoor equipment

E. Snow removal performed by snow blowers, snow throwers or snow plows when appropriately outfitted with a muffler.

F. Any activity to the extent regulation thereof has been preempted by Town, State or Federal Law or by agreement between Town, State or the Federal Government.

1.10 **Prima Facie Violations**
Any measured noise exceeding the sound level standards as specified in Sections 1.4 through 1.10 may be deemed by the enforcing person to be prima facie evidence of a violation of the provisions of this Bylaw.

1.11 **Penalties for Violations**
A. Violations under Article 1, in the discretion of the enforcing person, may be enforced by non-criminal disposition as provided in MGL Chapter 40, Section 21D.

B. The penalty for a violation under this Bylaw shall be $100 for a first offense, $250 for a second offense, $500 for a third offense, and for each succeeding offense each day or part thereof shall constitute a separate offense.

Proposed by: PETER LAPINE, et al.
Board of Selectmen Recommendation: Not Support
Advisory Committee Recommendation: At Town Meeting
Summary: *As the population of Southborough grows, it has transitioned from a rural community to one that is more suburban. People move to Southborough to enjoy its natural beauty and peaceful environment. With increased housing density, practices of earlier times increasingly encroach upon the tranquility of Town residents, resulting in conditions characterized as being out of balance. There is an ever-growing requirement to place limits on these practices – a rebalancing - so that everyone, business owners and homeowners alike, may prosper. This article, a Noise Bylaw, seeks to harmonize the needs of Town residents with those of local business owners.*

ARTICLE 39: To see if the Town of Southborough will vote to pass a bylaw to reduce plastic waste

Section 1 Purpose and Intent

The production and use of single-use plastics such as polystyrene food packing and thin-film plastic checkout bags have significant impacts on the environment, including, but not limited to, contributing to the potential death of aquatic and land animals through ingestion and entanglement; contributing to pollution of the natural environment; creating a burden to solid waste collection and recycling facilities; clogging drainage systems; and requiring the use of millions of barrels of crude oil nationally for their manufacture. Additionally, polystyrene contains known carcinogens, and readily leaches into certain foodstuffs. Measurable levels of polystyrene are now found almost 100% of human fat samples.

The purpose of this bylaw is to preserve the Town's water, wildlife and natural resources—as well as to enhance the health of its citizens—by banning within the Town of Southborough two of the largest contributors of non-recyclable plastics to the environment—single-use polystyrene retail food packaging and single-use plastic checkout bags—while promoting the adoption of more environmentally friendly alternatives.

Section 2 Definitions

"Polystyrene food packaging" – means any holder of food or beverage made from polystyrene, either in solid or foam (Styrofoam) form, such as cups, plates, or take-out containers, as well all other single-use plastic products made to facilitate the consumption of foods, such as straws, lids and utensils made from polystyrene or other non-compostable plastic materials.

"Checkout bag" – means a carryout bag provided by a store to a customer at the point of sale. Checkout bags shall not include bags, whether plastic or not, in which loose produce or products are placed by the consumer to deliver such items to the point of sale or checkout area of the store.

"Retail Store" – means any business facility that sells goods directly to the consumer whether for or not-for-profit, including, but not limited to, retail stores, restaurants, pharmacies, convenience and grocery stores, liquor stores, as well as seasonal and temporary businesses.

"Reusable checkout bag" – means a bag with handles that is specifically designed and manufactured for multiple reuse and is either polyester, polypropylene, cotton or other durable material, or durable plastic that is at least 4.0 mils in thickness.

"Thin-film single-use plastic bags" – are those bags typically with handles, constructed of high-density polyethylene (HDPE), low density polyethylene (LDPE), linear low density polyethylene (LLDPE), polyvinyl chloride (PVC), polyethylene terephthalate (PET), or polypropylene (other than woven and non -woven polypropylene fabric), if said film is less than 4.0 mils in thickness

"Recyclable paper bag" – means a paper bag that is 100 percent recyclable and contains at least 40% post–consumer recycled content, and displays the words "recyclable" and "made from 40% post-consumer recycled content" in a visible manner on the outside of the bag

Section 3 Use Regulations
(A) Polystyrene food packaging shall not be distributed, used, or sold by any retail store within the town of Southborough.

(B) Thin-film single-use plastic bags shall not be distributed, used, or sold for checkout or other purposes at any retail store within the Town of Southborough.

(C) If a retail store provides or sells checkout bags to customers, the bags must be one of the following (1) recyclable paper bags, or (2) reusable checkout bags. The retail store may charge for said bags.

(D) Thin-film plastic bags used to contain dry cleaning, newspapers, produce, meat, bulk foods, wet items and other similar merchandise, typically without handles, are still permissible.

(E) Violation of the By-Law to Reduce Plastic Waste: First offense – written warning; 2nd offense - $100 per offense; 3rd and subsequent offenses - $250 per offense.

Section 4 Effective Date

This bylaw shall take effect six (6) months following Town Meeting approval of the bylaw. Upon application of the owner or the owner's representative, the Board of Selectmen or their designee may exempt a retail store from the requirements of this section for a period of up to two (2) months upon a finding by the Board of Selectmen or their designee that (1) the requirements of this section would cause undue hardship; or (2) a retail store requires additional time in order to draw down an existing inventory of straws or checkout bags.

Section 5 Enforcement

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Enforcement of this bylaw shall be the responsibility of the Board of Selectmen or their designee. The Board of Selectmen or their designee shall determine the monitoring process to be followed, which may be limited to responding to citizen reports, and incorporating the monitoring process into other town duties as appropriate. Any retail store distributing plastics in violation of this bylaw shall be subject to fines as described in Section 3 (E) above. Any such fines shall be paid to the Town of Southborough. No licenses shall be renewed for any establishment with outstanding violations under this section.

Section 6 Severability

If any provision of this bylaw is declared invalid or unenforceable the other provisions shall not be affected thereby.

; or to do or act anything in relation thereto.

Proposed by: MICHAEL WEISHAN, ET AL.
Board of Selectmen Recommendation: At Town Meeting
Advisory Committee Recommendation: At Town Meeting
Summary: *This proposed bylaw would make a marked contribution to the heath of both the citizens of Southborough and the overall environment by banning single-use plastic bags, Polystyrene cups, straws, utensils etc. at all retail establishments in Southborough.*

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And you are to give notice hereby by posting true and attested copies of the Warrant on the Town website, the Southborough Town House, 17 Common Street, Southborough Senior Center, 9 Cordaville Road, Southborough Library, 25 Main Street, and Southborough Transfer Station, 147 Cordaville Road; seven (7) days at least before the time appointed for such meeting.

Given under our hand this XX (XXth) day of February, 2021.

_____

Martin F. Healey, Chairman

_____

Lisa M. Braccio, Vice-Chairman

_____

Brian E. Shea

_____

Sam Stivers

_____

Chelsea M. Malinowski

BOARD OF SELECTMEN OF THE TOWN OF SOUTHBOROUGH

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DRAFT DOWNTOWN BUSINESS VILLAGE DISTRICT V.3

November 15, 2020

Part I. Amend **§ 174-2** Definitions by adding the following new term and definition in appropriate alphabetical order.

BED AND BREAKFAST

Bed and breakfast is an establishment on an owner-occupied property providing not more than four guest rooms for overnight lodging, with food service limited to breakfast for guests.

FAÇADE

The exterior side of a building.

MICROBREWERY

A microbrewery is a licensed establishment that produces and distributes beer, ale, or other malt beverages, and which may include accessory uses such as tours of the microbrewery, retail sales, and a taproom for on-site consumption. In addition to selling beer at retail on the premises, a microbrewery may act as wholesaler for beer of its own production for off-site consumption if it has a valid pub brewery license from the Commonwealth of Massachusetts.

MIXED-USE DEVELOPMENT

Mixed-Use Development: A development that includes both residential uses and nonresidential uses within a single structure, with nonresidential uses occupying the ground floor (street level) and residential uses above on the upper floors. The total gross floor area of the nonresidential uses shall be at least 10 percent of the gross floor area of the structure.

Part 2. Amend **§ 174-3 Districts enumerated** by adding the following new district:

K. Downtown Business Village District, referred to as DBV District.

Part 3. Amend **§ 174-8(C)(2)** as follows (amendment shown in italics)

Not more than one principal permitted use shall be located on any lot, provided that a multiple occupancy building used for the same category of use, such as retail sales and services, light manufacturing or offices in a business district or Industrial Park District, *or a mixed-use development in the Downtown Business Village District*, shall be deemed to be in a single principal permitted use. . . .

Part 4. Amend **Article III, Use Regulations**, by adding the following new section:

§ 174-8.4.1 Downtown Business Village District[1]

A. Permitted uses are as follows:

(1) All uses permitted in the residential districts (RA and RB)

B. Permitted uses are as follows:[2]

(1) Mixed-use development

(2) Professional or business office, or bank, but not including a medical or dental office

(3) Custom manufacturing of custom goods sold primarily on the premises, such as a woodworking shop, shop for artisan or craftsperson, or bakery

(4) Bed and breakfast

(5) Art gallery

(6) Child care center

(7) Co-work center

C. Permitted uses, up to a maximum of 3,000 square feet per establishment:

(1) Retail sales

(2) Ice cream shop, sandwich shop, candy shop, other specialty food service establishment serving walk-in customers (drive-through service is prohibited)

(3) Restaurant, with indoor seating and outdoor seating on an adjacent patio (drive-through

[1] Note: some commenters suggested removing certain of the uses listed here, but most of the uses to be removed are already in Southborough's Business Village District zoning today. For this reason, we hesitate to remove them.

[2] The FAR has been moved to dimensional regulations.

service is prohibited)

(4) Personal services such as barber shop, beauty salon, tailor, or shoe repair

D. Permitted uses by special permit from the Planning Board are as follows:

(1) Any use listed in Subsection C exceeding 3,000 sq. ft. per establishment

(2) Microbrewery

(3) Veterinarian, animal hospital, dog kennel.

(4) Medical or dental office

(5) Multifamily housing, up to eight units.

(6) Private garage or parking for more than three cars or more than one truck or other commercial vehicle.

(7) Indoor recreation, athletic or exercise facility.

E. Uses by special permit from the Zoning Board of Appeals are as follows:

(1) Accessory apartment.

(2) Conversion of a one-family house in existence for two years or longer to a two-family dwelling, on a lot with a minimum of 15,000 square feet.

(3) A mobile home or travel trailer used as a dwelling or business quarters for more than 30 days in a year.

F. Prohibited uses. All uses which are not listed above, legally nonconforming or otherwise allowable by the provisions of the zoning regulations are prohibited.

G. Development standards (Note: Also refer to § **174-10.1**, Business Village District plan review) are as follows:

(1) Minimum lot area: 5,000 square feet.

(2) Minimum frontage: 60 feet.

(3) Minimum setbacks:

(a) Front: 10 feet.

(b) Rear: 35 feet.

(c) Side: 10 feet; 25 feet if adjacent to a residential district.

(d) Other street: 10 feet

(4) Maximum front setback: 20 feet unless waived by the Planning Board.

(5) Minimum landscaped open space: 20 percent. At least 50 percent of the landscaped open space shall be contiguous and located between the front building line and front lot line unless the Planning Board approves a different placement of open space as part of Site Plan Review.

(6) Maximum floor area ratio: 0.35

(7) Minimum Façade Buildout (% Lot Width) unless waived by the Planning Board.

(a) With less than 50 feet of frontage: N/A

(b) 50-80 feet of frontage: 60%

(c) Over 81-100 feet of frontage: 70%

(d) 100 feet or more of frontage: 75%

(8) Height regulations:

(a) Maximum building height: 40 feet and three stories, except by special permit from the Planning Board under Section H below

(b) Minimum ground floor height: 12 feet

(c) Maximum ground floor height: 18 feet

(9) Residential dwellings. Single-family or two-family dwellings in the Downtown Business Village District shall comply with RB District standards.

H. Special Permit for Height Increase. The Planning Board may grant a special permit to increase the maximum building height to 45 feet and four stories, provided that the minimum rear setback shall be increased at a 1-to-1 ratio, e.g., an additional one foot of setback for every one additional foot in building height.

I. Additional Standards for Development in the DBV District.

(1) Building Regulations

(a) The principal entrance(s) to the building shall be on the front façade, which shall face the street.

(b) The maximum distance between street-level entrances shall be 35 feet unless waived by the Planning Board.

(c) The maximum depth of street-level commercial spaces shall be the lesser of 30 feet or 60 percent of the depth of the building.

(d) The maximum front setback in Section G(4) may be increased for purposes of amenities such as landscaping, a plaza, square, courtyard, recessed entrance, sidewalk, multi-use path, raised terrace, façade offsets, or outdoor dining, but not for automobile use.

(2) Affordable housing. In any multifamily or mixed-use building with six or more units,[3] at least 12.5 percent of the units shall be affordable housing that is eligible for the Chapter 40B Subsidized Housing Inventory (SHI) in accordance with the Chapter 40B regulations and Guidelines of the Massachusetts Department of Housing and Community Development (DHCD). In consultation with the Southborough Housing Opportunity Partnership Committee (SHOPC), the Planning Board may adopt a guidance document interpreting the Chapter 40B Guidelines as they apply to development under this section.

J. The operation of any marijuana establishment as defined in MGL c. 94C, § 1, including without limitation a marijuana cultivator, marijuana testing facility, marijuana product manufacturer, marijuana retailer or any other type of licensed marijuana facility is prohibited in all zoning districts of the Town. This prohibition shall not apply to the sale, distribution or cultivation of marijuana for medical purposes, licensed under Chapter 369 of the Acts of 2012 and currently permitted in the Town of Southborough. **[Added 4-25-2017 ATM by Art. 32]**

[3] A few commenters suggested requiring affordable units in any development with four or more. We tried this with a few "test case" proformas and in our opinion, a four-unit project could not absorb the loss of income and still be feasible. We believe a six-unit threshold could work.

Part V. Amend **Section 174-10.1, Village Business District plan review**, as follows (amendments in the first paragraph shown in italics).

§ 174-10.1 Village Business District plan review.

Except as provided below in Subsection D, within the Village Business District, major site plan approval shall be by special permit from the Planning Board, subject to the procedural requirements and decision criteria of § **174-9**, Special permit requirements, and § **174-10**, Site plan approval, and the following in addition to the above …

D. In the Downtown Business Village District, major site plan approval shall be by special permit from the Planning Board for any use requiring a special permit. In such cases, the submission requirements, procedures, and decision criteria under Subsections A through C above shall apply. The Planning Board may adopt design guidelines and apply them to major site plan approval applications regardless of whether a special permit is required.

Part VI. § 174-12 **Parking and loading regulations**. Amend the parking and loading regulations, as follows. Note that existing Section F should be renumbered to Section G.

F. Exceptions in the Downtown Business Village District. Off-street parking requirements for development in the Downtown Business Village District shall comply with Section E above except for the following uses:

(1) Dwellings: two spaces for each dwelling unit, plus one space for each 80 square feet of floor area devoted to a customary home occupation or a professional use.

(2) Bed and breakfast: one space for each guest room plus two spaces for the owners and operators of the premises.

(3) Restaurants and other places serving food or beverages: one space for each four seats.

(4) Mixed-use development: one space per dwelling unit and one space per 300 square feet of nonresidential floor area.

(5) Professional or business office: one space per 300 square feet for ground floor offices and one space per 350 square feet for offices above the first floor.

TOWN OF SOUTHBOROUGH

BOARD OF SELECTMEN Meeting Minutes

Meeting Date: Friday, August 28, 2020, 8:30 A.M.
Location: Virtual Meeting through Zoom
Present: Marty Healey, Lisa Braccio, Chelsea Malinowski, Brian Shea, Sam Stivers

I. Chairman Healey called the meeting to order at 8:31 A.M. Chairman Healey read the following statement:

Pursuant to Governor Baker's March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, §18, and the Governor's March 15, 2020 Order imposing strict limitation on the number of people that may gather in one place, this meeting of the Southborough Board of Selectmen will be conducted via remote participation to the greatest extent possible. Specific information and the general guidelines for remote participation by members of the public and/or parties with a right and/or requirement to attend this meeting can be found on the Town of Southborough's website, at https://www.southboroughtown.com/. For this meeting, members of the public who wish to watch or participate in the meeting may do so in the following manner by finding the meeting at: https://www.southboroughtown.com/remotemeetings. No in-person attendance of members of the public will be permitted, but every effort will be made to ensure that the public can adequately access the proceedings in real time, via technological means. In the event that we are unable to do so, despite best efforts, we will post on Southborough's website an audio or video recording, transcript, or other comprehensive record of proceedings as soon as possible after the meeting.

II. **Consent Agenda**

Town of Ashland re: emergency drinking water connections: The Board met with DPW Superintendent Karen Galligan to discuss a request from the Town of Ashland to provide them with emergency drinking water resources for a temporary period. Evan White, a project manager from Ashland also was in attendance. [Southborough has excess capacity and an ability to provide them water].

Due to the current drought, ongoing work at the pump station is on hold so new pumps have not been installed yet. An emergency order was filed to assist Ashland's current need. The rates have been set for the future under an Inter-Municipal Agreement going forward [once construction is complete] so this is the last time an emergency order is anticipated. As of 9/1 they can take water through DEP and MWRA, but need approval from the Town of Southborough as well. Ashland has declared a water emergency as of now. There will be no cost to taxpayers in Southborough and the billing will be processed through the [Southborough] Treasurer doing a manual bill to Ashland, based on escalation rates. Ashland pays a surcharge to MWRA because it's an emergency connection; furthermore, Ashland pays Southborough the cost of water plus wear and tear which we report to DEP in our annual report.

Ms. Malinowski spoke to the mutual aid agreement and noted the rate in effect in the 2007 agreement but stated no amendment [or extension] for 2020 is on file. She wants to be sure we bill and receive payment based on the 2020 rates. The sheet Ms. Galligan referenced this morning will be attached to the required documentation to reflect 2020 costs. When Ashland sends it to MWRA, they'll look at the order and will give their approval based on 2020 rates. Ms.

Malinowski said the aid agreement [section 4] did not stipulate that; Ms. Galligan said MWRA manages how the pricing will work. Mr. White acknowledged his agreement of the same, and verified Ashland will be paying 2020 rates.

Mr. Shea asked about a meter at the connection point; Ms. Galligan said it has been set up already so that is in place. Mr. Stivers commented that he also looked at the agreements and feels there are gaps in our paperwork and requested a follow up on an updated amendment. He further noted the agreement expired in 2016 and asked if it was still valid. Being a member of the MWRA Advisory Board, he did not recall any discussion of this matter and wanted to be sure paperwork is in place legally. Mr. Stivers estimated $192,000 [if they use 36 million gallons]. Mr. White said the hope is they will not take very much water and will operate the meter from early morning to mid-afternoon, expecting usage less than 200,000 gallons per day. Ms. Galligan added that pump station upgrades should be complete by Thanksgiving.

The Board voted by roll call to approve an emergency connection for water for Ashland, and noted that rates will be charged per current usage rates through the MWRA. Roll call: Braccio, aye; Malinowski, aye, Shea, aye; Stivers, aye, Healey, aye.

Outdoor Dining: Tomasso's has applied for permission for outdoor dining and an amendment to their alcohol license. This is similar to the approval given to the Hola Restaurant just recently. Ms. Braccio would like to see outdoor dining permanently during the Summer months. Ms. Malinowski noted conditions of the Planning Board and hoped Tomasso's would also agree. The Board all agreed that sidewalk funding grants would be great all over town in the future to makes use of best practices created during the pandemic. The Board voted by roll call to approve an outdoor dining application and alcohol license alteration of premises for outdoor service, according to conditions detailed in the approval of the Planning Board. Roll call: Braccio, aye; Malinowski, aye, Shea, aye; Stivers, aye, Healey, aye. Mr. Healey extended his thanks to the fire department and other officials that have taken part of the approval process to help businesses stay afloat during the pandemic.

Chairman's report: Mr. Healey congratulated the Facilities Department on news that a $200,000 grant for LED lighting and other green efforts has recently been awarded.

III. On a motion made by Mr. Shea, seconded by Ms Braccio and voted by roll call, all in favor, Braccio, aye; Malinowski, aye; Shea, aye; Stivers, aye; Healey, aye, the meeting was adjourned at 9:05 a.m.

Respectfully submitted by Vanessa Hale, Assistant Town Administrator

List of Documents referred to at the August 28, 2020 BOS Meeting:

- August 24, 2020 DEP Emergency Declaration
- August 19, 2020 letter from the Town of Ashland
- Municipal Aid Agreement, dated 12.18.07
- MWRA rate sheet prepared by Karen Galligan
- Outdoor Dining application from Tomasso Trattoria and associated correspondence
- Temporary License Extension

TOWN OF SOUTHBOROUGH

BOARD OF SELECTMEN Meeting Minutes

Meeting Date: Tuesday, December 1, 2020, 6:30 P.M.
Location: Virtual Meeting through Zoom
Present: Marty Healey, Lisa Braccio, Chelsea Malinowski, Brian Shea, Sam Stivers and Town Administrator Mark Purple

I. Chairman Healey called the meeting to Open Session at 6:30 P.M. Chairman Healey read the following statement:

Pursuant to Governor Baker's March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, §18, and the Governor's March 15, 2020 Order imposing strict limitation on the number of people that may gather in one place, this meeting of the Southborough Board of Selectmen will be conducted via remote participation to the greatest extent possible. Specific information and the general guidelines for remote participation by members of the public and/or parties with a right and/or requirement to attend this meeting can be found on the Town of Southborough's website, at https://www.southboroughtown.com/. For this meeting, members of the public who wish to watch or participate in the meeting may do so in the following manner by finding the meeting at: https://www.southboroughtown.com/remotemeetings. No in-person attendance of members of the public will be permitted, but every effort will be made to ensure that the public can adequately access the proceedings in real time, via technological means. In the event that we are unable to do so, despite best efforts, we will post on Southborough's website an audio or video recording, transcript, or other comprehensive record of proceedings as soon as possible after the meeting.

II. **Public Comment**
None

III. **Scheduled Appointments**
Municipal Technology Committee update
Matt Probst, Chair of the MTC, updated the Board on the four key areas the Committee is working on this year which include improving the documentation on the Town's systems and servers, inviting one department head to their monthly meetings to discuss current needs and problems and challenges with respect to technology, creating a five-year strategic technology plan and implementing cyber resiliency planning to improve Town security and redundancy. He added that the Committee would like to engage citizens and will be surveying them about Town technology to understand needs and improve cyber hygiene.

Ms. Malinowski asked if the Committee is looking at streamlining processes and software solutions throughout departments. Mr. Probst stated the general theme from department heads is that each department has their own helpdesk software and way of interacting with citizens which are areas that can be improved. Ms. Malinowski asked if the Committee vets new software before implementation. Mr. Probst replied that there is opportunity for improvement here but over the last few years the Committee has vetted new software with Mr. Laflamme. Ms. Malinowski stated that she is curious whether the software selected is the best option to solving the problem presented. Mr. Probst stated that the Committee is working to create clear

documentation of what the requirements are for a new software and a relative priority of needs in order to understand which software may be the best fit. Mr. Shea asked if the Committee is discussing the new servers listed as a capital budget item. Mr. Probst responded that the Committee is interested in discussing this line item and that they are cautious about how much the Town invests in legacy technology versus moving the Town forward on cloud-based technologies. Mr. Stivers asked for estimated timing on the new strategic plan. Ms. Probst said they hope to have a draft by their January meeting. Mr. Stivers suggested the plan could be used as a benchmark for department heads to invest in technology that coincides with the Town's long-term plan. He asked if there is a plan for making Town data more accessible to citizens and suggested the Committee and new Technology Manager could create that vision. Mr. Probst stated that the Committee will be working on creating an effective survey that is periodic and easy for citizens in order to gain feedback on current and future needs.

Trails Committee update

Kathryn McKee, Chair of the Trails Committee, walked the Board through the presentation included in the packet. She outlined their goals of increasing outreach and awareness throughout Southborough and their success in doing so. She updated the Board on Eagle Scout projects and other enhancements to the trails. She stated that their goal is to make Southborough more walkable, connecting trails to downtown and adding safe options for the addition of biking trails. She stated the challenge is creating a public access plan from DCR and finding funding for trails. Chairman Healey stated the Board is meeting with Representative Dykema and Senator Eldridge on December 15th and asked for questions from the Committee. Ms. McKee stated she will reach out to the Board separately with their questions. Chairman Healey commended the Committee for focusing on CPA funding. Ms. McKee stated that the DCR grant being applied for is reimbursable and includes a matching component that she hoped the CPA could assist with. Ms. Braccio asked if there is a process to check trails after large storms and Ms. McKee replied that the Adopt-A-Trail program is made up of volunteers who do this periodically. Ms. Braccio asked for the best way for people to reach out to the Trails Committee to volunteer. Ms. McKee replied that you can reach out to any member through email on their website or send a message through their Facebook page. Ms. McKee asked who she should speak with regarding liability questions. Mr. Purple stated he would be able to help.

Council on Aging update

Pam Le Francois, Director of the Senior Center, updated the Board on programs and outreach to seniors through the Senior Center and Council on Aging. She outlined the challenges faced due to COVID-19 which included shutting down all programs during their busiest season, helping those in need and engaging with those who are isolated. She outlined the online programs initiated for seniors and their partnership with CERT to help meet the needs of those seniors who are isolated. Ms. Le Francois described the successful drive through events that have taken place to connect seniors at a safe distance and supply them with food and necessities. She described multiple outreach programs and the Caregiver Meals Program. She stated there is concern about maintaining outreach throughout the winter and concern about those who are isolated without anyone to help them. Ms. Le Francois added that Ms. Amico has assisted in supplying seniors with durable medical equipment when needed and they have a good stock of this type of equipment through resident donations. Mr. Peck stated that he has experience at Baypath Elder Services and feels that Ms. Le Francois and her team are doing a great job with these programs and described his concerns with the challenges of maintaining outreach to those in isolation. Chairman Healey commended the Council on Aging and Ms. Le Francois's team for their work and

suggested they partner with the MTC to help educate those that are not tech-savvy with Zoom and other online resources. Ms. Le Francois stated she would reach out to them and the Trail Blazers to connect seniors with these groups. Mr. Shea, Mr. Stivers and Ms. Braccio thanked the team for their work to help seniors connect and stay healthy during the pandemic. Ms. Braccio gave accolades to the SHINE Coordinator for her consistent assistant throughout the pandemic. Ms. Malinowski asked about implementing a "Sponsor a Senior" program to connect residents in Town with the tools and time to help seniors in need. Ms. Le Francois described the challenges vetting volunteers and stated she would look into this possibility. Ms. Malinowski stated she would be able to work with Ms. Le Francois as she is the Board liaison to the Council on Aging.

Town Administrator performance evaluation

Chairman Healey stated a paragraph was omitted from the packet and it will be resubmitted. He added that he is looking for guidance regarding format and a follow up will be done in February. He stated that Ms. Malinowski chose not to write any comments but is able to participate in this discussion. Chairman Healey explained his portion of the Town Administrator performance evaluation and stated his overall impression is in the chart and summary paragraph included in the packet. He added he was impressed with Mr. Purple's performance and encouraged him to be more aggressive about taking initiative and owning his powers and responsibilities. Mr. Stivers stated his evaluation was more conservative and looked at Mr. Purple's performance as he does his own employees. He added that there is substantial room for improvement. Mr. Stivers stated that the job is difficult and the challenges the Board faces could be better realized. He suggested circling back in another thirty to ninety days to outline specific objectives the Board would like to see accomplished and to outline specific data when it comes to contract renewal. Ms. Braccio stated this was a challenging discussion as the review was based through February 2020. She added that she has worked into a great relationship with Mr. Purple and she appreciated this relationship. Ms. Braccio stated that setting goals is important and the Board had not provided any to Mr. Purple nor had they set expectations as to what they would want to see from him. She added that the Town Administrator position changes as the Board changes.

Ms. Malinowski stated she chose not to partake in this review because it started in February. She added that in general, real time feedback is important and it is important to discuss the timeframe the Board is set to review. She stated that in the six months she has been on the Board, she thought Mr. Purple made himself available when needed and they have always found common ground and she appreciated this. Ms. Malinowski stated that goals need to be set and suggested that the Board and Mr. Purple have a list of potential goals for the December 15th meeting. Mr. Shea agreed and stated that if Mr. Purple is going to be judged by goals and objectives, he needs to be aware of them. He summarized his relationship with Mr. Purple and his review which he felt was reflective of the positive approach he has had throughout the pandemic to keep the Town prepared. He added that goals and objectives must be clearly communicated to Mr. Purple. Chairman Healey stated there will be a follow up discussion on December 15th.

Mr. Purple thanked the Board for their feedback and described the challenges of adapting to a new Board during the pandemic. He added that developing the team is a goal he will be working on and agreed that he needs to understand the metrics he is being evaluated by. He suggested having conversations with Board members regarding their performance feedback for better understanding. Chairman Healey explained the implications of the Wayland Court decision and stated these discussions could be done but urged caution to not create a seriatim discussion.

IV. Reports

Chairman's Report

Chairman Healey stated that the Board will have an update on the CSX issues for downtown on December 15th. He added that the positions of the four landowners and CSX will be reviewed.

Chairman Healey suggested the Town reach out to other communities that have marijuana dispensaries to inquire whether those dispensaries have also indicated that the lump sum payment as opposed to the percentage payment is illegal. He added that it may make sense for the Town to have a cannabis lawyer.

Chairman Healey stated no one has stepped forward to join the MWRTA Committee and he has decided to take the role on himself.

Chairman Healey stated that he would like to include a discussion regarding the potential creation of a pocket park at the St. Mark's intersection on Route 85 and the Library with Ms. Galligan on December 15th.

Members' Reports

Ms. Braccio asked that the discussion for an update to the Code of Conduct Policy be put on the December 15th agenda. She stated with the use of Zoom as a meeting forum has presented new expectations of how things are done during public meetings.

Ms. Malinowski stated she was interested in taking on the role of liaison for Ms. McAuliffe and Mr. Ballantine to assist in the quarter two review. She asked that this topic be added to a future agenda.

Ms. Malinowski suggested Selectmen Office Hours commence after the holidays through Zoom. The Board agreed.

Mr. Stivers stated he is working to connect with the MTC as liaison to work on longer-term issues until an IT Manager has been hired and settled. He added that the Selectmen liaison process is working well and he supports this moving forward.

Town Administrator's Report

Mr. Purple stated that more information has been provided by Ms. Galligan regarding CSX, downtown, property owners and the implications to the Town. He stated he will create a review document for the December 15th meeting.

Mr. Purple stated he has a scheduled call with the Business Manager at St. Mark's School on Thursday to follow up on items discussed earlier.

Mr. Purple asked if the Board would like the topic of a Board liaison for the Finance Team in quarter two on the December 15th agenda. Chairman Healey confirmed that he would.

Mr. Purple gave an update on COVID-19 and stated that Southborough's active case numbers are increasing. He stated after speaking with the State and other points of contact, there is no super-spreader and Southborough's numbers are trending in the same direction as those across the State.

Mr. Purple stated that with Ms. Ostrech's retirement, the Selectmen's Office is restructuring workflows and updating job descriptions. He stated that they are redefining what the administrative assistant role may be which is taking time. He said that in the interim he would like to temporarily transfer Katie Barry from the Building/Zoning Department to the Selectmen's Office for 19.5 hours per week. Mr. Purple described the Town Administrator Bylaw which allowed him to do so but asked for the Board's agreement. He outlined the duties Ms. Barry would carry out which included evaluating the number of hours this position may be needed. He stated that Ms. Barry will keep her ZBA responsibilities and will be paid out of the Board of Selectmen budget. Ms. Malinowski asked for clarification on duties. Mr. Purple confirmed and stated that duties at the Town House have been streamlined but there is still a need for this position. He added that this position will be used to evaluate and possibly expand responsibilities to other departments in need of assistance. The Board agreed.

V. Consent Agenda

a. Mr. Stivers asked to hold agenda item "a." Mr. Stivers stated he was confused on line 139-141 of the November 17th minutes. He asked that "overage" be added in these lines for clarity. Chairman Healey agreed. Chairman Healey made a motion to approve Open Session Minutes: October 30, 2020, November 10, 2020, November 17, 2020 with the amendment as discussed. Ms. Braccio seconded. The motion passed all in favor (5-0-0) by roll call vote, Braccio, aye; Malinowski, aye; Shea, aye; Stivers, aye; Healey, aye.

b. Mr. Stivers asked to hold agenda item "b." Mr. Stivers stated he will follow up with Ms. Galligan regarding the possibility of breaking down the bids per tree as pricing varies dramatically. Chairman Healey made a motion to approve the request from DPW Superintendent to award Tree Contract. Mr. Shea seconded. The motion passed all in favor (5-0-0) by roll call vote, Braccio, aye; Malinowski, aye; Shea, aye; Stivers, aye; Healey, aye.

c. Chairman Healey made a motion to approve the request from DPW Superintendent for union employee grade changes. Mr. Stivers seconded. The motion passed all in favor (5-0-0) by roll call vote, Braccio, aye; Malinowski, aye; Shea, aye; Stivers, aye; Healey, aye.

d. Mr. Stivers asked to hold agenda item "d." Mr. Stivers asked if any of the license renewal requests were in violation of State or local regulations. Mr. Purple stated that all are in good standing. Chairman Healey made a motion to approve the 2021 Annual License Renewals (Detailed list attached). Mr. Shea seconded. The motion passed all in favor (5-0-0) by roll call vote, Braccio, aye; Malinowski, aye; Shea, aye; Stivers, aye; Healey, aye.

e. Chairman Healey made a motion to accept a donation in the amount of $200.00 for the Fire Dept. Ambulance Fund. Mr. Stivers seconded. The motion passed all in favor (5-0-0) by roll call vote, Braccio, aye; Malinowski, aye; Shea, aye; Stivers, aye; Healey, aye.

f. Chairman Healey made a motion to authorize Town Administrator to sign MOU for Massachusetts Collaborative for Action Leadership and Learning (MassCALL3). Mr. Stivers seconded. The motion passed all in favor (5-0-0) by roll call vote, Braccio, aye; Malinowski, aye; Shea, aye; Stivers, aye; Healey, aye.

g. Chairman Healey made a motion to approve the proposed meeting schedule for January – June 2021. Mr. Stivers seconded. The motion passed all in favor (5-0-0) by roll call vote, Braccio, aye; Malinowski, aye; Shea, aye; Stivers, aye; Healey, aye.

h. Ms. Malinowski asked to hold agenda item "h." Ms. Malinowski stated she had some suggested changes and asked to include this in a future Executive Session meeting. Mr. Purple stated he will hold an Executive Session on December 15th for the Approval of Executive Session Minutes: November 17, 2020.

i. Chairman Healey made a motion to appoint Anne Pfaff as the Historical Commission representative to the Community Preservation Committee. Mr. Stivers seconded. The motion passed all in favor (5-0-0) by roll call vote, Braccio, aye; Malinowski, aye; Shea, aye; Stivers, aye; Healey, aye.

j. Ms. Braccio asked to hold agenda item "j." Ms. Braccio asked that outreach to abutters is conducted before percolation tests begin at 21 Highland Street. Chairman Healey stated that in Executive Session at a previous meeting this step was approved to provide additional information about this property for the Board and Capital Committee. He added that the expectation was the DPW would explain exactly that if any questions arose. Mr. Purple stated that is the essence of it but that Ms. Braccio alluded that an answer such as that could lead to more questions. Ms. Malinowski stated she was under the impression that the discussion this evening was to ensure perc testing was not done around a holiday and to notify abutters before it is conducted. Ms. Braccio asked to amend the motion to include "after notification to abutters has been made." The Board agreed. Mr. Purple explained how abutter notifications would be done and agreed to have Ms. Malinowski review the letter before it is sent. Ms. Braccio made a motion to authorize percolation tests to be conducted at 21 Highland Street after notification to abutters has been made. Mr. Stivers seconded. The motion passed all in favor (5-0-0) by roll call vote, Braccio, aye; Malinowski, aye; Shea, aye; Stivers, aye; Healey, aye.

b. Other Matters Properly Before the Board

Review of EDC Residential Info packet

Ms. Braccio asked to move this discussion to December 15th pending an updated zoning document from Ms. Barrett. Chairman Healey made a motion to continue this discussion to the December 15th meeting. Mr. Stivers seconded. The motion passed all in favor (5-0-0) by roll call vote, Braccio, aye; Malinowski, aye; Shea, aye; Stivers, aye; Healey, aye.

Amend Mortgage & Rent Relief Program guidelines

Ms. Malinowski stated that she is reviewing all the applications as a representative of the Housing Trust which is the backup funding if CARES Act funding falls through. She added applications are due by end of day today and she is asking the Board to approve an increase in the program based on applications received for rent and mortgage relief. She stated these increases will not exceed the $25,000 allocated to the program. Chairman Healey made a motion to approve the amended Mortgage and Rent Relief Program guidelines as described by Ms. Malinowski. Ms. Braccio seconded. The motion passed all in favor (5-0-0) by roll call vote, Braccio, aye; Malinowski, aye; Shea, aye; Stivers, aye; Healey, aye. Ms. Malinowski asked that the changes to the new guidelines be updated on the website. Mr. Purple agreed.

Update and discussion, RE: FY21 Goals

Mr. Stivers gave some structural suggestions for the document and suggested the Board create a biking committee. Chairman Healey stated that item will be put on a January agenda. Mr. Stivers suggested reconstituting the Golf Committee. Chairman Healey stated that item will be included on a January agenda as well. Chairman Healey asked if there was a final number from the golf season for the revolving fund. Mr. Purple stated there is no final number as of yet but the golf course did exceed $400,000 in receipts. He explained the Town receives 10% of revenues over

$200,000 and therefore will receive approximately $20,000 - $22,000 to the golf revolving fund. He explained multiple options for golf course upgrades. He added that the golf course management company has stated that they are seeing new players to the course. Mr. Purple stated these receipts do not include the schools as they have not returned since the course was complete. Chairman Healey stated he will add this topic to a January agenda.

Discussion on items for Legislative update on 12/15

Mr. Purple summarized potential items to discuss with legislatures on December 15th and asked the Board to send their items to him. He stated he will distribute them to the Board and make sure Representative Dykema and Senator Eldridge are prepared for the meeting. Chairman Healey asked that a request be sent to board and committees for a list of topics to discuss with legislatures by next Monday. The Board agreed.

c. Public Comment

None

On a motion made by Mr. Shea, seconded by Ms. Malinowski and voted all in favor (5-0-0) by roll call, Braccio, aye; Malinowski, aye; Shea, aye; Stivers, aye; Healey, aye, the meeting was adjourned at 9:16 P.M.

Upcoming Meetings *December 15, 2020*

Respectfully submitted,

Kathleen Barry, Recording Secretary

List of Documents referred to at the December 1, 2020 BOS Meeting:

- Town of Southborough Non-Union Performance Appraisal, Mark Purple
- Letter from Mark Purple to BOS
- Regular Session Minutes, October 30, 2020
- Regular Session Minutes, November 10, 2020
- Regular Session Minutes, November 17, 2020
- Letter from Karen Galligan to BOS re: Award Request for Tree Contract
- Letter from Karen Galligan to BOS re: Employee Grade Change
- 2021 Annual License Renewals
- Letter from Chief Achilles to BOS re: Donation
- Letter from Mark Purple to Lori Esposito re: Central Metrowest Substance Abuse Prevention Collaborative Grant
- Letter from Lori Esposito to BOS re: Selectmen's Meeting Schedule
- Rent-Mortgage Assistance Guidelines
- FY 2021 BOS Goals
- Downton Business Village District Proposed Zoning Changes
- Southborough_Trails_Committee_Updates_BOS_Presentation_12.01.20

TOWN OF SOUTHBOROUGH

BOARD OF SELECTMEN Meeting Minutes

Meeting Date: Tuesday, November 24, 2020, 6:30 P.M.
Location: Virtual Meeting through Zoom
Present: Marty Healey, Lisa Braccio, Chelsea Malinowski, Brian Shea, Sam Stivers and Town Administrator Mark Purple

I. Chairman Healey called the meeting to Open Session at 6:30 P.M. Chairman Healey read the following statement:

Pursuant to Governor Baker's March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, §18, and the Governor's March 15, 2020 Order imposing strict limitation on the number of people that may gather in one place, this meeting of the Southborough Board of Selectmen will be conducted via remote participation to the greatest extent possible. Specific information and the general guidelines for remote participation by members of the public and/or parties with a right and/or requirement to attend this meeting can be found on the Town of Southborough's website, at https://www.southboroughtown.com/. For this meeting, members of the public who wish to watch or participate in the meeting may do so in the following manner by finding the meeting at: https://www.southboroughtown.com/remotemeetings. No in-person attendance of members of the public will be permitted, but every effort will be made to ensure that the public can adequately access the proceedings in real time, via technological means. In the event that we are unable to do so, despite best efforts, we will post on Southborough's website an audio or video recording, transcript, or other comprehensive record of proceedings as soon as possible after the meeting.

II. **Public Comment**
None

III. **Scheduled Appointments**
6:30 P.M. – Discussion and review of latest VMUD draft and comments for Downtown Initiative
The Planning Board called their meeting to order at 6:36 P.M. The EDC called their meeting to order at 6:37 P.M. Ms. Braccio gave direction for the meeting procedure and introduced Ms. Barrett. Ms. Barrett asked for direction on floor area ratio and explained floor area ratio versus footage requirements per use. She outlined standard metrics regarding these requirements and gave examples of the how these could impact building in the downtown area. She added that there have been competing ideas on these metrics and a decision needs to be made before her final draft can be submitted.

Ms. Braccio opened the discussion to the participants. Mr. Morris stated the he approves of a floor area ratio (FAR) of .35 and would not want it to exceed .40. Mr. Morris explained the public hearing process for warrant articles. Ms. Luttrell stated she was also in support of .35 and would be in support of exceeding .40 through a special permit process. Ms. Connelly asked to research similar towns and what their floor area ratio looks like by right. She explained her concerns on height limitations and the potential impact it could have on the housing piece for mixed use. She suggested starting the floor area ratio at .40 and exceeding beyond this through special permit. Ms. Duca agreed. Ms. Barrett stated she would prefer to make the floor area ratio higher than

.35. Ms. Hoolahan and Mr. Morris were in support of keeping the FAR at .35 with special permit allowances of up to .40. Ms. Luttrell stated she was in support of a FAR of .35 with special permit allowances of up to .50. Ms. Barrett stated that the special permit allowances should be enough to entice someone to go through the process. Ms. Connelly noted that Ms. Munsiff made a comment through chat that the ZAC report had a proposed zoning FAR of .75 for the downtown area. She noted the discrepancy in numbers and wanted to look into other similar towns to come to a compromise. Mr. Shea agreed with the Planning Board as did Ms. Malinowski. Mr. Stivers asked Ms. Barrett to outline ratios that worked to attract developers to invest in downtowns and those that did not. He suggested considering a .60 or .70 FAR and limit lot coverage to allow higher buildings. Ms. Braccio stated she supported a .35 FAR with special permit regulations through Planning Board for a larger number. Ms. Barrett stated that predictability is the most important factor for a developer and the more uncertainty built into the permitting process, the greater the negative outlook. Mr. Morris, Ms. Hoolahan, Chairman Healey, Ms. Luttrell, Ms. Malinowski, Mr. Shea, Mr. Stivers, Ms. Duca and Ms. Jasinski agreed with a .35 FAR by right and with up to .50 by special permit through the Planning Board. Ms. Connelly asked to conduct more research for a higher ratio. Ms. Braccio asked Ms. Barrett to follow consensus for her final draft.

Building height was the next topic discussed and the consensus agreed to up to forty feet and three stories. Ms. Braccio stated the next topic was multifamily units and explained the feedback provided in the packet. Ms. Barrett explained the benefits to having multifamily housing in the downtown district and how it positively impacts economic development. Ms. Connelly agreed with Ms. Barrett and described her concerns regarding diversity in housing stock. Ms. Duca was in support of multifamily housing in the downtown area. Mr. Morris stated he was in support of this section of the proposed bylaw. It was pointed out that it should read, "up to twelve units" allowed under a special permit. Ms. Malinowski summarized her concerns that it would be challenging for any project to hit the affordable housing threshold and therefore would essentially negate the affordable housing section of the proposed bylaw. Mr. Shea agreed with the consensus. Mr. Stivers agreed as well and spoke of his concerns regarding the feasibility of affordable housing in the downtown district. Mr. McCay stated he agreed with the sentiment that mixed-use and multifamily housing is the whole purpose of the downtown zoning and encouraged to release some control in order for projects to be executed. He suggested design guidelines as a way to encourage developers.

Ms. Barrett summarized her feelings on the affordable housing section of the proposed bylaw. She stated that in her experience developers of smaller projects are not usually inclined to build to affordable housing thresholds due to the work, time and funds involved. She said that there may not be any affordable housing opportunity in the downtown area as the size is limited as are the number of lots with split zoning. Ms. Jasinski stated she had the same concerns. She described her reservations on access issues for seniors with residential units allowed only on the second floor and felt that living above a retail unit will dissuade young families from moving to this area. She added that she did not see this area as a viable option for affordable housing. Ms. Malinowski stated she would like to see an affordability component that is achievable and was not sure this area will be able to do so. She stated she also did not want to turn off builders from wanting to build in this area. Mr. Morris suggested removing the affordability component from the proposed draft bylaw. There was discussion regarding removing the language, raising the threshold and workforce housing. Ms. Barrett explained the implications of each. The consensus agreed to raise the multifamily affordable housing threshold to eight units from six. Mr. Stivers

added that there will not be a significant impact in the 10% affordable housing threshold from the downtown district.

Ms. Barrett outlined comments regarding landscaping and open space and explained the open space ratio of 20% for lots. Ms. Connelly asked if this was better served in a design guideline created and used by the Planning Board. Ms. Barrett agreed that this belongs in site plan review and not in zoning. She explained how the design guidelines would be developed and implemented during the site plan review process. Ms. Duca agreed and stated that too many regulations could deter developers from building. Mr. Morris stated that he would not like to implement design guidelines as they are subjective and the Planning Board would lose control over what the design of a project would be and felt the special permit process is the more advantageous option. He added that the special permit process gives greater authority to impact design. Ms. Barrett explained when a special permit would be triggered and how design guidelines would differ from that process. Mr. Morris said he felt Town Counsel would not agree with her description of how the guidelines could be implemented. Ms. Barrett replied that was not her experience with other towns and would not comment to Town Counsel's opinion. Ms. Luttrell and Ms. Hoolahan were open to both options and wanted to discuss further with their entire Board. Ms. Barrett explained how the 20% open space ratio would be implemented on lots in the downtown district. Ms. Malinowski, Mr. Shea and Ms. Braccio stated they do not have strong opinions on the matter and would defer to the Planning Board. Mr. Morris suggested referring to Town Counsel for his opinion. Ms. Luttrell stated she is comfortable with the use of guidelines allowing more flexibility by right but wants to discuss the matter at a future Planning Board meeting. Ms. Braccio suggested leaving this section in the draft bylaw with revisions discussed. She added that it could change after future discussion. Mr. McCay stated he is in support of a process that allows more by right with a site plan review that includes design guidelines. He stated this will add predictability to the process and encourage some of the kinds of projects the Town is looking for.

There was discussion regarding the inclusion of a sidewalk requirement in the draft bylaw. Mr. Shea stated the he is hesitant to include a sidewalk requirement in the bylaw as sidewalks are under the purview of the municipality. Mr. Stivers suggested including sidewalks in the design guidelines. Ms. Barrett stated she did not need any more direction for her next draft. Ms. Braccio reviewed the feedback document provided in the document and asked for comments from the participants. The consensus agreed to changes in multiple definitions, allowing residences on the first floor of a mixed-use building and Ms. Barrett agreed to do research on limiting the amount of time one could have occupancy in the definition of bed and breakfast. There was more discussion regarding the feedback document and questions for Ms. Barrett. Mr. Stivers stated he will continue to look to Ms. Barrett for insight into other towns similar to Southborough in terms of lessons to keep in mind moving forward and to promote development. Ms. Barrett stated she has the information she needs to move forward. The Planning Board adjourned their meeting at 10:14 P.M. The EDC adjourned their meeting at 10:15 P.M.

IV. Reports

Chairman's Report

None

Members' Reports

None

Town Administrator's Report

Mr. Purple updated the Board on his discussions with the school Superintendent regarding the IT Management position. He stated he would like to continue exploring shared services with the schools but as of now they do not have the capacity to assume town wide IT management. He stated that he is moving forward with hiring an IT Manager for the Town which is being led by Ms. Hale. He stated the interview process will begin within the next week or ten days and the school offered the Town their IT services in the interim. The Town will cover 1/3 of the salary for this period.

Mr. Purple stated that the Fire Chief informed him that two antennas at EMC need to be replaced for the public safety radio system. He added the cost is just over $8,600 to replace and the Police and Fire Chiefs are working together to review the budget. He added this could potentially become a Reserve Fund transfer of some amount.

Mr. Purple updated the Board on conversations had with Crown Castle and AT&T. He stated that AT&T should be signing the lease agreement with Pilgrim Church to move the antennas into the steeple and Crown Castle is to have drawings for the new flagpole submitted to the Town on or around December 4th. Mr. Purple added that the delivery of the flagpole will take two to three weeks after the design is approved by the Board.

Mr. Purple stated that Representative Dykema and Senator Eldridge are available to meet with the Board on December 15th and asked for specific topics the Board would like to discuss. Mr. Purple agreed to send a list of topics to the Board and the Board will reply with one to two topics of their own.

V. Consent Agenda

a. Ms. Malinowski asked to hold agenda item "a." Ms. Malinowski stated that an agenda item was missing from the October 30, 2020 meeting minutes. She asked Mr. Purple to include this agenda item, the motion, the second and the unanimous vote. Ms. Malinowski asked that in the November 10, 2020 meeting minutes, revising the sentence regarding Chairman Healey's update to read "MASS DOT is holding public forums on transit services." Mr. Stivers asked that on page two when referring to the next meeting, it should read "6:30 P.M." Chairman Healey made a motion to hold the approval of Open Session Minutes: October 30, 2020 and November 10, 2020 until the December 1st meeting.

b. Chairman Healey made a motion to give permission for the Inspector to waive inspection fees for licensees. Ms. Malinowski seconded. The motion passed all in favor (5-0-0) by roll call vote, Braccio, aye; Malinowski, aye; Shea, aye; Stivers, aye; Healey, aye.

c. Chairman Healey made a motion to accept the donation of $52,036.00 from The New England Center for Children. Ms. Malinowski seconded. The motion passed all in favor (5-0-0) by roll call vote, Braccio, aye; Malinowski, aye; Shea, aye; Stivers, aye; Healey, aye.

a. Other Matters Properly Before the Board

None

b. Public Comment

None

On a motion made by Chairman Healey, seconded by Mr. Stivers and voted all in favor (5-0-0) by roll call, Braccio, aye; Malinowski, aye; Shea, aye; Stivers, aye; Healey, aye, the meeting was adjourned at 10:28 P.M.

Upcoming Meetings
December 1, 2020
December 15, 2020

Respectfully submitted,

Kathleen Barry, Recording Secretary

List of Documents referred to at the November 24, 2020 BOS Meeting:

- DRAFT DOWNTOWN BUSINESS VILLAGE DISTRICT V.3
- COMMENTS RESOLUTION MATRIX: SOUTHBOROUGH TOWN CENTER ZONING: 11/15/2020
- Selectmen's Minutes 10/30/20
- Selectmen's Minutes 11/10/20
- Letter from Laurie Livoli to Mark Purple 11/2/20
- Letter from Michael Downey to Mark Purple dated 11.2.20

DRAFT

EDC Downtown Initiative

Downtown Business Village District
Proposed Zoning Changes

Information update for residents and businesses ● November 2020

SOUTHBOROUGH EDC Economic Development Committee

CONTENTS

3 Introduction

5 Why Are We Doing This?

6 Work to Date

7 Identified Development Sites

8 Downtown Then & Now

9 Vision for Downtown

10 Purpose of Proposed Zoning Article

11 Technical Zoning Options

12 Timeline for Zoning Article

13 **Appendix:**

A. Map of the Downtown Business Village District (DBVD)
B. THEN, NOW & HOW IT COULD LOOK
C. Project Timeline 2017 Onwards
D. Draft of Proposed New "Downtown Business Village District" Zoning Article

INTRODUCTION

The Board of Selectmen is grateful for the collaborative effort between the Economic Development Committee (EDC), Planning Board, SHOPC and other boards and committees, to update the zoning code for downtown Southborough. The proposed zoning change is part of the larger *Downtown Initiative* which aims to revitalize Downtown and bring back the vibrant heart of Southborough.

This is a ***Community Development*** effort that will bring more local options and opportunities to Southborough residents and – simultaneously – help existing businesses currently operating in Downtown.

The 2017 Survey put out by the EDC, confirmed overwhelming support from residents for improvements to Downtown, particularly restaurants, small scale stores, mixed-use development and beautification and connectivity.

Southborough's Downtown Business Village District (DBVD) is located centrally in the town and is serviced by Routes 30, 85 and local roads.

It is a typical rural town center with businesses and residences lining the road. The particular area of study with this project is the area defined as the Downtown Business Village District or DBVD (see *APPENDIX A*).

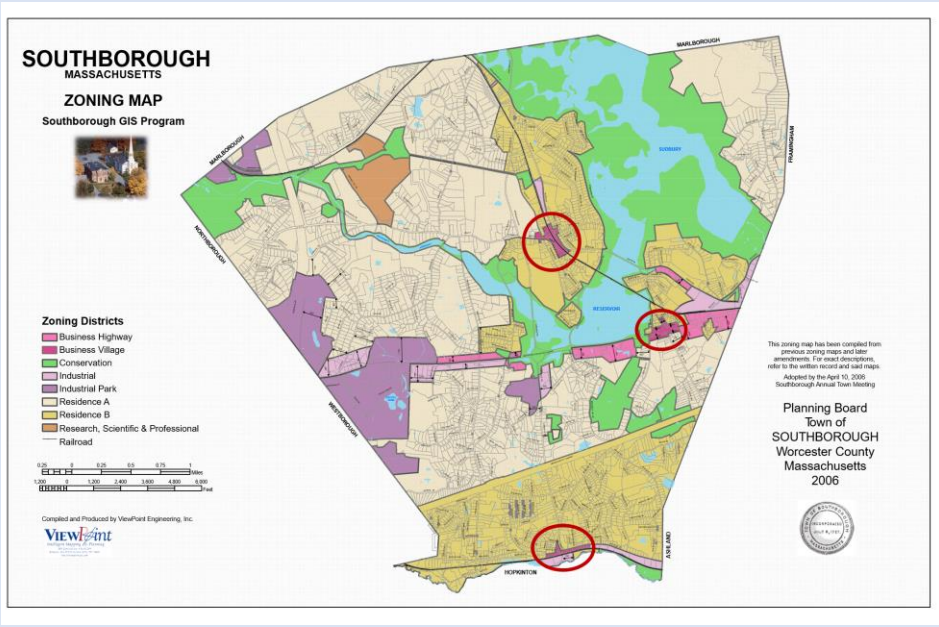
We hope you find this information packet helpful. Please reach out with comments and/or questions. We welcome your feedback and participation in this process.

You can contact the EDC Coordinator Marijke Munsiff at 508 485-0710 ext.3011 or email at mmunsiff@southboroughma.com. Updated versions of the draft zoning bylaw and other information, will be posted on the town website.

The next public meeting where the zoning draft will be discussed is scheduled for **24 November at 6:30PM**. All members of the public are welcome to attend via Zoom.

Southborough has three zoned business villages as shown on the zoning map (*see map A*).

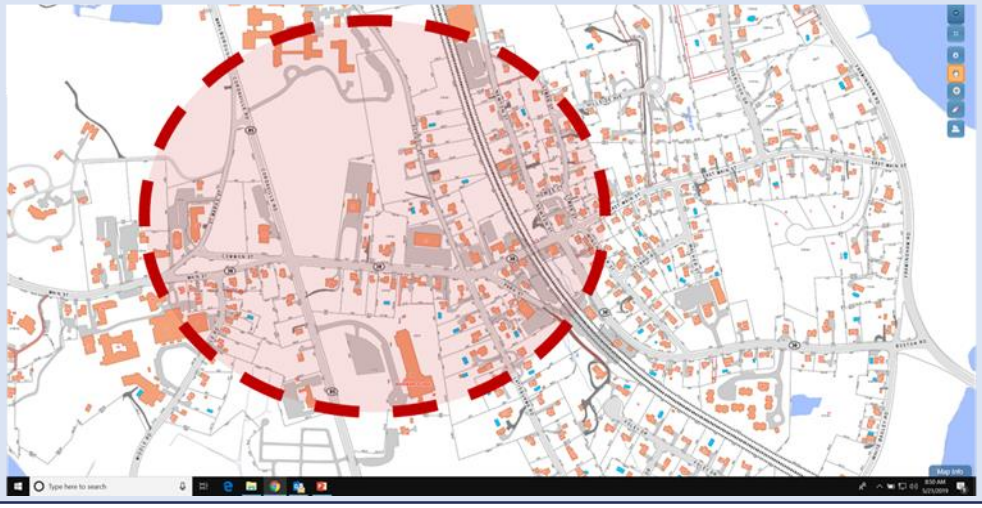
Map A: Southborough's Business Village Districts



The *Downtown* Business Village District is part of the bigger *Downtown* area which extends from the Town Hall at 17 Common Street, to Main Street/Route 30 to just past Newton Street to the Main Street bank (*see map B*).

The Downtown is comprised of a mix of commercial, community and municipal buildings as well as single-family homes, many of which are considered to be historically significant. The larger downtown area is of vital economic importance to the DBVD and therefore all research for this project involves the larger downtown geographical area.

Map B: Greater Downtown Area



WHY ARE WE DOING THIS?

Past recommendations for Downtown include:

2008 Master Plan

Goal #1: Promote growth and development within the Downtown to encourage a mixed use environment.

2012 MAPC Report

Southborough Zoning Bylaw Review and Build-out Analysis for Town Center Parcels

2015 Housing Production Plan

Encourage mixed use development and make infrastructure improvements to promote housing/economic development.

2020 Housing Production Plan

Revise Business Village zoning regulations to provide for Mixed-Use buildings including residential uses.

ULI Report

"…there appears to be a willingness on the part of the town government and its residents to consider **the reinvigoration of the downtown as an investment that is beneficial to the entirety of Southborough**"

Source: Housing Production Plan 2015

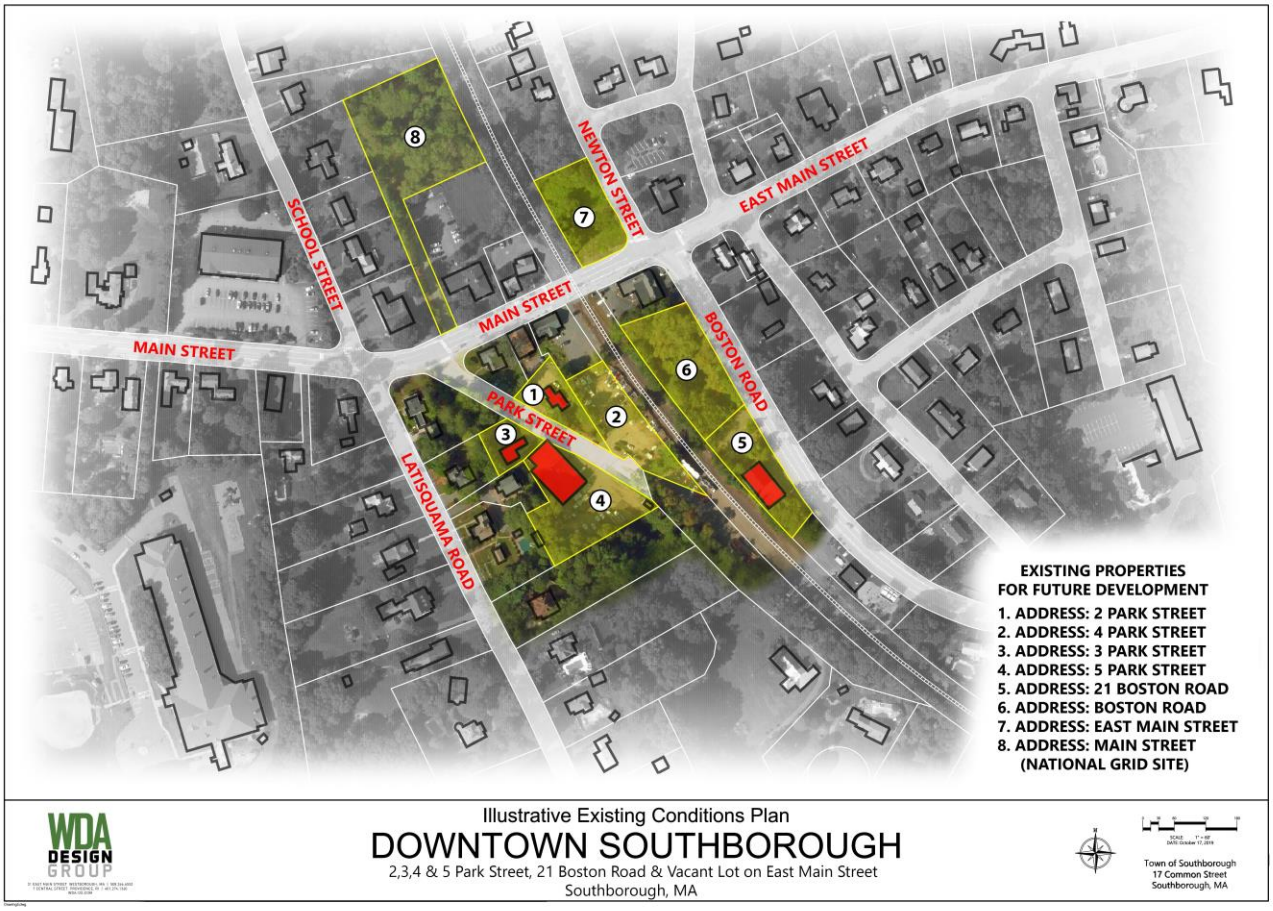
WORK TO DATE

EDC Zoning Work to Date:

- Identified "What we want in Downtown" through surveys and past studies and plans
- Identified downtown parcels for possible (re)development
- Created a Vision for Downtown
- Researched zoning bylaws of comparable communities with desirable downtowns (*Westborough, Grafton, Groton, Hamilton, Longmeadow, Barnstable, Stockbridge, Dorset VT and Washington CT*)
- Used Grafton's overlay district, among others, as a guide to start writing a Southborough mixed-use zoning document
- Considered different zoning options for downtown Southborough
- Created draft design guidelines to ensure desirable development
- EEA Grant allowed the EDC to hire zoning/planning consultants:
  - A. Costa for legal zoning assistance (to ensure the overlay works with the underlying zoning)
  - J. Barrett for professional planning assistance to write the Southborough specific performance standards

For a detailed project timeline starting in 2017, see APPENDIX B

IDENTIFIED (RE)DEVELOPMENT SITES



Note:

The identified sites are currently under-developed and privately owned. This diagram serves informational purposes only and is not a plan for development.

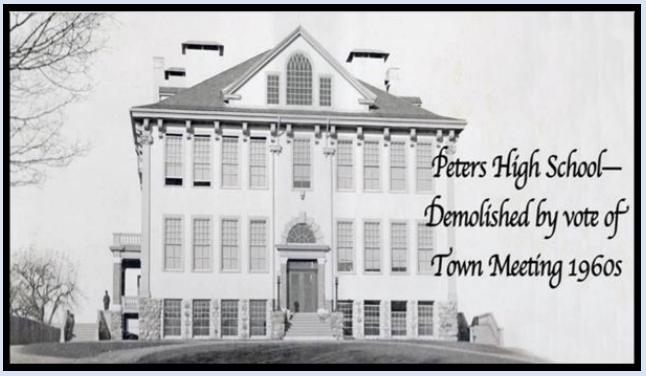
DOWNTOWN THEN & NOW

The lack of strategic and urban planning has resulted in an erosion of economic and community activity in our Downtown.

What makes downtown Southborough unique, is its historic character of which much has been lost in the last 50 years. The lost Downtown buildings and with it, it's commercial activity, include:

1966 Southborough Arms (now 11 Main Street commercial building)
1962 Peters High School (now the former Fire station)
1950s Train Station
1999 Post Office
Other Commercial activity such as: café, drugstore, blacksmith, grocery store and cobbler shop.

By not taking any action, we are *not* preserving the downtown and we are *not* helping the few small businesses that are still there. We have to act now with adopting clear and updated zoning laws and design guidelines to attract commercial investments that are desirable for Southborough and make business sense to potential investors.



VISION FOR DOWNTOWN

A walkable and well-connected small town “Main Street” with locally owned restaurant and pub, lunch café, ice cream shop, boutique style stores and/or other small businesses as well as residential properties.

The mixed-use properties provide more affordable housing options, increased residential density and a larger economic base for the Downtown Business Village District.

With more attractive public space and a larger number of community events, the downtown area truly feels like the heart of Southborough.

n

For more images of how downtown *could* look, see Appendix B

PURPOSE FOR PROPOSED ZONING ARTICLE

It is the purpose of the Downtown Business Village District to make mixed-use development options more readily available in the downtown area. In addition, to encourage thoughtful and distinctive development or re-development opportunities that prioritize a diversity of uses, use and design compatibility, accessibility, innovative parking solutions and overall compliance with the performance and design standards to follow.

More specific objectives of the VMUD include to:

1) Promote revitalization of Southborough's downtown area by encouraging and facilitating a mixed-use environment.

2) Foster a diverse mix of retail, office, residential, and recreational uses for residents, businesses, students, and visitors.

3) Update the range of non-residential uses allowed, thereby promoting the creation of local jobs.

4) Provide more diverse local housing opportunities (within mixed-use development),

5) Encourage village-style streetscapes and uses, in part through modification of existing dimensional requirements.

6) Increase the town's tax base by creating a thriving small business environment, helping existing businesses and attracting new enterprises,

7) Permit uses that promote conversion of existing buildings in a manner that maintains the visual character and architectural scale of existing development within the VMUD.

8) Encourage a vibrant environment to live, work and play, and create pedestrian and bicycle-friendly spaces where the community can gather.

Source: VMUD Draft V.3

TECHNICAL ZONING OPTIONS

The EDC considered three technical zoning options and weighed the pros and cons of each option. The Board of Selectmen, after considering the recommendations from zoning consultant J. Barrett and discussions with other boards and committees during their joint meeting (11/06/2020) decided to create a new zoning district for the Downtown Business Village.

Edit Business Village District Zoning Bylaw

- Easiest to present/understand at Town Meeting
- Associated review process & design standards specific to the BV districts have already been adopted
- Updates can be accommodated w/in warrant article
- Changes will apply to all 3 Business Village Districts
- Does not address streamlining permitting process

Create a New Overlay District

- Ability to package all of the new overlay district requirements and definitions in one bylaw
- Could override issues with Section 174-8 (c-2 & c-5)
- Expansion possibility to include additional parcels
- Underlying zoning stays the same
- No changes for other Business Village Districts
- May need additional warrant article ie map change

Create a New Zoning District

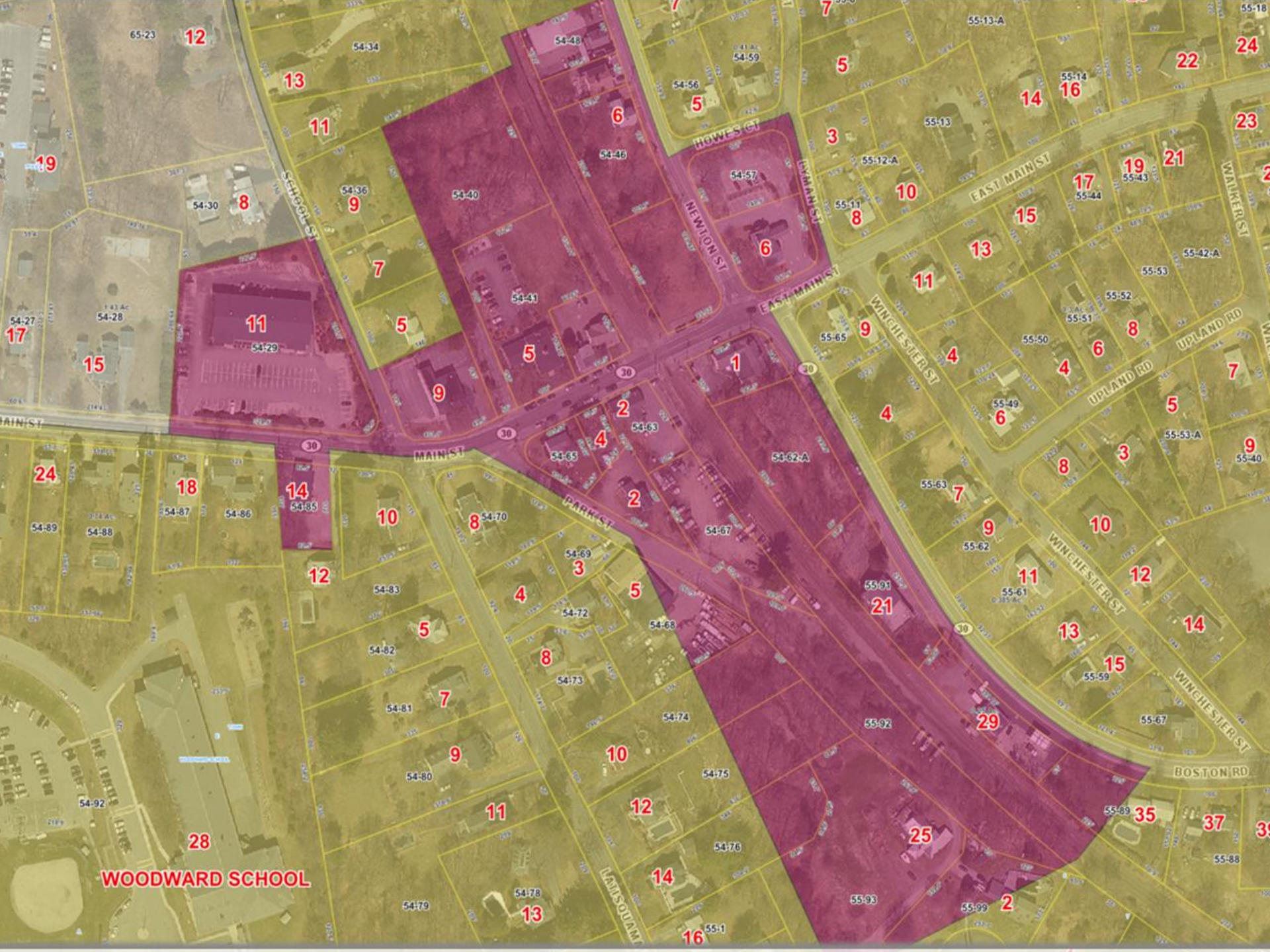
- New zoning district would eliminate BVD zoning for the downtown area
- May be perceived as too big of a change for current residents in the BVD in Downtown
- Will require legal counsel direction

TIMELINE FOR ZONING ARTICLE

Original Date	Revised Date	Activity
November 17 *Board of Selectmen* Meeting	TBD (December?)	Final draft article reviewed & approved at BOS meeting
November 19	December 14	Planning Board to receive finalized draft from the BOS (for Jan. 2021 Public Hearing)
December 14 *Planning Board* Meeting	January 2021	Public Hearing #1
January 2021 *Planning Board* meetings	2nd PB meeting in January	Public Hearing #2
February 2021 *Planning Board* Meeting	1st PB meeting in February	Public Hearing #3 (if necessary and continues until vote is taken to close public hearings)
February 2021 *Board of Selectmen* Meeting		BOS votes changes (if necessary) from Public Hearing(s)
March 2021 *Planning Board* Meeting		Planning Board provides recommendations on article to be included in the Town Meeting Warrant
March 20, 2021		Annual Town Meeting

APPENDIX A

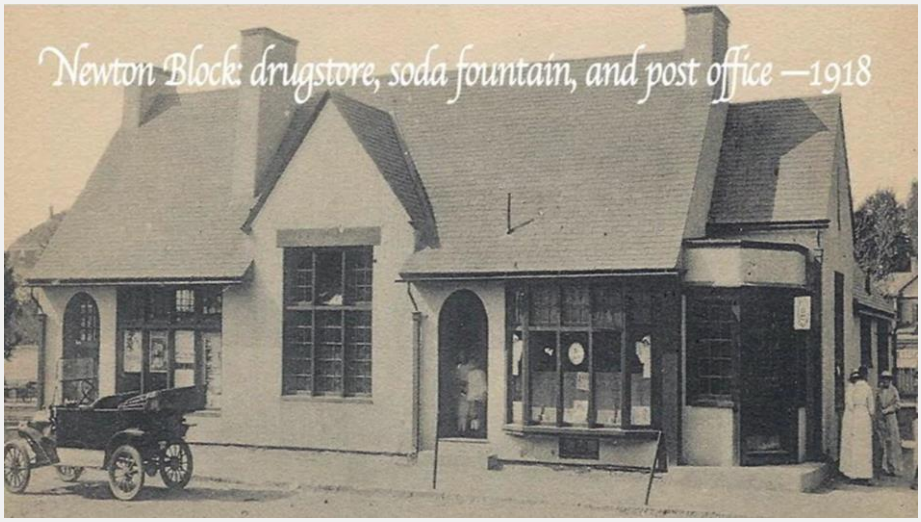
Downtown Business Village District Map

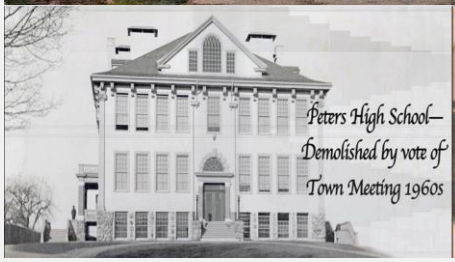

MAIN ST
EAST MAIN ST
NEWTON ST
LYMAN ST
HOWES CT
SCHOOL ST
PARK ST
WINCHESTER ST
UPLAND RD
WALKER ST
BOSTON RD
LAMISQUAM
WOODWARD SCHOOL

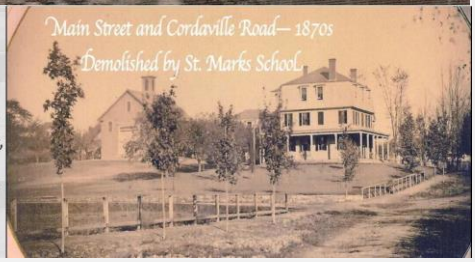
APPENDIX B

Downtown: Then & Now
Vision for Downtown

How it looked THEN





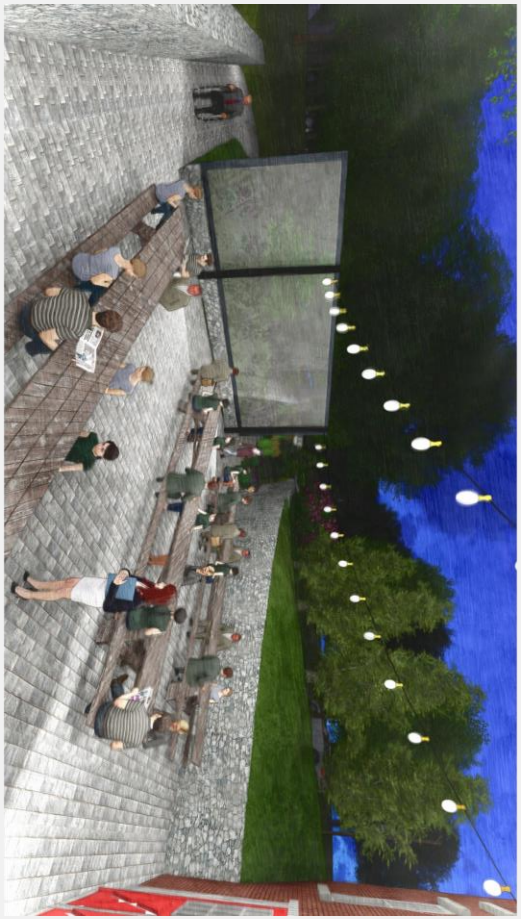


How it looked THEN

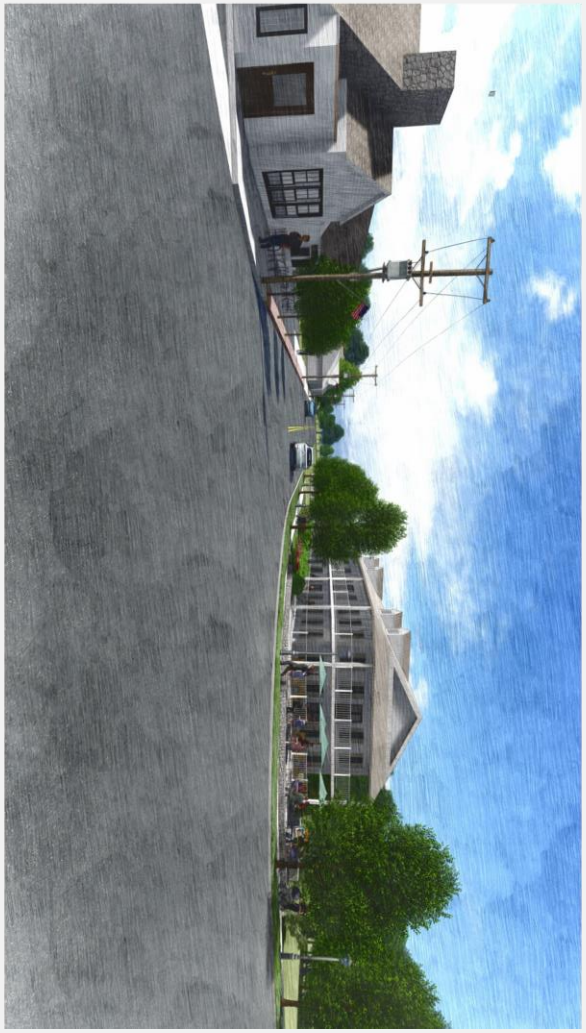
Downtown Business Village District **NOW**

Downtown Business Village District **NOW**

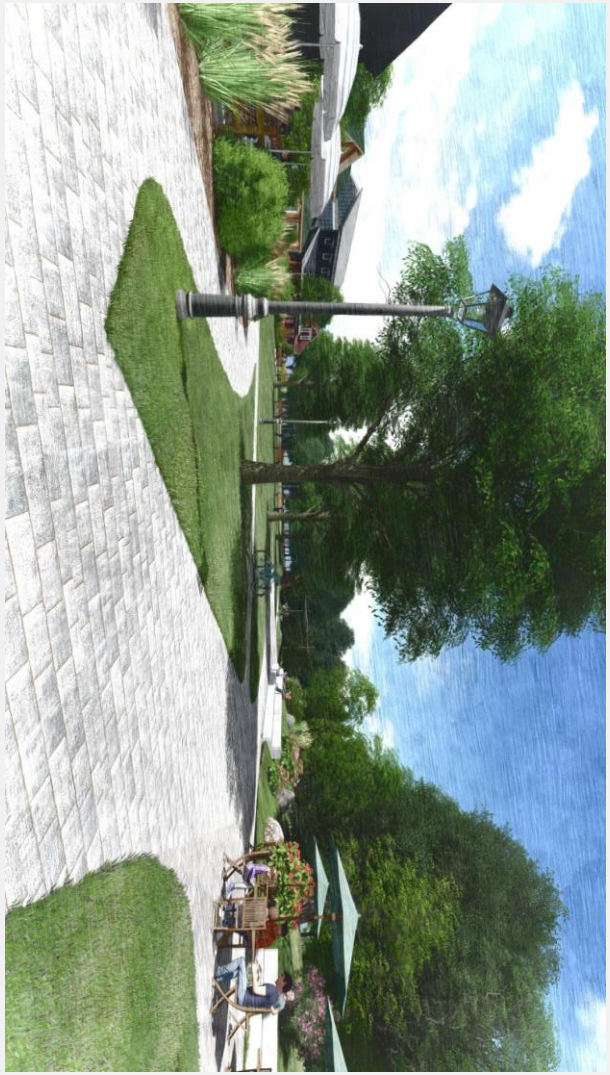
How it **COULD** *Look!*



How it **COULD** *Look!*



How it **COULD** *Look!*



How it **COULD** *Look!*

APPENDIX C

Project Timeline 2017 - 2020

JULY-DECEMBER 2017

- "What are you doing about Downtown"?
- EDC Identified Downtown revitalization as a top priority
- EDC Downtown Survey (Sept-Oct)
- Survey results presented (Oct)
- Downtown forum (Nov)

2018

- Outreach with downtown businesses & residents – providing updates on construction, hosting planning sessions, collecting feedback
- Contracted to ULI TAP (May 9th)
- Supported 2 East Main St proposed mixed-use building
- Researched land availability/acquisition
- Zoning review meetings (ZBA & Planning Board) – Drafted zoning amendment, reviewed with ZBA& Planning Board

2019

- Downtown 'working' plan driven by data and resident's feedback (Master Plan 2008, 2015 SHOPC Housing Production Plan, ULI Report, 2017 EDC Survey)
- Researched zoning bylaws - comparable communities
- Met with Grafton Town Planner
- Wrote draft zoning amendment using Grafton's overlay district as a guide for Southborough
- Identified land opportunities
- Sept - Presented to BOS: Mixed use overlay, available land, investment opportunities, vision statement & historic pictures
- EEA Planning Assistance Grant - awarded 9/25
- Dec 17 - EDC presented to BOS
- EDC flyer created (THEN & NOW)

2020

- ***Zoning article rescheduled - Fall STM***
- *6 January*: Planning Board presentation
- *9 January*: Advisory Board discussion
- *Jan/Feb/March*: Downtown Initiative "Roadshow" (Library, Town House & Senior Center)
- Hired Adam Costa (zoning attorney) who drafted an overlay zoning article to be completed by a Planning Consultant
- *8 May*: Notified all Bd/Comm Stakeholders, requesting input for a draft Village Mixed Use Overlay District (VMUD)
- *15 June*: Distributed VMUD (version 2) distributed to all Bd/Comm Stakeholders
- *29 June:* OSPC reviewed VMUD (V2) w/Project Manager
- ***Planned zoning article rescheduled - ATM***
- *10 July*: VMUD (V3) distributed w/request to review to all boards/committees
- *28 July*: Initial call with professional planning consultant J. Barrett (calls 8/14, 8/25)
- *8 September*: Received Town Center Standards V1 draft from J Barrett. BOS meeting.
- *6 October*: Stakeholders meeting (BOS, EDC, PB & SHOPC) with planning consultant Judi Barrett. Decision to draft a new zoning district.
- *20 October*: received DRAFT Downtown Business Village District V2 - (Amend § 174-3 Districts enumerated by adding a new district)
- *10 November*: Stakeholders meeting (BOS, EDC, PB & SHOPC) - initial review of new district zoning & comments received.

- *18 November*: Deadline for receipt of draft V2 comments from Boards and Committees

- ***24 November*: Planned stakeholders meeting (BOS, EDC, PB & SHOPC and others) & public input welcomed**

APPENDIX D

DRAFT
Downtown Business Village District

FY 2021 Goals - Boards and Committees.	In Progress	Recent Steps	Completed
OML training and support/training for running Open Meetings.	XX		
Promote and enforce Town Email Use Policy.	XX	XX	
Update, consolidate and promote compliance with general policies.	XX	XX	
Encourage and provide support for televising meetings.	XX		
Encourage and provide support for composite agendas and packets.	XX	XX	
Enhance informational outreach and recruiting for volunteers (forum).	XX		
Conduct public comment at beginning & end of meetings			XX
Review and update descriptions and charges.	XX		
FY 2021 Goals - Community Initiatives			
Coordinate and oversee Downtown Initiative.	XX	XX	
Coordiate communication/roundtables with local businesses.	XX		
Pursue PILOT initiatives, including community center and projects.	XX	XX	
Pursue "bike friendly" policies and explore Biking Committee.	XX	XX	
300th Anniversary planning, including Committee creation.	XX		
FY 2021 Goals - Employees			
Create Employee Handbook.			
Update job descriptions for BoS staff.	XX		
BoS review of annual staff performance reviews.	XX		
Review staffing and BoS office organization.	XX	XX	
Analyze Personnel Board/Town Administrator authority.			XX
FY 2021 Goals - Infrastructure			
Explore municipal electric plant.			
Natl Grid parcel 54-40	XX		
Assimilate Pine Hill Rd into Town Water re: Fire (via MWRA)	XX		
FY 2021 Goals - Long Range/Strategic Planning			
Explore establishing grant writing position(s).	XX		
BoS training, reporting and hiring initiatives re: diversity and inclusion.	XX		
FY 2021 Goals - Municipal Finance			
Additional approval/oversight on appropriation line items.	XX	XX	
Schedule quarterly budget updates (Finance Director).			XX
Establish budget narratives, including long-term impacts.			
Establish BoS budget liaisons.			XX
Communicate BoS position to departments re: new FTEs.			XX
Establish long-term capital plans (with Capital Committee).	XX	XX	
Explore generating additional commercial tax revenue.			
Identify and establish a roster of Town service contracts.	XX	XX	
Review contracted services and explore re-bidding.	XX	XX	
Maximize potential Covid-19 reimbursements and grants.	XX	XX	
Coordinated budget discussions with Advisory, Capital and Schools.	XX	XX	
FY 2021 Goals - Organizational			
Quarterly newsletter.	XX		
Explore public safety regional dispatch.	XX		
Evaluate organizational processes: postage; mailings; data exchanges.	XX		
Budget software implementation.			XX
Pursue policies and projects for 40B threshold.	XX		
Customer service survey re: Town departments.			

HARVARD UNIVERSITY
FACULTY OF ARTS AND SCIENCES
OFFICE of PHYSICAL RESOURCES and PLANNING

ANDREW R. LAPLUME

ASSOCIATE DIRECTOR of
FAS LIBRARY FACILITIES

WIDENER LIBRARY G40
HARVARD YARD
CAMBRIDGE, MA 02138
TEL: (617)495-2405
laplume@fas.harvard.edu

DATE: December 3, 2020

Mark J. Purple
Town Administrator
Southborough Town House
17 Common Street
Southborough, MA 01772

Dear Mark,

Following up on our email exchange, I am pleased to enclose a voluntary payment by Harvard University of $24,354 that is made in lieu of taxes to The Town of Southborough Board of Selectmen.

Our project team had a very productive meeting on the Southborough Campus today, and we anticipate having more details on our reuse plans in early January. More to follow as they develop.

Please feel free to reach out if you have any questions.

Best regards,

Andrew R. Laplume

Cc: HD file

TOWN OF SOUTHBOROUGH

FINANCE DIVISION: TREASURER AND COLLECTOR

TOWN HOUSE · 17 COMMON STREET · SOUTHBOROUGH, MASSACHUSETTS 01772-1662
(508) 485-0710 x3010 · FAX (508) 480-0161 · bballantine@southboroughma.com

DATE: December 9, 2020

TO: Honorable Board of Selectmen

FROM: Brian Ballantine, Finance Director

RE: Temporary Note for Fire Truck and Finn Boiler

Please be advised the Town sold temporary notes totaling $1,590,180. These notes consist of $600,000 for a new fire truck and $990,180 for the Finn boiler. The net interest cost of these notes was .4043% and total interest due in December 2021 will be $15,857.63.

In the Fall of 2021 the Town will evaluate any additional borrowings authorized between now and then and will likely combine any outstanding projects for a permanent bond sale. The fire truck has been ordered and the Finn boiler is substantially complete. The MSBA will be auditing the School project per standard practice and the Town will be reimbursed up to $357,310 as allowed by the grant. Once this process is complete and the note comes due the Town can permanently finance the net project cost.

As usual, the Board will have to vote to accept the notes and I will arrange the collecting of necessary signatures.

Should you have any questions, please do not hesitate to ask.

TOWN OF SOUTHBOROUGH
FIRE DEPARTMENT
32 CORDAVILLE ROAD
SOUTHBOROUGH, MA 01772
(508) 485-3235 (508) 485-3887 (FAX)

Wednesday, December 09, 2020

Board of Selectmen
Town of Southborough
17 Common Street
Southborough, MA 01772

Dear Town of Southborough Board of Selectmen,

Enclosed, please find the following donation made to the Town of Southborough for your acceptance.

RECEIVED FROM:	AMOUNT:	ACCOUNT SPECIFIED:
Richard & Barbara Sullivan	$100	Ambulance Fund (2659-4-220-483-48310)

Thank you for your consideration in this request.

Sincerely,

Steven E. Achilles
Southborough Fire Chief

Lori Esposito

From: Mark Purple
Sent: Thursday, December 10, 2020 12:15 PM
To: Lori Esposito
Subject: FW: BOS Agenda - Capital Planning - School Research Subcommittee

Mark J. Purple
Town Administrator
Town of Southborough
P: 508-485-0710
F: 508-480-1061

From: Jason W. Malinowski <jmalinowski@southboroughma.com>
Sent: Tuesday, December 8, 2020 8:29 PM
To: Mark Purple <mpurple@southboroughma.com>
Cc: Martin Healey <mhealey@southboroughma.com>
Subject: BOS Agenda - Capital Planning - School Research Subcommittee

Hi Mark,

For the next BOS agenda, please accept this request to extend the Capital Planning - School Research Subcommittee term to end on February 28, 2021. The current term is scheduled to end on December 31, 2020.

I am requesting this extension due to the anticipated receipt of the NESDEC enrollment report in early January. This extension should allow the Subcommittee to review the report and outline the next steps for vetting by the School Committee, Capital Planning Committee, and BOS.

Please let me know if you have any questions.

Thanks,

Jason Malinowski

TOWN OF SOUTHBOROUGH
DEPARTMENT OF PUBLIC WORKS

147 Cordaville Road
Southborough, MA 01772

Tel: 508-485-1210
Fax: 508-229-4444

DATE: December 10, 2020

MEMORANDUM

TO: **Southborough Board of Selectmen**
CC: **Mark Purple, Town Administrator**
FROM: **Karen Galligan, DPW Superintendent**
SUBJECT: **CSXT's Downtown Crossing Easement(s)**

As you know, the Town has a project planned to continue improvements on Main Street through the downtown area. The proposed project also involves road construction, including upgrades, on Newton Street, Marlborough Road and Cordaville Road. However, this memo is about the proposed work on Main Street, and East Main Street, through the downtown area; specifically, the railroad (CSXT) crossing.

CSXT owns about a 66' right of way throughout Town (33' from the centerline on each side of the track). The Town needs an easement across CSXT's property to replace the water main and improve the storm water system downtown. The gas company is also planning to replace their gas main under the tracks.

Before CSXT will grant an easement to a Town to cross their property, and tracks, CSXT requires review and approval of the design across their property and assistance with "housekeeping" issues. CSXT has reviewed Southborough's design and made some comments. The town has responded to the comments and will incorporate CSXT's specifications and changes in the final design plan set and specifications. However, there is an outstanding issue that the Town needs to address before submitting the plans and specifications to CSXT for approval.

There are "housekeeping" issues in downtown Southborough there that need to be addressed. These issues are unpermitted encroachments from private property onto CSXT's property. The Town helped CSXT with contact information for the owners of the four properties that abut both the tracks and the Town's Main Street right-of-way (ROW). CSXT has tried to contact each of the property owners to grant them an 8' easement onto the CSXT property.

At this time one property has determined that they will not require an easement, one property is reviewing the easement language, one property is going to execute the easement and one property does not believe that they need an easement from CSXT. At this point the Town needs to decide if it is going to move forward with the project and install granite curbing along the edges of the traveled way within the CSXT property based on existing easements, as requested by CSXT, (see attached plan); or if it is going to scrap the project; or if it is going to complete the project without the storm water and water main upgrades under the tracks.

The DPW would like the Selectmen to determine how they would like to proceed so that the Town can move this project forward for final specification and plan approval by CSXT, public vetting, spring bidding and late summer construction, or not.

SOUTHBOROUGH
MAIN STREET
CONSTRUCTION PLANS
SHEET 10 OF 85

13812-HD(GEN).DWG Plotted on 15-Apr-2020 5:04 PM

CONTINUED ON SHEET NO. 11

CONTINUED ON SHEET NO. 9

NOTE: CURB CUT AND BARRICADE IN NORTHWEST QUADRANT CONTINGENT ON EXECUTION OF EASEMENT AGREEMENT BETWEEN KNIGHTS OF COLUMBUS AND CSXT

INSTALL RIGHT-OF-WAY BARRICADE 25'-0" FROM CENTERLINE OF TRACK

BEGIN CURB CUT 25'-0" FROM CL OF TRACK

BEGIN CURB CUT AT PROPERTY LINE

INSTALL RIGHT-OF-WAY BARRICADE

INSTALL CURB

INSTALL RIGHT-OF-WAY BARRICADE

LIMIT OF WORK
STA 161+40.00
N: 2936700.0756
E: 650030.2501

LIMIT OF WORK
STA 200+60.00
N: 2936495.1499
E: 649914.6340

158+97.90 MAIN STREET=
300+00.00 NEWTON STREET

201+90.00 BOSTON ROAD=
159+38.83 MAIN STREET

PI +50.00

PI +25.00

END FULL DEPTH PVMT
BEGIN PROP MILL & OVERLAY +55

END CURB +00

SAWCUT MEET EXIST +60

REM EXIST PVM'T AND LOAM & SEED

PROP MILL & OVERLAY

SAWCUT

SAWCUT MEET EXIST

PROP HMA DRIVE

PROP TREE PROTECTION (TYP)

REM CONC WALL

PROP STONE WALL

PROP 5' CEM CONC WALK

PROP TEMP EASEMENT

PROP LOAM & SEED

PROP PERM EASEMENT

PROP 20' PVM'T TRANSITION

PROP TRANSITION CURB

PROP 6" TRANSITION CURB

PROP GRAN CURB (3" REVEAL)

PROP GRAN CURB

PROP 5' HMA WALK

RET GRAN CURB

PROP MILL & OVERLAY

EXIST RAILROAD LAYOUT

MEET RUBBERIZED PAD (BY CSX)

EXIST TOWN LAYOUT

PROP CONCRETE APRON

PROP CEM CONC WALK (TYP)

PROP HMA WALK

PROP CEM CONC WCR (TYP)

PROP FULL DEPTH PVM'T

PROP CEM CONC WALK

PROP HMA DRIVE

PROP GRAN CURB (3" REVEAL)

PROP CEM CONC WCR (TYP)

PROP HMA DRIVE

R&R UP (BO)

EXIST RAILROAD LAYOUT

PROP CONCRETE APRON

PROP TEMP EASEMENT

PROP HMA WALK

EXIST TOWN LAYOUT

PROP GRAN CURB CORNER TYPE A

PROP CEM CONC WALK

PROP PERM EASEMENT

PROP LOAM & SEED

PROP TEMP EASEMENT

PROP GRAN CURB CORNER TYPE A

RET

RET GRAN CURB

PROP MILL & OVERLAY

EXIST TOWN LAYOUT

MAIN STREET (ROUTE 30)

NEWTON STREET

EAST MAIN STREET

BOSTON ROAD (ROUTE 30)

WINCHESTER STREET

LYMAN STREET

0 20 50 100
SCALE: 1" = 20'

LEGEND:
X WCR NUMBER
X DRIVEWAY NUMBER

The "BV Business Village District" now exists in Southborough, see Zoning Bylaw, § 174-8.4, and is comprised of three noncontiguous areas. One of these noncontiguous areas is downtown Southborough; and, although the Bylaw says nothing of the sort, I understand that said area is presently referred to, if only casually, as the "downtown" Business Village District.

Based on our December 9 conversation, and now verified with Judi Barrett, the District below is meant to be a new district entirely: a replacement for the portion of the Business Village District that currently encompasses the downtown area, not a subdistrict within the Business Village District.

That being so, and as is further elaborated upon below, I caution you that naming the new District the Downtown Business Village District is a potential, if not probable, source of confusion. Even I wondered whether the new District was meant to continue to be a part of the old (which raises all sorts of potential conflicts regarding applicable standards and processes). I'd recommend a renaming of the District, to the "Town Center District," for example. I believe that Judi agrees.

DOWNTOWN BUSINESS VILLAGE DISTRICT V.4 (FINAL)
December 4, 2020

Part I. Amend **§ 174-2** Definitions by adding the following new term and definition in appropriate alphabetical order.

BED AND BREAKFAST

Bed and breakfast is an establishment on owner-occupied property offering transient lodging accommodations to the general public, with not more than four guests rooms and food service limited to breakfast for guests.

CO-WORK CENTER

A building or portion thereof used for flexible work spaces offering short-term, monthly, or longer lease periods for self-employed people or people working for different employers, and typically providing shared furnishings, equipment, and business support services.

FAÇADE

The exterior side of a building.

MICROBREWERY

A microbrewery is a licensed establishment that produces and distributes beer, ale, or other malt beverages, and which may include accessory uses such as tours of the microbrewery, retail sales, and a taproom for on-site consumption. In addition to selling beer at retail on the premises, a microbrewery may act as wholesaler for beer of its own production for off-site consumption if it has a valid pub brewery license from the Commonwealth of Massachusetts.

MIXED-USE DEVELOPMENT

A development that includes both residential uses and nonresidential uses within a single structure. The ground floor facing the street shall be used only for permitted nonresidential uses, and the total gross floor area occupied by nonresidential uses shall be at least 10 percent of the gross floor area of the structure.

Section 174-5(D) of the Zoning Bylaw addresses so-called split lots, i.e. existing lots divided by the boundary of a zoning district subsequently adopted. During our December 9 conference call, it was suggested that the Town may wish to extend the new DBV District to the entirety of any lot included within its limits, even partially.

To accomplish the above, the following sentence might be added to the end of Section 174-5(D): "Notwithstanding the foregoing, where the boundary of the Downtown Business Village District divides a lot existing at the time said District was adopted, the regulations applicable in said District shall extend and be deemed to apply to the entirety of such lot."

And by relettering existing Sections K and L to Sections L and M, respectively.

Part 2. Amend **§ 174-3 Districts enumerated** by adding the following new district:

K. Downtown Business Village District, referred to as DBV District.

Part 3. Amend **§ 174-8(C)(2)** as follows (amendment shown in italics)

Not more than one principal permitted use shall be located on any lot, provided that a multiple occupancy building used for the same category of use, such as retail sales and services, light manufacturing or offices in a business district or Industrial Park District, *or a mixed-use development in the Downtown Business Village District*, shall be deemed to be in a single principal permitted use. . . .

Part 4. Amend **Article III, Use Regulations**, by adding the following new section:

§ 174-8.4.1 Downtown Business Village District

Both Sections A and B state: "Permitted uses are as follows..." They are repetitive; and the list of allowed uses under each of them can be combined under a single Section A (and subsequent Sections relettered accordingly).

A. Permitted uses are as follows:

(1) All uses permitted in the residential districts (RA and RB)

B. Permitted uses are as follows:

(1) Mixed-use development

(2) Professional or business office, or bank, but not including a medical or dental office

(3) Custom manufacturing of custom goods sold primarily on the premises, such as a woodworking shop, shop for artisan or craftsperson, or bakery

(4) Bed and breakfast

(5) Art gallery

(6) Child care center

(7) Co-work center

I interpret the allowance of "mixed-use development" to mean that nonresidental and residential uses may co-exist as-of-right in the same structure, per the definition above and consistent with the amendment to Section 174-8(C)(2), also above; but not to supersede the requirement of a special permit if one or more of the constituent use(s) requires it. For example, a mixed-use development comprised of professional offices and multifamily housing would require a special permit because, while the offices are by-right, the multifamily housing is not.

C. Permitted uses, up to a maximum of 3,000 square feet per establishment:

(1) Retail sales

(2) Ice cream shop, sandwich shop, candy shop, other specialty food service establishment serving walk-in customers (drive-through service is prohibited)

(3) Restaurant, with indoor seating and outdoor seating on an adjacent patio (drive-through service is prohibited)

The Section numbering is problematic, in my opinion. Southborough's zoning districts are individually addressed in Sections 174-8.1, 174-8.2, 174-8.3, etc. of the Zoning Bylaw. Section 174-8.4 is the "BV Business Village District." Adding the DBV District as Section 174-8.4.1, i.e. a Subsection of Section 174-8.4, suggests that the DBV District is a subdistrict and not a new district altogether.

I've discussed the above with Judi. She agrees, I believe, that the DBV District might instead be added as a new Section 174-8.12: not ideal placement as far as the sequential grouping of districts goes, but better than creating unnecessary confusion. (Alternatively, it could be added as Section 174-8.5 and existing Sections 174-8.5 through 174-8.11 could be renumbered as Sections 174-8.6 through 174-8.12, respectively.)

I defer to Judi concerning appropriate density for multifamliiy housing in the downtown area. But remember that such multifamily housing may be combined with nonresidential use(s) per the allowance of mixed-use development above.

(4) Personal services such as barber shop, beauty salon, tailor, or shoe repair

D. Permitted uses by special permit from the Planning Board are as follows:

(1) Any use listed in Subsection C exceeding 3,000 sq. ft. per establishment

(2) Microbrewery

(3) Veterinarian, animal hospital, dog kennel.

(4) Medical or dental office

(5) Multifamily housing, up to eight units.

Multifamily at 8 units is OK and may lead to some downtown housing. Allowing up to 12 units by special permit would probably be more effective. We suggest discussing this further with a few local developers and property owners.

(6) Private garage or parking for more than three cars or more than one truck or other commercial vehicle.

(7) Indoor recreation, athletic or exercise facility.

E. Uses by special permit from the Zoning Board of Appeals are as follows:

(1) Accessory apartment.

(2) Conversion of a one-family house in existence for two years or longer to a two-family dwelling, on a lot with a minimum of 15,000 square feet.

(3) A mobile home or travel trailer used as a dwelling or business quarters for more than 30 days in a year.

F. Prohibited uses. All uses which are not listed above, legally nonconforming or otherwise allowable by the provisions of the zoning regulations are prohibited.

G. Development standards (Note: Also refer to § **174-10.1**, Business Village District plan review) are as follows:

See my comment, below, concerning the applicability of Business Village District plan review to projects in what-is-supposed-to-be an entirely different, separate and distinct zoning district, the DBV District.

(1) Minimum lot area: 5,000 square feet.

(2) Minimum frontage: 60 feet.

(3) Minimum setbacks:

(a) Front: 10 feet.

(b) Rear: 35 feet.

(c) Side: 10 feet; 25 feet if adjacent to a residential district.

Consistent with Judi's commentary, I wonder about the relationship between "maximum" (versus minimum) front setback and the requirement that "[a]t least 50% of the landscaped open space shall be contiguous and located between the front building line and front lot line..." Is it reasonable to require compliance with both? I again defer to Judi's planning expertise.

(d) Other street: 10 feet

(4) Maximum front setback: 20 feet unless waived by the Planning Board.

(5) Minimum landscaped open space: 20 percent. At least 50 percent of the landscaped open space shall be contiguous and located between the front building line and front lot line unless the Planning Board approves a different placement of the open space as part of Site Plan Review.

(6) Maximum floor area ratio: 0.45 as of right, or a maximum of 0.70 by special permit from the Planning Board.

(7) Minimum Façade Buildout (% Lot Width) unless waived by the Planning Board.

(a) With less than 50 feet of frontage: N/A

(b) 50-80 feet of frontage: 60%

(c) Over 81-100 feet of frontage: 70%

(d) 100 feet or more of frontage: 75%

(8) Height regulations:

(a) Maximum building height: 40 feet and three stories, except by special permit from the Planning Board under Section H below

(b) Minimum ground floor height: 12 feet

(c) Maximum ground floor height: 18 feet

Instead of minimum and maximum front setbacks, you could establish a build-to line of 10 feet from the public ROW or front property line. If you want to take this approach, consider discussing it with police & fire first. There needs to be site planning flexibility to accommodate both the concept of a maximum front setback and the open space & landscaping people say they want.

The FAR seemed to generate great interest. We looked at this more after the 11/24 meeting and sketched a few hypothetical projects on some existing lots. It seems to us that you could take it up to 0.45 or even 0.50 as of right if you want, and give the Planning Board discretion to approve a higher FAR case by case. It's a policy issue for the Town to decide.

(9) Residential dwellings. Single-family or two-family dwellings in the Downtown Business Village District shall comply with RB District standards.

H. Special Permit for Height Increase. The Planning Board may grant a special permit to increase the maximum building height to 48 feet and four stories, provided that the minimum rear setback shall be increased at a 1-to-1 ratio, e.g., an additional one foot of setback for every one additional foot in building height.

Note change in maximum height by special permit to 48 feet.

Is Subsection "1" necessary, where there are no subsequent Subsections (or, if there were, they've been deleted from earlier draft(s))? Maybe replace (a) through (d) with (1) through (4)?

I. Additional Standards for Development in the DBV District.

(1) Building Regulations

(a) The principal entrance(s) to the building shall be on the front façade, which shall face the street.

(b) The maximum distance between street-level entrances shall be 35 feet unless waived by the Planning Board.

(c) The maximum depth of street-level commercial spaces shall be the lesser of 30 feet or 60 percent of the depth of the building unless waived by the Planning Board.

(d) The maximum front setback in Section G(4) may be increased for purposes of amenities such as landscaping, a plaza, square, courtyard, recessed entrance, sidewalk, multi-use path, raised terrace, façade offsets, or outdoor dining, but not for automobile use.

These basic building regulations are design standards and should remain in the ZBL. Design guidelines to be used for Site Plan Review are a different matter and they should be handled outside the ZBL.

Keep (d) even if you adopt a fixed build-to line of 10 feet. Public amenities are important; they help to activate the street.

Affordable housing section removed; benefit if any would be de minimis, and requiring it could discourage development. You could revisit this another year.

J. The operation of any marijuana establishment as defined in MGL c. 94C, § 1, including without limitation a marijuana cultivator, marijuana testing facility, marijuana product manufacturer, marijuana retailer or any other type of licensed marijuana facility is prohibited in all zoning districts of the Town. This prohibition shall not apply to the sale, distribution or cultivation of marijuana for medical purposes, licensed under Chapter 369 of the Acts of 2012 and currently permitted in the Town of Southborough. **[Added 4-25-2017 ATM by Art. 32]**

Consistent with my other comments above, if the DBV District is not a part of the Business Village District but rather is its own district, the proposed exception below is unnecessary; and, beyond that, should be eliminated, as its inclusion is misleading.

However, it should still be said somewhere, e.g. in a new Section 174-10.2, that, as in the Business Village District, major site plan approval in the DBV District shall be by special permit for uses requiring a special permit.

I note that, because the threshold differentiating major from minor site plan review, i.e. 2,000 square feet, is different than the threshold between certain by-right and special permit uses in the DBV District, i.e. 3,000 square feet, certain DBV District uses may still require major site plan approval (but not a special permit).

Part V. Amend **Section 174-10.1, Village Business District plan review**, as follows (amendments in the first paragraph shown in italics).

§ 174-10.1 Village Business District plan review.

Except as provided below in Subsection D, within the Village Business District, major site plan approval shall be by special permit from the Planning Board, subject to the procedural requirements and decision criteria of § **174-9**, Special permit requirements, and § **174-10**, Site plan approval, and the following in addition to the above …

We have not changed this. The goal is to apply site plan review to permitted uses and leave the special permit process to reviewing plans for uses requiring a special permit.

D. In the Downtown Business Village District, major site plan approval shall be by special permit from the Planning Board for any use requiring a special permit. In such cases, the submission requirements, procedures, and decision criteria under Subsections A through C above shall apply. The Planning Board may adopt design guidelines and apply them to major site plan approval applications regardless of whether a special permit is required.

Guidelines can be adopted by Planning Board following adoption of the proposed amendments. (The language is may adopt, not shall.) To adopt design guidelines before this section has been adopted makes no sense.

Part VI. § 174-12 **Parking and loading regulations**. Amend the parking and loading regulations, as follows. Note that existing Section F should be renumbered to Section G.

F. Exceptions in the Downtown Business Village District. Off-street parking requirements for development in the Downtown Business Village District shall comply with Section E above except for the following uses:

We changed the parking regulations for dwellings. We were trying to stay reasonably close to your existing requirements, but some existing requirements are not appropriate for a town center.

(1) Dwellings: two spaces for each dwelling unit, plus one space for a customary home occupation or a professional use.

(2) Bed and breakfast: one space for each guest room plus two spaces for the owners and operators of the premises.

(3) Restaurants and other places serving food or beverages: one space for each four seats.

(4) Mixed-use development: one space per dwelling unit and one space per 300 square feet of nonresidential floor area.

(5) Professional or business office: one space per 300 square feet for ground floor offices and one space per 350 square feet for offices above the first floor.

I concur with Judi; and, indeed, the suggestion that design guidelines be excluded from the Bylaw and separately adopted was among my recommendations months ago. The Bylaw operates as a framework for what will be permitted within the new District; and simplicity in that regard can help facilitate its passage at Town Meeting.

With that said, I also appreciate the interest in and desire for specifics, even early-on. It may be worthwhile for the Planning Board to report to Town Meeting that it has already given consideration to guidelines and is prepared to adopt them forthwith. (In other contexts, e.g. under Chapter 40R where development is by-right, draft guidelines have been presented at Town Meeting in an attempt to assuage fears.)

TOWN OF SOUTHBOROUGH POLICIES AND PROCEDURES

Policy:	Code of Conduct Policy
Date Approved:	April 25, 2016
Board approval:	Board of Selectmen

1. Purpose and Scope

1.1 The purpose of this policy is to indicate conduct expected by employees and officials of the Town of Southborough when conducting business with other employees, customers, vendors, and visitors, who interact with the Town, either on a daily or more infrequent basis. This policy extends to private conduct, to the extent the law has additional requirements on public employees.

1.2 Nothing in this policy limits or replaces rules of conduct described in Massachusetts General Laws Chapter 268A, (Chapter 268A and Regulations are referred to in this policy as "State Public Employee Ethics Laws") regarding the conduct of a public employee, including Town employees as described in the law and regulations.

1.3 Nothing in this policy limits or replaces other Town policies that address employee conduct, such as the Town's Workplace Violence Prevention Policy, Policy Against Sexual and Discriminatory Harassment, and the Town's Alcohol & Drug Policy, and other policies applicable to employee conduct.

2. Applicability

2.1 This policy applies to all full and part-time compensated positions, excluding employees of the School Department. Employees whose positions are covered by collective bargaining agreement are subject only to those portions of the policy which are not separately regulated by a collective bargaining agreement. Persons employed under individual employment agreements shall follow all of the provisions of this policy.

2.2 This policy does not replace applicable law, including State Public Employee Ethics Laws, but instead applies in addition to applicable law. In the event this policy conflicts in any way with laws governing employee conduct, the law will apply over this policy, to the extent that it is stricter.

3. Policy

3.1 Employees and town officials must act with fundamental honesty and integrity in all Town dealings, comply with all by-laws/regulations that govern the Town, maintain an ethical and professional work environment and comply with all Town policies. Town employees and officials are required to consistently treat fellow employees, customers, vendors, and visitors with respect, dignity, honesty, fairness, and integrity.

3.2 As further described in State Public Employee Ethics Laws, and among other requirements set forth in the law, Employees and town officials may not, directly or indirectly, ask, demand, exact, solicit, seek, accept, receive or agree to receive anything of value for themselves or for any other person or entity for or because of any official act performed or to be performed by the employee, to influence any official act performed or to be performed, to influence or attempt to influence any official act performed or to be performed, or to act in a manner which would cause a reasonable person to conclude that the employee could be influenced in such a manner.

3.3 Examples of conduct that is considered inappropriate and/or unprofessional under this policy may be physical and/or verbal and include, but are not limited to, the following:

a) Asking or requiring another individual to act unethically or violate the Town's Professional Conduct Policy or the law;
b) Disparaging or misrepresenting the Town or any Town employee or official;
c) Engaging in gambling, such as sports' pools, card games, games of chance, and raffles while conducting Town business or representing the Town;
d) Discriminating against others on the basis of race, sex, sexual orientation, age, handicap, religion or national origin in the course of your employment;
e) Engaging in any behaviors that are harassing, including sexual harassment or offensive comments or jokes;
f) Consuming and/or using alcohol, non-prescribed narcotics or controlled substances during work time, or reporting to work under the influence of alcohol, intoxication, non-prescribed narcotics or controlled substances in any form. You should inform the Assistant Town Administrator or your supervisor at the start of the workday if you are taking medication that might impair your work performance, in order that proper accommodations can be considered and made where reasonable.

g) Unprofessional behaviors, commentary, written correspondence and/or gestures directed at another Town employee or official, supervisor, customer, visitor or resident that a reasonable person would find offensive, humiliating or intimidating or that adversely affect staff performance.

3.4 Employees and town officials shall obey the laws of the United States and the Commonwealth of Massachusetts. Any employee who is convicted of a crime relating to their employment or impacting their employment, or crimes which may disqualify them from holding necessary certifications or licenses, may be subject to disciplinary action, up to and including termination. Employees are, where applicable, subject to meeting CORI background screening requirements, subject to Town requirements and applicable law, including the law governing CORI.

3.5 Employees shall comply with all of the policies and operating procedures of the department in which they work and the Town of Southborough. Employees shall respond forthright to the work-related directives of their supervisor.

3.6 Employees and town officials are expected to conduct themselves in their official relations with the public and with their fellow employees in a manner which will enhance public respect for, and confidence in, the employee and the Town as a whole. Employees and town officials must not only perform their duties in a wholly impartial manner, but must avoid any conduct which gives a reasonable basis for the impression of acting otherwise. Specifically, all employees and town officials shall avoid any action which may result in or create a reasonable basis for the impression of:

a) Using public office for private gain;
b) Giving preferential treatment to any citizen;
c) Making work-related decisions contrary to departmental town policy; and,
d) Using one's official position to harass or intimidate any person or entity.
e) No municipal employee shall, otherwise than as provided by law for the proper discharge of his/her official duties, directly or indirectly receive or request compensation from anyone other than the town or municipal agency in relation to any particular matter in which the same Town is a party or has a direct and substantial interest.
f) No person shall knowingly, otherwise than as provided by law for the proper discharge of official duties, directly or indirectly give, promise or offer such compensation.
g) No municipal employee shall, otherwise than in the proper discharge of his/her official duties, act as agent or attorney for anyone other than the city or town or municipal agency in prosecuting any claim against the town, or as agent or attorney for anyone in connection with any particular matter in which the same town is a party or has a direct and substantial interest.

h) Employees and town officials shall not solicit or accept, directly or indirectly, any gift or benefit, including any gratuity, favor, entertainment, loan, or any other item of value, from a person who or entity which the employee knows or has a reason to know:

- Has, or is seeking to obtain, contractual or other business or financial relations with his/her department or the Town;
- Conducts business or other activities which are regulated or monitored by the department or the Town, except as permitted by statute or regulation;
- Has interests that may be substantially affected by the employee's performance or non-performance of his/her duties or has the appearance of being substantially affected; or
- Seeks to influence the employee in performance of his official acts or any act within their official responsibility.

Exceptions- the restrictions set forth in Section 3 do not apply to the following gifts provided that such gift or benefit has not been solicited by the public employee, and is not for any of the purposes identified as prohibited above, and/or in the State Public Employee Ethics Laws:

a) *De Minimis* Gifts. Anything with a value of less than $25, other than cash. *De minimis* gifts include multiple gifts or benefits given or offered to a public employee within a calendar year by

one person or by an organized group of persons having a common interest in a particular matter or legislation before that public employee, if the aggregated value is less than $25;

b) *Inheritance.* Anything received by inheritance;

c) *Gifts from Immediate Family and Relatives.* Anything received by a public employee from a member of the public employee's immediate family or from a great grandparent, great grandchild, grandparent, grandchild, uncle, aunt, niece, nephew, cousin, step-parent, stepchild of the public employee or of the employee's spouse and given for reasons unrelated to the public employee's official position or duties;

d) *Informational material.* Informational material relevant to a public employee's official functions and intended for use by the public employee in the exercise of official duties or solicited for the purpose of promulgating, administering and enforcing agency regulations, such as books, pamphlets, reports, documents, periodicals, or other information that is recorded in a written, audio, electronic, or visual format;

e) *Professional Organization Membership Fees.* Reduced or waived membership or other fees offered by a professional organization if the only requirements for membership relate to professional qualifications;

f) *General Discounts.* A rebate, discount or promotional item available to the general public or to a class consisting of all public employees from a city or town, county or state on the same terms as offered to the general public;

g) *Display Items for Meritorious Public Service.* An item intended for display and given by a civic, charitable, professional, religious, or fraternal organization in recognition of meritorious public service that has no or minimal resale value. Such items shall include but not be limited to trophies, plaques, bowls, and certificates;

Honoraria. Honoraria not exceeding $250.00 for participating in a legitimate speaking engagement provided that:

- Delivering the speech is not part of the public employee's official duties;
- Public resources are not used in the preparation of the speech;
- Public time is not taken for the preparation or delivery of the speech;
- Neither the sponsor of the address nor the source of the honorarium is a person or entity with whom the public employee has had or reasonably expects to have dealings in his official duties;
- The public employee makes a prior written disclosure.

4. **Actual or Potential Conflicts of Interest, Violations of this Policy, or Violations of the Law:** Employees and town officials should immediately report and make inquiry about questionable items, gifts, benefits, or matters. Inquiries can be made with the Town or employees may go directly to the Town Administrator or to the Ethics Commission at 1-888-485-4766 (Attorney of the Day).

5. Procedures / Investigations

5.1 A violation of any aspect of this policy can damage the integrity and harm the reputation of the Town of Southborough and all employees and town officials, and may additionally place the employee in violation of Massachusetts law. The Town is fully committed to reviewing and/or investigating, as necessary, any and all reported incidents. Employees who become aware of inappropriate conduct should report it to their Department Head or Town Administrator.

5 .2. When management becomes aware of an incident, they shall document the incident as soon as possible and forward said information to their supervisor.

5.3. A decision to deal administratively with the employee and/or to have the employee consult with EAP shall be made as promptly as possible by the Town Administrator or his/her designee, and management should continue an on-going review.

5.4 Employees may have separate reporting requirements under the Massachusetts Ethics Law, which are in addition to those described in this policy. Employees must be aware of these reporting requirements, and when and under what circumstances Massachusetts State Ethics law requires employees to make such Disclosures, including as directed by State law.

6. Applicable Statutes / Laws

A number of laws are implicated by this policy, which outline unacceptable or unethical conduct in the workplace. These include, but are not limited to, any number of criminal and civil laws prohibiting unethical conduct, such as Massachusetts General Laws Chapter 268A, and Massachusetts Regulations at 930 CMR 5.00 et. Seq. (Chapter 268A and Regulations are referred to in this policy as "State Public Employee Ethics Laws"), as well as any criminal or civil laws in the areas of anti-stalking laws, anti-bullying laws, OSHA, anti-discrimination, Civil Rights, etc.

ACKNOWLEDGEMENT

Note: Your signature below signifies that you have received this policy.

This policy is applicable to all employees of the Town of Southborough.
For those employees covered by Collective Bargaining Agreements, the provisions of the CBA, which are subject to negotiation prevail over the language in this policy (i.e. discipline).
Any changes made to this policy that apply to sections that are subject to collective bargaining, will be sent to the appropriate union prior to implementation.

Name_____

Title_____

Department_____

Date_____

THE COMMONWEALTH OF MASSACHUSETTS
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November 20, 2020

OML 2020 – 149

VIA EMAIL

Brian Riley, Esq.
KP LAW
101 Arch Street, 12th Floor
Boston, MA 02110
[redacted]

RE: Open Meeting Law Complaint

Dear Attorney Riley:

This office received three complaints from Alex Bowman on April 22 and June 1, 2020, alleging that the Sandisfield Board of Selectmen (the "Board") violated the Open Meeting Law, G.L. c. 30A, §§ 18-25. The complaints were originally filed with the Board on February 17, April 14, and April 21, and the Board responded by letters dated March 5, April 27 and May 26.[1] In his complaints, Mr. Bowman alleges that the Board 1) posted insufficiently detailed meeting notices, 2) failed to timely respond to a request for open and executive session minutes, and 3) created insufficiently detailed meeting minutes.[2]

Following our review, we find that the Board violated the Open Meeting Law as alleged. In reaching this determination, we reviewed the original complaints, the Board's response to the complaints, and the complainant's requests for further review. We also reviewed the Board's January 27 open and executive session minutes.

DISCUSSION

1. The notices for the Board's January 27 and April 21 meetings contained insufficient detail.

[1] Unless otherwise specified, all dates refer to 2020.
[2] In addition, we decline to review any additional allegations contained in the request for further review that were not included in the original complaints filed with the public body. Our office does not conduct broad audits of public bodies and will address only specific allegations made in an Open Meeting Law complaint. See OML 2020-2; OML Declination 4-22-15 (Natick Economic Development Committee).

A public body must post notice of every meeting at least 48 hours in advance, not including Saturdays, Sundays, and legal holidays. G.L. c. 30A, § 20(b). Notices must include the date, time and place of the meeting, as well as a "a listing of topics that the chair reasonably anticipates will be discussed at the meeting." Id. The list of topics shall have sufficient specificity to reasonably advise the public of the issues to be discussed at the meeting. 940 CMR 29.03(l)(b). We generally consider a topic to be sufficiently specific when a reasonable member of the public could read the topic and understand the anticipated nature of the public body's discussion. See OML 2015-35.[3] A public body may discuss a topic not listed on a meeting notice if the topic was not anticipated by the chair 48 hours in advance of the meeting. See OML 2017-2; OML 2013-87.

The complaint alleges that several of the Board's meeting notices were insufficiently detailed. We address each in turn. First, as the Board concedes, the topic "contract negotiations" as included on the notice for executive session at the Board's January 27 meeting was insufficiently detailed because the Board could have specified that the negotiations pertained to the "Town Manager" without compromising the purpose for the executive session. See OML 2019-118 ("When convening in executive session pursuant to Purpose 2 or Purpose 3, a public body must identify the collective bargaining unit or nonunion personnel with whom it will be negotiating, if doing so will not compromise the lawful purpose for secrecy."). Second, as the Board concedes, an item "Selectmen's updates and Town Manager updates" for the January 27 meeting was insufficiently detailed where the Chair failed to list specific anticipated updates from the Selectmen. See OML 2020-44 (Public body chair must list all topics the chair anticipates will be discussed and, as a best practice, should solicit from non-members detail regarding the precise matters to be discussed.). Third, we find no violation with respect to the item "FY2021 Budget" on the March 18 meeting notice, as the meeting was cancelled. See OML 2020-53 ("When a public body does not actually deliberate on a noticed topic, the public body cannot violate the Open Meeting Law with respect to that topic, even if it would have been insufficiently detailed had the public body proceeded with its deliberation."). Fourth, the Board was not required to list every department that could be affected by "Budget reductions" on the notice for the March 25 meeting as the Chair anticipated discussing almost all departments and was not required to anticipate the course of the discussion. See OML 2019-26 ("We find that this topic, although not specifically listed on the meeting notice, fit within the Board's larger budget discussion, listed on the notice as 'Budget Review.'"); OML 2014-44 (Public body not required to anticipate course of deliberation); OML 2012-83 ("Where a public body is reviewing all articles for a Town Meeting warrant, it is not required to list all of the warrant articles on its meeting notice."). Finally, the Board provided insufficient detail about known Chapter 90 projects on its meeting notice for April 21. See OML 2019-121. ("Where a public body anticipates discussing specific Town Meeting warrant articles, it must specifically list them in its meeting notice."). Therefore, we find that the Board's notices for its January 27 and April 21 meetings violated the Open Meeting Law by providing insufficient detail.

2. The Board failed to timely respond to a request for open and executive session minutes.

The Open Meeting Law requires that a public body "create and maintain accurate minutes of all meetings, including executive sessions, setting forth the date, time and place, the

[3] All previous determinations issued by the Division can be found on the Attorney General's website: https://www.mass.gov/the-open-meeting-law.

members present or absent, a summary of the discussions on each subject, a list of documents and other exhibits used at the meeting, the decisions made and the actions taken at each meeting, including the record of all votes." G.L. c. 30A, § 22(a). The "minutes of an open session, if they exist and whether approved or in draft form, shall be made available upon request by any person within 10 days." Id. Upon request by any person to inspect or copy the minutes of an executive session or any portion thereof, the body must respond to the request within 10 days following receipt and release any such minutes where publication would not defeat the lawful purposes of the executive session.[4] See G.L. c. 30A, § 22(g)(2). If the body has not performed a review, it must do so and then release any non-exempt minutes, or portions thereof, not later than the body's next meeting or in 30 days, whichever first occurs. See Id.; OML 2013-180.

Here, in response to Mr. Bowman's January 28 request for open and executive meeting minutes from the Board's January 27 meeting, the Board prepared a draft of the meeting minutes and sent them to Mr. Bowman within 10 business days. Under the Open Meeting Law, a public body has 10 calendar days from the date a request for meeting minutes is received to provide a response, unlike requests made under the Public Records Law for which a records custodian has 10 business days to respond. See OML 2019-125. The Board concedes that this response was late, due to a misunderstanding of the applicable timeframe for responding. We therefore find a violation as the Board's response was late.

However, we find that the Board permissibly withheld from release the January 27 executive session minutes. The Board asserts, and we have confirmed during an *in camera* review, that this executive session relates to ongoing negations with the Town Manager, and therefore the purpose is still ongoing. Therefore, the Board was not required to release these executive session minutes in response to Mr. Bowman's request and we find no violation of the Open Meeting Law in this respect.

3. The Board created and approved insufficiently detailed open session and work session meeting minutes for a January 27 meeting.[5]

The Open Meeting Law requires a public body to "create and maintain accurate minutes of all meetings, including executive sessions, setting forth the date, time and place, the members present or absent, a summary of the discussions on each subject, a list of documents and other exhibits used at the meeting, the decisions made and the actions taken at each meeting, including the record of all votes." G.L. c. 30A, § 22(a). When reviewing minutes for compliance with the Open Meeting Law, we look for substantial compliance with the accuracy requirement. See OML 2017-104; OML 2013-64. By substantial compliance, we mean that the minutes should contain enough detail and accuracy so that a member of the public who did not attend the meeting could read the minutes and have a clear understanding of what occurred. See OML 2019-145; OML 2012-106. Although a transcript of the discussions is not required, and the

[4] Executive session minutes may be withheld from disclosure to the public "as long as publication may defeat the lawful purposes of the executive session, but no longer." G.L. c. 30A, § 22(f). When the purpose for a valid executive session has been served, the minutes and any documents or exhibits used at the session must be disclosed unless the attorney-client privilege or an exemption to the Public Records Law applies to withhold them, in whole or in part, from disclosure. See id. Public bodies have an obligation to review the minutes of executive sessions at reasonable intervals to determine if continued non-disclosure of minutes is warranted, and to announce that determination at the next meeting following its review. G.L. c. 30A, § 22(g)(l); see OML 2015-94; OML 2013-56.

[5] The Board's "work sessions," which generally include longer discussions on single topics, are open to the public.

minutes need not include every remark or opinion presented, minutes must include a substantive summary of the discussion on each topic. See OML 2020-18; OML 2012-29; OML 2011-55. Minutes of executive sessions must include the same level of detail as is required for open sessions. See OML 2018-26; OML 2014-43.

Here, as the Board concedes, both the Board's open and work session minutes for its January 27 meeting do not provide sufficient detail regarding each topic discussed. In many places, the minutes note that a discussion was held, or a topic was addressed, without specifying what was said on each topic, leaving the reader without a clear understanding of what occurred. The Open Meeting Law requires that meeting minutes include more than a statement that a public body held a discussion about a specified topic; the Law requires that the minutes summarize the substance of the public body's discussion. See OML 2019-167; OML 2018-8. We therefore find that the Board violated the Open Meeting Law by failing to draft and approve accurate minutes for the January 27 open session and work session.

CONCLUSION

For the reasons stated above, we find that the Board violated the Open Meeting Law by 1) posting January 27 and April 21 meeting notices which contained insufficient detail; 2) failing to timely respond to a request for open and executive session minutes; and 3) creating and approving insufficiently detailed open session and work session meeting minutes for a January 27 meeting.

We order the Board's immediate and future compliance with the Open Meeting Law and caution the Board that a determination by our office of a similar violation in the future may be considered evidence of intent to violate the Open Meeting Law. In addition, we order the Board to create and approve sufficiently detailed meeting minutes for its January 27 open session and work session with **60 days** of the receipt of this order.

We now consider the complaints addressed by this determination to be resolved. This determination does not address any other complaints that may be pending with our office or the Board. Please feel free to contact the Division at (617) 963 - 2540 if you have any questions.

Sincerely,

Sarah Monahan
Assistant Attorney General
Division of Open Government

cc: Alexander Bowman (via e-mail: [redacted])
Sandisfield Board of Selectmen c/o Town Manager (via e-mail: [redacted])

This determination was issued pursuant to G.L. c. 30A, § 23(c). A public body or any member of a body aggrieved by a final order of the Attorney General may obtain judicial review through an action filed in Superior Court pursuant to G.L. c. 30A, § 23(d). The complaint must be filed in Superior Court within twenty-one days of receipt of a final order.

Southborough, MA
17 Common Street

Phone: 508-485-0710

Citizen Activity Form

Good Government Starts with You

Date Submitted:	November 21, 2020
Name:	Katherine Harvey
Home Address:	9 Reservoir Dr Southborough MA 01772
Mailing Address:	9 Reservoir Dr Southborough
Phone Number(s):	[redacted]
Email Address:	[redacted]
Current Occupation/Employer:	Unit Leader at Metrowest YMCA
Narrative:	I have always had a love for making a difference. I went to school for Theatre and arts and believe that having a new young voice on the council could help to explore new ways to work the arts into the town of Southboro. I also am very interested in history and want to help preserve what we know about the town.
Board(s) / Committee(s):	___CABLE TELEVISION COMMITTEE ___CULTURAL ARTS COUNCIL ___HISTORICAL COMMISSION

Town of Southborough - DRAFT 12-30-20

12/30/2020		FY2021	FY2022	
Fiscal Year		**2021 RECAP**	**2022 RECAP**	
LEVY		44,598,741	46,502,554	4.3%
2 1/2		1,114,971	1,162,564	4.3%
NEW GROWTH		788,843	450,000	-43.0%
LEVY		**46,502,554**	**48,115,118**	**3.5%**
DEBT-CAP EXEMPT & SBAB		2,354,419	2,410,283	2.4%
TOTAL LEVY LIMIT		**48,856,973**	**50,525,401**	**3.4%**
TAX RATE		**16.21**	**16.95**	**4.58%**
ASSESSED VALUE		2,751,997	2,862,077	4.0%
CERTIFIED FREE CASH		1,878,069	1,400,293	-25.4%
LOCAL RECEIPTS		3,683,000	3,683,000	0.0%
LOCAL AID		3,519,925	3,343,929	-5.0%
SBAB PAYMENTS		920,943	920,943	0.0%
OTHER (CPC, Overlay, Amb, Misc)		1,620,162	1,048,747	-35.3%
TOTAL OTHER REVENUES		**11,622,099**	**10,396,912**	**-10.5%**
TOTAL REVENUE		**60,479,072**	**60,922,313**	**0.7%**
		2021 RECAP	**2022 RECAP**	
TOTAL MISC CHARGES		1,472,184	1,011,709	-31.3%
TOWN				
TOWN BUDGET		12,081,150	12,850,594	6.4%
EMPLOYEE BENEFITS		3,817,881	4,058,999	6.3%
CAPITAL BUDGET		49,507	0	-100.0%
GEN. LIABILITY INSURANCE		338,838	348,861	3.0%
BUDGET ARTICLES		78,000	0	-100.0%
DEBT & INTEREST		2,125,161	2,147,904	1.1%
CAPITAL ARTICLES		707,000	1,533,200	116.9%
TOTAL TOWN		**19,197,537**	**20,939,558**	**9.1%**
SCHOOL				
SCHOOLS BUDGET		29,434,249	30,539,369	3.8%
EMPLOYEE BENEFITS		4,725,893	5,069,325	7.3%
GEN. LIABILITY INSURANCE		170,757	178,441	4.5%
DEBT & INTEREST		1,231,363	1,177,218	-4.4%
TOTAL SCHOOL		**35,562,262**	**36,964,353**	**3.9%**
TOTAL EXPENDITURES		**56,231,983**	**58,915,620**	**4.8%**
LEVY BALANCE		**4,247,089**	**2,006,693**	

660,700.00	Avg House Value FY20
10,569.42	FY21 Taxes
679,728.16	Avg House Value FY21
11,522.94	FY22 Taxes
953.51	**Dollar increase**
9.02%	**% increase**

DEPARTMENT	FY 21 REQUESTED	FY 22 REQUESTED	% Chg From FY21
100-119 GENERAL GOVERNMENT			
114 MODERATOR	75	100	33.33%
121-129 Executive			
121 ELECTED SELECTMEN SALARIES	4,000	4,000	0.00%
122 BOARD OF SELECTMEN	452,290	471,340	4.21%
131-149 Financial Administration			
131 ADVISORY COMMITTEE	2,500	2,500	0.00%
132 RESERVE FUND	180,000	180,000	0.00%
135 TOWN ACCOUNTANT	170,635	160,327	-6.04%
136 AUDIT	28,010	52,515	87.49%
140 ELECTED ASSESSORS SALARIES	2,250	2,250	0.00%
141 ASSESSORS	235,809	242,587	2.87%
145 TREASURER/COLLECTOR	229,596	236,523	3.02%
151-159 Operation Support			
151 TOWN COUNSEL	95,000	95,000	0.00%
152 PERSONNEL BOARD	21,700	21,700	0.00%
153 SPECIAL LEGAL COUNSEL	50,000	50,000	0.00%
154 MUNICIPAL TECH COMMITTEE	1,000	1,000	0.00%
155 MANAGEMENT INFORMATION SYS.	349,219	378,584	8.41%
159 OTHER OPERATION SUPPORT	400,000	410,315	2.58%
161-169 Licensing and Registration			
160 ELECTED CLERK	87,695	89,887	2.50%
161 TOWN CLERK	179,513	168,698	-6.02%
171-179 Land Use			
171 CONSERVATION COMMISSION	101,487	108,339	6.75%
175 PLANNING BOARD	171,388	175,425	2.36%
176 ZONING BOARD OF APPEALS	26,054	26,082	0.11%
177 OPEN SPACE	2,000	2,000	0.00%
191-199 Other			
182 ECONOMIC DEVELOPMENT	41,463	42,207	1.79%
192 PUBLIC BLDGS. & PROPERTY MAINT.	547,914	582,609	6.33%
193 ADA COMMITTEE	2,500	2,500	0.00%
TOTAL GENERAL GOVERNMENT	**3,382,098**	**3,506,488**	**3.68%**
200-299 Public Safety			
210 POLICE DEPARTMENT	2,314,110	2,486,027	7.43%
220 FIRE DEPARTMENT	2,306,909	2,392,145	3.69%
241 BUILDING DEPARTMENT	157,009	161,023	2.56%
291 CIVIL DEFENSE	10,018	11,151	11.31%
292 ANIMAL CONTROL OFFICER	28,490	28,490	0.00%
TOTAL PUBLIC SAFETY	**4,816,536**	**5,078,836**	**5.45%**
400-499 Public Works			
420,430,490 DPW	2,390,375	2,488,236	4.09%
TOTAL PUBLIC WORKS	**2,390,375**	**2,488,236**	**4.09%**
500-599 Human Services			
510 ELECTED BOH SALARIES	450	450	0.00%
512 BOARD OF HEALTH	170,717	393,628	130.57%
541 COUNCIL ON AGING	336,627	346,091	2.81%
542 YOUTH COMMISSION	238,118	268,276	12.67%
543 VETERANS SERVICES	35,845	35,845	0.00%
TOTAL HUMAN SERVICES	**781,757**	**1,044,290**	**33.58%**
600-699 Culture and Recreation			
610 LIBRARY	556,622	573,348	3.00%
630 RECREATION	148,262	152,746	3.02%
691 HISTORICAL COMMISSION	2,500	3,500	40.00%
692 MEMORIAL DAY	3,000	3,150	5.00%
TOTAL CULTURE & RECREATION	**710,384**	**732,744**	**3.15%**
TOTAL TOWN	**12,081,150**	**12,850,594**	**6.37%**
300-399 Education			
300 ELECTED SCHOOL COMM	500	500	0.00%
301 SOUTHBOROUGH SCHOOLS	21,236,475	22,072,532	3.94%
302 ALGONQUIN	7,356,821	7,614,310	3.50%
ALGONQUIN EXEMPT DEBT	410,021	410,021	0.00%
304 ASSABET	385,798	397,372	3.00%
305 NORFOLK COUNTY AGRICULTURE	44,634	44,634	0.00%
TOTAL EDUCATION	**29,434,249**	**30,539,369**	**3.75%**
TOWN 900-999 Unclassifed			
910 EMPLOYEE BENEFITS-Town	3,817,881	4,058,999	6.32%
910 EMPLOYEE BENEFITS-School	4,725,893	5,069,325	7.27%
TOTAL UNCLASSIFIED BENEFITS	**8,543,774**	**9,128,324**	**6.84%**
930 CAPITAL BUDGET REQUESTS	49,507	0	-100.00%
TOTAL UNCLASSIFIED CAPITAL	**49,507**	**0**	**-100.00%**
941 LEGAL SETTLEMENT REGIONAL	225,000	229,900	2.18%
945 GENERAL LIABILITY INS.-Town	113,838	118,961	4.50%
945 GENERAL LIABILITY INS.-School	170,757	178,441	4.50%
TOTAL UNCLASSIFIED INSURANCE	**509,595**	**527,302**	**3.47%**
710 RETIREMENT OF DEBT-Town	1,232,547	1,292,478	4.86%
710 RETIREMENT OF DEBT-School	1,120,000	1,098,992	-1.88%
751 INTEREST ON DEBT-Town	892,614	855,426	-4.17%
751 INTEREST ON DEBT-School	111,363	78,226	-29.76%
TOTAL DEBT SERVICE GENERAL FUND	**3,356,524**	**3,325,122**	**-0.94%**
GRAND TOTAL	**53,974,799**	**56,370,711**	**4.44%**

FY2022 DRAFT CAPITAL	Amount	Funding	Bonded
IV PUMPS	12,000	Ambulance Fund	N
AMBULANCE	0	Ambulance Fund	**Y**
TOWN HOUSE - EXTERIOR RENOVATION AND WINDOW WORK	0	CPA	**Y**
KALLANDER FIELD	238,750	CPA	N
LIBRARY - INTERIOR RENOVATIONS, FLOOR COVERINGS AND PAINTING	115,000	General Fund	N
TOWN HOUSE - BATHROOM AND INTERIOR RENOVATIONS	80,000	General Fund	N
FACILITIES MAINTENANCE- FY22	100,000	General Fund	N
CHIPPER	30,000	General Fund	N
EQUIPMENT TRAILER (2006 - REPLACEMENT)	12,000	General Fund	N
HOOK LIFT TRUCK -General	165,000	General Fund	N
Pick-up Diesel (Service Body) (Highway) (12/10) (2008/2012)	70,000	General Fund	N
REPLACE 3 LARGE PLOWS	40,000	General Fund	N
ROAD MAINTENANCE – FY22	325,000	General Fund	N
SIDEWALK MAINTENANCE- FY22	200,000	General Fund	N
CHIEF VEHICLE C20	60,000	General Fund	N
THERMAL IMAGING CAMERAS	30,000	General Fund	N
SELF CONTAINED BREATHING APPARATUS GRANT MATCH	13,000	General Fund	N
APPARATUS/CYLINDERS	10,000	General Fund	N
FIRE HOSE/NOZZLE REPLACEMENT - FY2022	20,000	General Fund	N
FIRE TURNOUT GEAR FUND - FY22	40,000	General Fund	N
SERVER & STORAGE INFRASTRUCTURE UPGRADE	90,000	General Fund	N
DEFIBRILATORS	18,200	General Fund	N
POLICE CRUISERS (2)	115,000	General Fund	N

1,783,950	
1,533,200	General Fund
12,000	Ambulance Fund
238,750	CPA

TOWN OF SOUTHBOROUGH

CAPITAL PLANNING COMMITTEE
TOWN HOUSE · 17 COMMON STREET · SOUTHBOROUGH, MASSACHUSETTS 01772-1662
(508) 485-0710 · FAX (508) 480-0161 · jmalinowski@southboroughma.com

Capital Planning Policy

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Purpose/Objective

To develop and maintain a 10-year capital plan for the Town of Southborough to be overseen by the Capital Planning Committee ("Committee").

Definition:

A capital item is a tangible asset or project estimated to cost over $10,000 ("capital threshold") and estimated to have, or to extend, three or more years of useful life.

Bulk purchases of similar items, like software or furniture, with expected useful lifespans of three or more years that, when aggregated, have total costs exceeding the capital threshold.

These include:

1. Real property acquisitions and construction equipment.
2. Planning feasibility studies, and designs for potential capital projects such as new buildings or major additions to existing buildings which would include equipment needs to furnish such building or addition.
3. Major renovations of existing capital items that extend their useful lifespans by at least 5 years, as distinguished from normal operating expenditures.
4. Major improvements to physical infrastructure, including streets, sidewalks, stormwater drains, and water distribution systems.
5. Land acquisition and/or improvement..
6. Equipment acquisition, replacement or refurbishment, including but not limited to vehicles, furnishings, and IT systems' hardware and software or other items that combined in purpose together make it a capital project.
7. Items obtained under long-term leases three years or greater.

Funding Source Guidelines:

Any item meeting the definition of capital item should be considered for the following process regardless of the proposed funding source.

The Committee should advise financing method recommendations in accordance with the following policies:

1. The Town should maintain its physical assets by providing consistent funding in the operating budget to protect its capital investments, minimize future maintenance, and thus mitigate the need for large capital replacement funding requests.
2. Special revenue sources (e.g. grants, revolving funds) should be evaluated first as funding options whenever possible.
3. Community Preservation Funds should be pursued if a capital project is eligible.
4. The annual operating costs of each proposed capital project, as well its debt service costs, should be identified before any long-term, bonded capital project is recommended.
5. If material one time Town revenues are recognized the Committee should consider recommending these be reserved or purposed for capital funding.
6. Major capital projects, such as new construction or major renovations to existing facilities exceeding $5,000,000, should be approved through capital or debt exclusions. This requires a 2/3 Town Meeting vote and a majority ballot exclusion vote. Exempted debt service is outside the normal tax levy once approved.
7. Infrastructure or facility maintenance budgets built into the general operating budget will not be used to fund other departmental budgets.

Process:

1. At the beginning of each Fiscal Year, Department Heads will be asked to re-assess their current capital plan items and make recommendations related to additions, subtractions, and cost adjustments based on current department needs related to capital items anticipated over the next ten years. This should also include a review of the recommended timing to bring the item forward to Town Meeting.
2. All adjustments or new capital items should be submitted in writing via the form adopted by the Committee in the ClearGov software.
3. The Committee will then vote on the addition, subtraction, cost, or timing adjustment in a public meeting.
4. Department Heads are expected to raise capital items as they arise and not wait for the formal fiscal year review.
5. Each year in the Fall, the Committee shall meet to prioritize and vote on capital items to be brought forward for consideration at the Annual Town Meeting.
6. These recommendations shall then be presented to the Board of Selectmen and Advisory Committee in public meetings.
7. For any Special Town Meeting, the Committee shall assess the current inventory of capital items to determine whether it is appropriate to recommend consideration of funding for specific capital item(s). Committee may, if applicable, suggest method of funding.
8. Upon request of the Board of Selectmen, the Committee shall make a presentation to Town Meeting regarding any capital items that are on the warrant for that Town Meeting.
9. Throughout the fiscal year, the Committee shall meet regularly to look at future capital items to ensure that the proper due diligence has been performed on upcoming items and to assess whether items should be accelerated or deferred. Any recommendation that deviates from that of the Department Head, shall specifically be communicated in a Board of Selectmen or Advisory Committee presentation.

Prioritization of Capital Items:

The following conditions will be considered when prioritizing items in the capital plan:

- Imminent threat to the health and safety of citizens/property
- Preservation of operations
- Legal requirement of Federal or State agencies

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- Improvement to infrastructure
- Improvement in the efficiency and effectiveness of service delivery
- Alleviation of an overtaxing or burdened situation (i.e. insufficient instructional space in a school building)
- Supports community plan (i.e. Master Plan, Open Space and Recreation Plan)
- Results in lower energy consumption
- Results in lower operations and maintenance costs
- Continues the phased funding for a project included in a prior year's budget
- Scheduled replacement (i.e. motor vehicles, roofs, computers)

The full extent of project costs should be determined when developing the multi-year capital plan. Cost issues to consider include the following:

- The scope and timing of a planned project
- Identification of the most appropriate approaches, including outside assistance, when estimating project costs and potential revenues
- Adjustment of cost projections based on anticipated inflation
- Quantifying ongoing operating costs associated with each project, and identification of the sources of funding for those costs
- A clear estimate of all major components required to implement a project, including land acquisition needs, design, construction, contingency and post-construction costs
- Recognition of the non-financial impacts of the project (e.g., environmental) on the community

The Committee will be responsible for prioritizing capital requests. Prioritizing capital project requests is a critical step in the capital plan preparation process. When evaluating project submittals, the Committee should:

- Reflect the relationship of project submittals to financial and governing policies, plans, and studies
- Allow submitting agencies to provide an initial prioritization
- Incorporate input and participation from major stakeholders and the general public
- Adhere to legal requirements and/or mandates
- Anticipate the operating budget impacts resulting from capital projects
- Apply analytical techniques, as appropriate, for evaluating potential projects (e.g., net present value, payback period, cost-benefit analysis, life cycle costing, cash flow modeling)
- Re-evaluate capital projects approved in previous multi-year capital plans
- Use a rating system to facilitate decision-making

<u>Inventory</u>:

The Committee shall have access to a detailed list of capital assets that the town owns to help to anticipate and evaluate capital needs. The Committee should work collaboratively with the Town Accountant and Department Head responsible for the capital item to ensure the appropriate data is maintained on the asset.

<u>Capital Project Closeout</u>:

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The Committee shall regularly review the account balance of any capital item approved at a prior Town Meeting. At the end of each fiscal year, a detailed review should occur on each remaining balance and a recommendation of what to do with the remaining balance should be made in conjunction with the Town Administrator, Finance Director, Town Accountant, and Department Head. It is the general expectation that funds will not carry into future fiscal years unless the nature of the capital item is such that expenditures happen across multiple fiscal years (e.g. building construction). Any balance that will carry over should have written documentation on the reason for such carry over and a vote of the Committee.

Adopted by Board of Selectmen on XX, XX, 2021

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DOWNTOWN BUSINESS VILLAGE DISTRICT V.4 (FINAL)

December 4, 2020

Part I. Amend **§ 174-2** Definitions by adding the following new term and definition in appropriate alphabetical order.

BED AND BREAKFAST

Bed and breakfast is an establishment on owner-occupied property offering transient lodging accommodations to the general public, with not more than four guests rooms and food service limited to breakfast for guests.

CO-WORK CENTER

A building or portion thereof used for flexible work spaces offering short-term, monthly, or longer lease periods for self-employed people or people working for different employers, and typically providing shared furnishings, equipment, and business support services.

FAÇADE

The exterior side of a building.

MICROBREWERY

A microbrewery is a licensed establishment that produces and distributes beer, ale, or other malt beverages, and which may include accessory uses such as tours of the microbrewery, retail sales, and a taproom for on-site consumption. In addition to selling beer at retail on the premises, a microbrewery may act as wholesaler for beer of its own production for off-site consumption if it has a valid pub brewery license from the Commonwealth of Massachusetts.

MIXED-USE DEVELOPMENT

A development that includes both residential uses and nonresidential uses within a single structure. The ground floor facing the street shall be used only for permitted nonresidential uses, and the total gross floor area occupied by nonresidential uses shall be at least 10 percent of the gross floor area of the structure.

Part 2. Amend **§ 174-3 Districts enumerated** by adding the following new district:

K. Downtown Business Village District, referred to as DBV District.

Part 3. Amend **§ 174-8(C)(2)** as follows (amendment shown in italics)

Not more than one principal permitted use shall be located on any lot, provided that a multiple occupancy building used for the same category of use, such as retail sales and services, light manufacturing or offices in a business district or Industrial Park District, *or a mixed-use development in the Downtown Business Village District*, shall be deemed to be in a single principal permitted use. . . .

Part 4. Amend **Article III, Use Regulations**, by adding the following new section:

§ 174-8.4.1 Downtown Business Village District

A. Permitted uses are as follows:

(1) All uses permitted in the residential districts (RA and RB)

B. Permitted uses are as follows:

(1) Mixed-use development

(2) Professional or business office, or bank, but not including a medical or dental office

(3) Custom manufacturing of custom goods sold primarily on the premises, such as a woodworking shop, shop for artisan or craftsperson, or bakery

(4) Bed and breakfast

(5) Art gallery

(6) Child care center

(7) Co-work center

C. Permitted uses, up to a maximum of 3,000 square feet per establishment:

(1) Retail sales

(2) Ice cream shop, sandwich shop, candy shop, other specialty food service establishment serving walk-in customers (drive-through service is prohibited)

(3) Restaurant, with indoor seating and outdoor seating on an adjacent patio (drive-through service is prohibited)

(4) Personal services such as barber shop, beauty salon, tailor, or shoe repair

D. Permitted uses by special permit from the Planning Board are as follows:

(1) Any use listed in Subsection C exceeding 3,000 sq. ft. per establishment

(2) Microbrewery

(3) Veterinarian, animal hospital, dog kennel. [LD1]

(4) Medical or dental office[LD2]

(5) Multifamily housing, up to eight units[LD3].

(6) Private garage or parking for more than three cars or more than one truck or other commercial vehicle.

(7) Indoor recreation, athletic or exercise facility.

Multifamily at 8 units is OK and may lead to some downtown housing. Allowing up to 12 units by special permit would probably be more effective. We suggest discussing this further with a few local developers and property owners.

E. Uses by special permit from the Zoning Board of Appeals are as follows:

(1) Accessory apartment.

(2) Conversion of a one-family house in existence for two years or longer to a two-family dwelling, on a lot with a minimum of 15,000 square feet.

(3) A mobile home or travel trailer used as a dwelling or business quarters for more than 30 days in a year.

F. Prohibited uses. All uses which are not listed above, legally nonconforming or otherwise allowable by the provisions of the zoning regulations are prohibited.

G. Development standards (Note: Also refer to § **174-10.1**, Business Village District plan review) are as follows:

(1) Minimum lot area: 5,000 square feet.

(2) Minimum frontage: 60 feet.

(3) Minimum setbacks:

(a) Front: 10 feet.

(b) Rear: 35 feet.

(c) Side: 10 feet; 25 feet if adjacent to a residential district.

(d) Other street: 10 feet

(4) Maximum front setback: 20 feet unless waived by the Planning Board.

(5) Minimum landscaped open space: 20 percent. At least 50 percent of the landscaped open space shall be contiguous and located between the front building line and front lot line unless the Planning Board approves a different placement of the open space as part of Site Plan Review.

(6) Maximum floor area ratio: 0.45 as of right, or a maximum of 0.70 by special permit from the Planning Board. [LD4]

(7) Minimum Façade Buildout (% Lot Width) unless waived by the Planning Board.

(a) With less than 50 feet of frontage: N/A

(b) 50-80 feet of frontage: 60%

(c) Over 81-100 feet of frontage: 70%

(d) 100 feet or more of frontage: 75%

(8) Height regulations:

(a) Maximum building height: 40 feet and three stories, except by special permit from the Planning Board under Section H below

(b) Minimum ground floor height: 12 feet

(c) Maximum ground floor height: 18 feet

Instead of minimum and maximum front setbacks, you could establish a build-to line of 10 feet from the public ROW or front property line. If you want to take this approach, consider discussing it with police & fire first. There needs to be site planning flexibility to accommodate both the concept of a maximum front setback and the open space & landscaping people say they want.

The FAR seemed to generate great interest. We looked at this more after the 11/24 meeting and sketched a few hypothetical projects on some existing lots. It seems to us that you could take it up to 0.45 or even 0.50 as of right if you want, and give the Planning Board discretion to approve a higher FAR case by case. It's a policy issue for the Town to decide.

(9) Residential dwellings. Single-family or two-family dwellings in the Downtown Business Village District shall comply with RB District standards.

H. Special Permit for Height Increase. The Planning Board may grant a special permit to increase the maximum building height to 48 feet [LD5]and four stories, provided that the minimum rear setback shall be increased at a 1-to-1 ratio, e.g., an additional one foot of setback for every one additional foot in building height.

Note change in maximum height by special permit to 48 feet.

I. Additional Standards for Development in the DBV District.

(1) Building Regulations

(a) The principal entrance(s) to the building shall be on the front façade, which shall face the street.

(b) The maximum distance between street-level entrances shall be 35 feet unless waived by the Planning Board.

(c) The maximum depth of street-level commercial spaces shall be the lesser of 30 feet or 60 percent of the depth of the building unless waived by the Planning Board.

(d) The maximum front setback in Section G(4) may be increased for purposes of amenities such as landscaping, a plaza, square, courtyard, recessed entrance, sidewalk, multi-use path, raised terrace, façade offsets, or outdoor dining, but not for automobile use.

~~(d)~~(e) Affordable Housing. In any multifamily or mixed-use building with 8 units or more at least 12[LD6].5% of units shall be affordable.

These basic building regulations are design standards and should remain in the ZBL. Design guidelines to be used for Site Plan Review are a different matter and they should be handled outside the ZBL.

Keep (d) even if you adopt a fixed build-to line of 10 feet. Public amenities are important; they help to activate the street.

Affordable housing section removed; benefit if any would be de minimis, and requiring it could discourage development. You could revisit this another year.

J. The operation of any marijuana establishment as defined in MGL c. 94C, § 1, including without limitation a marijuana cultivator, marijuana testing facility, marijuana product manufacturer, marijuana retailer or any other type of licensed marijuana facility is prohibited in all zoning districts of the Town. This prohibition shall not apply to the sale, distribution or cultivation of marijuana for medical purposes, licensed under Chapter 369 of the Acts of 2012 and currently permitted in the Town of Southborough. **[Added 4-25-2017 ATM by Art. 32]**

Part V. Amend **Section 174-10.1, Village Business District plan review**, as follows (amendments in the first paragraph shown in italics).

§ 174-10.1 Village Business District plan review.

Except as provided below in Subsection D, within the Village Business District, major site plan approval shall be by special permit from the Planning Board, subject to the procedural requirements and decision criteria of § **174-9**, Special permit requirements, and § **174-10**, Site plan approval, and the following in addition to the above …

We have not changed this. The goal is to apply site plan review to permitted uses and leave the special permit process to reviewing plans for uses requiring a special permit.

D. In the Downtown Business Village District, major site plan approval shall be by special permit from the Planning Board for any use requiring a special permit. In such cases, the submission requirements, procedures, and decision criteria under Subsections A through C above shall apply. The Planning Board may adopt design guidelines and apply them to major site plan approval applications regardless of whether a special permit is required.

Guidelines can be adopted by Planning Board following adoption of the proposed amendments. (The language is may adopt, not shall.) To adopt design guidelines before this section has been adopted makes no sense.

Part VI. § 174-12 **Parking and loading regulations**. Amend the parking and loading regulations, as follows. Note that existing Section F should be renumbered to Section G.

F. Exceptions in the Downtown Business Village District. Off-street parking requirements for development in the Downtown Business Village District shall comply with Section E above except for the following uses:

We changed the parking regulations for dwellings. We were trying to stay reasonably close to your existing requirements, but some existing requirements are not appropriate for a town center.

(1) Dwellings: two spaces for each dwelling unit, plus one space for a customary home occupation or a professional use.

(2) Bed and breakfast: one space for each guest room plus two spaces for the owners and operators of the premises.

(3) Restaurants and other places serving food or beverages: one space for each four seats.

(4) Mixed-use development: one space per dwelling unit and one space per 300 square feet of nonresidential floor area.

(5) Professional or business office: one space per 300 square feet for ground floor offices and one space per 350 square feet for offices above the first floor.

The "BV Business Village District" now exists in Southborough, see Zoning Bylaw, § 174-8.4, and is comprised of three noncontiguous areas. One of these noncontiguous areas is downtown Southborough; and, although the Bylaw says nothing of the sort, I understand that said area is presently referred to, if only casually, as the "downtown" Business Village District.

Based on our December 9 conversation, and now verified with Judi Barrett, the District below is meant to be a new district entirely: a replacement for the portion of the Business Village District that currently encompasses the downtown area, not a subdistrict within the Business Village District.

That being so, and as is further elaborated upon below, I caution you that naming the new District the Downtown Business Village District is a potential, if not probable, source of confusion. Even I wondered whether the new District was meant to continue to be a part of the old (which raises all sorts of potential conflicts regarding applicable standards and processes). I'd recommend a renaming of the District, to the "Town Center District," for example. I believe that Judi agrees.

DOWNTOWN BUSINESS VILLAGE DISTRICT V.4 (FINAL)
December 4, 2020

Part I. Amend **§ 174-2** Definitions by adding the following new term and definition in appropriate alphabetical order.

BED AND BREAKFAST

Bed and breakfast is an establishment on owner-occupied property offering transient lodging accommodations to the general public, with not more than four guests rooms and food service limited to breakfast for guests.

CO-WORK CENTER

A building or portion thereof used for flexible work spaces offering short-term, monthly, or longer lease periods for self-employed people or people working for different employers, and typically providing shared furnishings, equipment, and business support services.

FAÇADE

The exterior side of a building.

MICROBREWERY

A microbrewery is a licensed establishment that produces and distributes beer, ale, or other malt beverages, and which may include accessory uses such as tours of the microbrewery, retail sales, and a taproom for on-site consumption. In addition to selling beer at retail on the premises, a microbrewery may act as wholesaler for beer of its own production for off-site consumption if it has a valid pub brewery license from the Commonwealth of Massachusetts.

MIXED-USE DEVELOPMENT

A development that includes both residential uses and nonresidential uses within a single structure. The ground floor facing the street shall be used only for permitted nonresidential uses, and the total gross floor area occupied by nonresidential uses shall be at least 10 percent of the gross floor area of the structure.

Section 174-5(D) of the Zoning Bylaw addresses so-called split lots, i.e. existing lots divided by the boundary of a zoning district subsequently adopted. During our December 9 conference call, it was suggested that the Town may wish to extend the new DBV District to the entirety of any lot included within its limits, even partially.

To accomplish the above, the following sentence might be added to the end of Section 174-5(D): "Notwithstanding the foregoing, where the boundary of the Downtown Business Village District divides a lot existing at the time said District was adopted, the regulations applicable in said District shall extend and be deemed to apply to the entirety of such lot."

And by relettering existing Sections K and L to Sections L and M, respectively.

Part 2. Amend **§ 174-3 Districts enumerated** by adding the following new district:

K. Downtown Business Village District, referred to as DBV District.

Part 3. Amend **§ 174-8(C)(2)** as follows (amendment shown in italics)

Not more than one principal permitted use shall be located on any lot, provided that a multiple occupancy building used for the same category of use, such as retail sales and services, light manufacturing or offices in a business district or Industrial Park District, *or a mixed-use development in the Downtown Business Village District*, shall be deemed to be in a single principal permitted use. . . .

Part 4. Amend **Article III, Use Regulations**, by adding the following new section:

§ 174-8.4.1 Downtown Business Village District

Both Sections A and B state: "Permitted uses are as follows..." They are repetitive; and the list of allowed uses under each of them can be combined under a single Section A (and subsequent Sections relettered accordingly).

A. Permitted uses are as follows:

(1) All uses permitted in the residential districts (RA and RB)

B. Permitted uses are as follows:

(1) Mixed-use development

(2) Professional or business office, or bank, but not including a medical or dental office

(3) Custom manufacturing of custom goods sold primarily on the premises, such as a woodworking shop, shop for artisan or craftsperson, or bakery

(4) Bed and breakfast

(5) Art gallery

(6) Child care center

(7) Co-work center

I interpret the allowance of "mixed-use development" to mean that nonresidental and residential uses may co-exist as-of-right in the same structure, per the definition above and consistent with the amendment to Section 174-8(C)(2), also above; but not to supersede the requirement of a special permit if one or more of the constituent use(s) requires it. For example, a mixed-use development comprised of professional offices and multifamily housing would require a special permit because, while the offices are by-right, the multifamily housing is not.

C. Permitted uses, up to a maximum of 3,000 square feet per establishment:

(1) Retail sales

(2) Ice cream shop, sandwich shop, candy shop, other specialty food service establishment serving walk-in customers (drive-through service is prohibited)

(3) Restaurant, with indoor seating and outdoor seating on an adjacent patio (drive-through service is prohibited)

The Section numbering is problematic, in my opinion. Southborough's zoning districts are individually addressed in Sections 174-8.1, 174-8.2, 174-8.3, etc. of the Zoning Bylaw. Section 174-8.4 is the "BV Business Village District." Adding the DBV District as Section 174-8.4.1, i.e. a Subsection of Section 174-8.4, suggests that the DBV District is a subdistrict and not a new district altogether.

I've discussed the above with Judi. She agrees, I believe, that the DBV District might instead be added as a new Section 174-8.12: not ideal placement as far as the sequential grouping of districts goes, but better than creating unnecessary confusion. (Alternatively, it could be added as Section 174-8.5 and existing Sections 174-8.5 through 174-8.11 could be renumbered as Sections 174-8.6 through 174-8.12, respectively.)

I defer to Judi concerning appropriate density for multifamliiy housing in the downtown area. But remember that such multifamily housing may be combined with nonresidential use(s) per the allowance of mixed-use development above.

(4) Personal services such as barber shop, beauty salon, tailor, or shoe repair

D. Permitted uses by special permit from the Planning Board are as follows:

(1) Any use listed in Subsection C exceeding 3,000 sq. ft. per establishment

(2) Microbrewery

(3) Veterinarian, animal hospital, dog kennel.

(4) Medical or dental office

(5) Multifamily housing, up to eight units.

Multifamily at 8 units is OK and may lead to some downtown housing. Allowing up to 12 units by special permit would probably be more effective. We suggest discussing this further with a few local developers and property owners.

(6) Private garage or parking for more than three cars or more than one truck or other commercial vehicle.

(7) Indoor recreation, athletic or exercise facility.

E. Uses by special permit from the Zoning Board of Appeals are as follows:

(1) Accessory apartment.

(2) Conversion of a one-family house in existence for two years or longer to a two-family dwelling, on a lot with a minimum of 15,000 square feet.

(3) A mobile home or travel trailer used as a dwelling or business quarters for more than 30 days in a year.

F. Prohibited uses. All uses which are not listed above, legally nonconforming or otherwise allowable by the provisions of the zoning regulations are prohibited.

G. Development standards (Note: Also refer to § **174-10.1**, Business Village District plan review) are as follows:

See my comment, below, concerning the applicability of Business Village District plan review to projects in what-is-supposed-to-be an entirely different, separate and distinct zoning district, the DBV District.

(1) Minimum lot area: 5,000 square feet.

(2) Minimum frontage: 60 feet.

(3) Minimum setbacks:

(a) Front: 10 feet.

(b) Rear: 35 feet.

(c) Side: 10 feet; 25 feet if adjacent to a residential district.

Consistent with Judi's commentary, I wonder about the relationship between "maximum" (versus minimum) front setback and the requirement that "[a]t least 50% of the landscaped open space shall be contiguous and located between the front building line and front lot line..." Is it reasonable to require compliance with both? I again defer to Judi's planning expertise.

(d) Other street: 10 feet

(4) Maximum front setback: 20 feet unless waived by the Planning Board.

(5) Minimum landscaped open space: 20 percent. At least 50 percent of the landscaped open space shall be contiguous and located between the front building line and front lot line unless the Planning Board approves a different placement of the open space as part of Site Plan Review.

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The FAR seemed to generate great interest. We looked at this more after the 11/24 meeting and sketched a few hypothetical projects on some existing lots. It seems to us that you could take it up to 0.45 or even 0.50 as of right if you want, and give the Planning Board discretion to approve a higher FAR case by case. It's a policy issue for the Town to decide.

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H. Special Permit for Height Increase. The Planning Board may grant a special permit to increase the maximum building height to 48 feet and four stories, provided that the minimum rear setback shall be increased at a 1-to-1 ratio, e.g., an additional one foot of setback for every one additional foot in building height.

Note change in maximum height by special permit to 48 feet.

Is Subsection "1" necessary, where there are no subsequent Subsections (or, if there were, they've been deleted from earlier draft(s))? Maybe replace (a) through (d) with (1) through (4)?

I. Additional Standards for Development in the DBV District.

(1) Building Regulations

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Consistent with my other comments above, if the DBV District is not a part of the Business Village District but rather is its own district, the proposed exception below is unnecessary; and, beyond that, should be eliminated, as its inclusion is misleading.

However, it should still be said somewhere, e.g. in a new Section 174-10.2, that, as in the Business Village District, major site plan approval in the DBV District shall be by special permit for uses requiring a special permit.

I note that, because the threshold differentiating major from minor site plan review, i.e. 2,000 square feet, is different than the threshold between certain by-right and special permit uses in the DBV District, i.e. 3,000 square feet, certain DBV District uses may still require major site plan approval (but not a special permit).

Part V. Amend **Section 174-10.1, Village Business District plan review**, as follows (amendments in the first paragraph shown in italics).

§ 174-10.1 Village Business District plan review.

Except as provided below in Subsection D, within the Village Business District, major site plan approval shall be by special permit from the Planning Board, subject to the procedural requirements and decision criteria of § **174-9**, Special permit requirements, and § **174-10**, Site plan approval, and the following in addition to the above …

We have not changed this. The goal is to apply site plan review to permitted uses and leave the special permit process to reviewing plans for uses requiring a special permit.

D. In the Downtown Business Village District, major site plan approval shall be by special permit from the Planning Board for any use requiring a special permit. In such cases, the submission requirements, procedures, and decision criteria under Subsections A through C above shall apply. The Planning Board may adopt design guidelines and apply them to major site plan approval applications regardless of whether a special permit is required.

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(5) Professional or business office: one space per 300 square feet for ground floor offices and one space per 350 square feet for offices above the first floor.

I concur with Judi; and, indeed, the suggestion that design guidelines be excluded from the Bylaw and separately adopted was among my recommendations months ago. The Bylaw operates as a framework for what will be permitted within the new District; and simplicity in that regard can help facilitate its passage at Town Meeting.

With that said, I also appreciate the interest in and desire for specifics, even early-on. It may be worthwhile for the Planning Board to report to Town Meeting that it has already given consideration to guidelines and is prepared to adopt them forthwith. (In other contexts, e.g. under Chapter 40R where development is by-right, draft guidelines have been presented at Town Meeting in an attempt to assuage fears.)

TOWN OF SOUTHBOROUGH

BOARD OF SELECTMEN Meeting Minutes

Meeting Date: Tuesday, December 15, 2020, 6:30 P.M.
Location: Virtual Meeting through Zoom
Present: Marty Healey, Lisa Braccio, Chelsea Malinowski, Brian Shea, Sam Stivers and Town Administrator Mark Purple

I. Chairman Healey called the meeting to Open Session at 6:30 P.M. Chairman Healey read the following statement:

Pursuant to Governor Baker's March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, §18, and the Governor's March 15, 2020 Order imposing strict limitation on the number of people that may gather in one place, this meeting of the Southborough Board of Selectmen will be conducted via remote participation to the greatest extent possible. Specific information and the general guidelines for remote participation by members of the public and/or parties with a right and/or requirement to attend this meeting can be found on the Town of Southborough's website, at https://www.southboroughtown.com/. For this meeting, members of the public who wish to watch or participate in the meeting may do so in the following manner by finding the meeting at: https://www.southboroughtown.com/remotemeetings. No in-person attendance of members of the public will be permitted, but every effort will be made to ensure that the public can adequately access the proceedings in real time, via technological means. In the event that we are unable to do so, despite best efforts, we will post on Southborough's website an audio or video recording, transcript, or other comprehensive record of proceedings as soon as possible after the meeting.

II. Public Comment
None

III. Scheduled Appointments
State Delegation – Legislative update
Chairman Healey welcomed Senator Eldridge and Representative Dykema and invited them to speak. Senator Eldridge reviewed some of the initiatives he is working on at the State House which includes support of public health departments, food assistance in the fiscal year 2021 budget, the police reform bill, a clean energy bill, an economic development bill and the Community Mass Works grants. Senator Eldridge explained his work on inclusion housing, affordable housing and healthcare bills. He stated he has worked with Mr. Purple to inform him of upcoming grant opportunities and summarized some that the Town has been granted in the past. Senator Eldridge stated he set aside $250,000 for every Town in his district that has an MBTA station for improvements and asked the Town to inform him if they would like to move forward with this as it is possible to have the funds released from the Governor as a bond.

Representative Dykema explained the status of the budget which she described as behind schedule due to the pandemic. She stated that this year the State budget is based on estimates rather than a solid understanding of revenues and these numbers assume the success of a vaccine rollout program. She described the program and urged the public to look at the DPH website to find which phase they fall into. Representative Dykema stated that there will be more

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funds from the federal government, more focus on support for unemployment, individuals and municipalities. She described multiple grants that could be applicable related to public health, technology assistance, main street economic recovery and small business and economic development. She urged those interested to look into more at the Mass Development website page. Representative Dykema described the Allston/Brighton Viaduct Project and her work to ensure lanes on the Mass Turnpike are not eliminated.

Ms. Braccio asked for more information on the Allston/Brighton Viaduct Project and how it could impact the Town. She asked for assistance with reaching the DCR regarding a resident's property on the reservoir. Senator Eldridge stated he can assist through his office. Representative Dykema stated she knew the person to contact at DCR and would be happy to assist Ms. Braccio with the matter. Ms. Braccio asked for their opinions on the Presidential Election. Senator Eldridge replied that changes were made to ensure it was easier for the public to vote and has not seen or heard evidence of voter fraud. Representative Dykema stated that Mr. Hegarty and the Town Clerk's Office is excellent at running an election and she also has not heard of any voter fraud which is a testament to the great work they do. Ms. Braccio asked for guidance on OPEB or unfunded pensions. Senator Eldridge stated that most towns are continuing to meet the guidelines. Representative Dykema stated the same concerns exist at the State House and they must fund this when possible.

Ms. Malinowski asked for more clarity on regionalization funding. Representative Dykema stated the guidelines should be coming when the application is released. She added that she will send a copy of the legislature to review the legal language. Ms. Malinowski asked about distribution of the COVID-19 vaccine outside of phase one. Representative Dykema replied that the majority of vaccinations will be distributed through a partnership with Walgreens and CVS.

Mr. Shea asked about the timing for the public health grants. Senator Eldridge stated that he hopes within the next month or two and they would have to see what the Legislature overrides. Mr. Stivers stated that the Town would be eligible for approximately $14,000 of the $10 million public health support funding based off of population. He asked for assistance in gaining access to more funding. Mr. Stivers requested assistance to accelerate the cooperation with DCR on the Town's public access plan. Mr. Stivers asked to follow up with them regarding a piece of property owned by MASSDOT near the Mass Turnpike and a possible easement to open space land. Senator Eldridge stated he would follow up with DCR on his request and Representative Dykema stated she was hopeful for more federal funding to help supplement public health resources.

Chairman Healey described the work done with Chief Paulhus and Chief Achilles regarding steps taken to improve recruitment and hiring in light of events taken place in 2020. He asked if there was much of a gap between the police reform bill passed by the Legislature and what the Governor sent back. Senator Eldridge gave a description of what was passed and what will be reconsidered. He added that the House does not have enough votes to override a veto and it will be challenging to do so. Chairman Healey asked about the safety of commuter rails with less frequent service due to the pandemic. Representative Dykema described another country where train cars were congested but not limited during the pandemic and was found to not be a significant spreader of COVID-19. She stated that the challenge is increasing the confidence of the public that public transportation is safe. She described measures the T has taken to enforce mask wearing, spot checking and ideas about future habits to gain more ridership. Chairman Healey stated affordable housing is challenging for a small Town like Southborough and stated he

may be reaching out for assistance. Senator Eldridge replied that most towns are focused on this and most have created an affordable housing trust. He described the work the Town of Acton is doing to increase affordable housing and what is being done at the State level. He stated he was happy to connect the Town with non-profit developers and he would like to discuss strategies at another time.

Frederica Gillespie, Chair of the Open Space Preservation Commission asked about next steps to move the fence at the Mass Turnpike and Halloran property for more access to the open space. Representative Dykema stated that the next step would be to work with the Board and get an endorsement to move forward for Senator Eldridge and Representative Dykema to connect with MASSDOT for this project. She asked for more information on the project to be forwarded as well. Mr. Stivers stated he had a map he could forward.

Kathryn McKee, Chair of the Trails Committee offered her assistance to send resources to Senator Eldridge and Representative Dykema for the conversation with DCR regarding the public access plan.

Karen Galligan – DPW Superintendent

a. Main Street update

Ms. Galligan stated the project is 99% done with a punch list of items to finish that are set for next spring. She listed these items to include the addition of a crosswalk, shrubs and trees and other small items. Chairman Healey asked about the placement of stop signs and Ms. Galligan replied that is decided federally through the MUTCD. She said some utility poles still need to be moved which is the responsibility of the utility company. She added that she believes the project will be complete by June. Mr. Shea asked if there were any outstanding issues the State needs to complete. Ms. Galligan replied there were and she is working with them. Mr. Stivers said he sees inconsistent behavior from the traffic light at the intersection and Ms. Galligan stated she would look into this. Ms. Braccio requested speed bump signs be added to the Town House as they are much bigger than she initially thought. Ms. Galligan stated Mr. Purple requested that and they will be installed. She also is having them reviewed as they were not built to design.

b. Proposal for intersection/pocket park at Cordaville/Common intersection

Ms. Galligan shared multiple plans depicting a proposed pocket park, additional parking and a fix to the intersection. She explained the results of her meeting with St. Mark's and an engineer regarding this project. She showed where the pocket park would be and the approach for fire trucks at this intersection. Ms. Galligan explained a proposed native species garden on Library property and trails for people to walk. Mr. Shea asked for clarity on the plan and a potential secondary outlet. Ms. Galligan explained this and the proposed drainage solution. Mr. Stivers stated he would be in support of access at both ends of the parking lot and asked about overflow parking. Ms. Galligan explained that the lot will be mostly St. Mark's with some shared spots.

Ms. Braccio asked who would be maintaining the parking lot and Ms. Galligan stated St. Mark's would as it is their lot. Ms. Braccio asked about funding and Ms. Galligan explained that the Shared Streets Winter Grant will be used for as much funding as possible but did not believe it would cover all the costs. She added there is a grant for the native species garden that could be used. Ms. Malinowski asked for clarity on where the parking is that will no longer exist and Ms. Galligan explained. Ms. Malinowski asked if St. Mark's was going to ask the Town to pay for the paving that is not covered by the grant. Ms. Galligan replied that they are working hard to get

the grant application in as soon as possible and there will be discussions and negotiations on this topic but the work will need to be done. Ms. Malinowski asked if this project was the best fit for the grant. Ms. Galligan stated she believed it integrates the most of what is being looked at for this grant. Ms. Malinowski asked Ms. Galligan to speak with Chief Achilles regarding the reconfiguration of the street and Ms. Galligan agreed. Chairman Healey stated that the sense of the Board is that St. Mark's is benefitting greatly from this project and they can cover the cost of paving the lot. Mr. Purple noted that the collaboration with St. Mark's is a great public/private partnership.

Kristin LaVault (12 Southwood Drive) asked if the primary driver for discussions to begin was St. Mark's request for an expanded and paved parking lot. Ms. Galligan stated that it was not and the Town started the discussion as there were complaints that on street parking was being eliminated during the Main Street project.

Frederica Gillespie (78 Southville Drive) stated that there is potential for OSPC to collaborate with St. Mark's for native plant programming with a biology connection. She added that green stormwater infrastructure is a great nature-based option and cost effective.

Mr. Donovan stated that he has conducted two strategic plans for the Library and parking is consistently an issue. He added that parking is not an issue only during high volume events but also throughout the summer season.

c. Review of CSX easement for Main Street project

Ms. Galligan gave the Board an update on the CSX easements with the landowners affected and stated the Knights of Columbus sent in their signed easement agreement and will be installing a fence, Mr. Lamy of Lamy Insurance will be entering into an easement agreement and Mauro's has not been in contact with CSX. She added that 2 East Main Street is a vacant lot and their easement will be dealt with when it is developed. Ms. Galligan shared her screen to show updated plans and explained where the easements and curbing would be placed and why. Chairman Healey asked Ms. Galligan to speak with CSX regarding not proceeding with this project and she agreed to do so. Chairman Healey asked CSX's position at Mauro's. Ms. Galligan explained that CSX needs to ensure the tracks are not accessible and the Town is obligated to fix the drainage. Eversource will be replacing the gas main located there at the same time. Mr. Stivers asked if CSX's primary interest is safety and Ms. Galligan replied in the affirmative. Ms. Malinowski asked what would happen if the Town does not move forward with the project. Ms. Galligan explained what work would be conducted and the relative challenges. She explained the advantages to moving forward with CSX to fix drainage and underground work to improve the crossing. Ms. Malinowski clarified that by doing the entire project the Town would be fixing approximately two to four issues and Ms. Galligan agreed with that assessment. Ms. Galligan stated she believes part of the issue with Mauro's is the potential to lose parking.

Mr. Shea asked for clarity on the plans and the easement agreement with the Knights of Columbus and Lamy Insurance. Ms. Galligan provided more information. Ms. Malinowski asked for timelines. Ms. Galligan stated she would like to be able to vet the project over January, February and March to bid and start work in the summer and fall. Chairman Healey outlined the three options for the Town to receive the easements and stated that a thorough discussion needs to be had with CSX and Mauro's. Ms. Braccio stated that the advantages of getting easements from CSX is to put additional curbing to protect the tracks and defray people from going on to the

tacks and the opportunity to fix drainage in the area. Ms. Galligan agreed with the statement and reminded the Board that CSX is getting value from the Town and the easements are not free of charge.

IV. Reports

Chairman's Report

a. FY22 Budget Update

Chairman Healey updated the Board that the schools, Advisory Committee, Mr. Ballantine, Mr. Purple and he has met about the budget and it is concluded that fiscal year 2022 will have a higher tax rate. He stated work is being done to lower the tax rate and they are waiting for final preliminary numbers from the school. Mr. Purple stated that the budget from the school is submitted to them around the second week of January. He outlined an enrollment shift in the regional school.

Members' Reports

a. Closeout on Rent & Mortgage program

Ms. Malinowski stated that the program has been closed out after receiving eight applications; seven of which qualified for rent or mortgage assistance. She stated Ms. McAuliffe and she reviewed every document to ensure they met all requirements for the program. Checks totaling $13,000 was released to Youth and Family Services to those families who applied. Ms. Malinowski stated Ms. McAuliffe worked hard with Youth and Family Services to ensure checks were timely cut in order for reimbursement from the CARES ACT.

b. Update on Senior Events

Ms. Malinowski stated she had the opportunity to touch base with Ms. LeFrancois and coordinated efforts for community outreach with seniors. She added she is excited to partner with the Senior Center staff to coordinate COVID-19 and post COVID-19 community connections with seniors.

Ms. Braccio stated she assisted with a Santa/Holiday drive through with the Seniors and it was a huge success.

c. Board of Health staffing

Mr. Stivers stated that the Board of Health is working to staff appropriately to keep up with contract tracing of COVID-19 and the upcoming vaccine distribution process. He added that Mr. Purple has organized a meeting with the Board of Health, Fire Department and Advisory Committee to collaborate resources and create a program to support the needs of the Town. Mr. Purple stated that during the meeting they were notified that the Public Health Nurse is resigning from her position in February and he was notified that Mr. Pisinski will be resigning as the Public Health Director. He explained that Mr. Pisinski has more of an expertise in environmental health and moving forward, the Town will be looking for someone who also has public health experience. He added that Ms. Woodford had outlined a plan moving forward that included assigning responsibilities for this process. Mr. Purple said that after Representative Dykema told the Board that vaccines will be given to the general public through Walgreens and CVS, the meeting members spoke about establishing relationships with one of these stores to inquire what could be done locally.

Town Administrator's Report

a. Update on CHA for CommCan, RE: Payments

Mr. Purple explained the terms of the community host agreement and payments required from CommCan, Inc. He stated the Town was issued a letter from their attorney stating that any payment above the 3% is no longer allowed for fees you can include in agreements. Ms. Esposito, Ms. Hale and he had inquired to other towns regarding their agreements and payments and most were not aggrieved that they were not getting their payments per their community host agreement. He gave Uxbridge as an example and stated most agreements focus on the 3% payment and the marijuana dispensary or growing facility tends to make a voluntary donation of $10,000 - $25,000 to a charity of the Town's choosing. Chairman Healey stated that contract law should apply unless negated by an act of legislature and he was unaware of any that did so. Mr. Shea stated that as a Board member who negotiated the agreement, CommCan provided example host agreements to reference and he did not recall the Board creating the $50,000 payment in addition to the 3%. He added that the agreement was signed by both parties and he is not willing to walk away from that based on CommCan's attorney opinion. Ms. Braccio agreed. Mr. Stivers suggested an informational session with a cannabis attorney. Chairman Healey stated he would like to find the correct path to proceed regarding this disagreement before investing resources.

b. Update on Arts Center notice for perc test

Mr. Purple stated that a notice was sent out to abutters within a three-hundred-foot radius and special notification was sent to the two departments residing in the Art Center. He added that Ms. Galligan is working to make the perc tests happen as soon as possible to complete before the ground begins to freeze.

c. Reminder on CARES ACT closeout on 12/30

Mr. Purple stated that reminders went sent out from the Town Accountant to explain that closeouts are on 12/30 for the CARES ACT. He added that responses were already submitted and will be included. He explained that reconciliation and checks for the appropriate funding will be done in January and if any submissions are not applicable to FEMA, then it will carry over to the CARES ACT as a funding request.

d. Update on Common flagpole

Mr. Purple stated the Board received plans from the Building Commissioner for a 110-foot flagpole. He stated one question was why the pole was moving fifteen feet from its current location and he explained it was because new footings were needed to support the pole. He added that all the landscaping and the wall around the pole will be moved or recreated.

Mr. Purple gave accolades to Mr. Davis as both lighting projects have been unanimously approved by the Planning Board and permitting is completed. He will now be focusing on bidding and construction pieces.

Consent Agenda

a. Ms. Malinowski asked to hold agenda item "a." Ms. Malinowski asked to reword the sentence on the November 24th minutes to read, "she asked Mr. Purple to revise the minutes to include the second agenda item and the motion, the second and unanimous vote affiliated with it." The Board agreed. Chairman Shea made a motion to approve Open Session Minutes: August 28, 2020; November 24, 2020; December 1, 2020 with the revision as amended for November 24,

2020. Mr. Shea seconded. The motion passed all in favor (5-0-0) by roll call vote, Braccio, aye; Malinowski, aye; Shea, aye; Stivers, aye; Healey, aye.

b. Chairman Healey made a motion to approve 2021 Annual License Renewals (Detailed list attached). Mr. Shea seconded. The motion passed all in favor (5-0-0) by roll call vote, Braccio, aye; Malinowski, aye; Shea, aye; Stivers, aye; Healey, aye.

c. Chairman Healey made a motion to accept the donation of $24,354.00 from Harvard University Southborough Campus for the Police and Fire donation accounts. Mr. Shea seconded. The motion passed all in favor (5-0-0) by roll call vote, Braccio, aye; Malinowski, aye; Shea, aye; Stivers, aye; Healey, aye.

d. Chairman Healey made a motion to accept a donation in the amount of $100.00 for the Fire Dept. Ambulance Fund. Mr. Shea seconded. The motion passed all in favor (5-0-0) by roll call vote, Braccio, aye; Malinowski, aye; Shea, aye; Stivers, aye; Healey, aye.

e. Chairman Healey made a motion to extend the term for Capital Planning – School Research Subcommittee to February 28, 2021. Mr. Shea seconded. The motion passed all in favor (5-0-0) by roll call vote, Braccio, aye; Malinowski, aye; Shea, aye; Stivers, aye; Healey, aye.

f. Ms. Malinowski asked to hold agenda item "f." Ms. Malinowski informed the Board she would need to abstain to this vote and Chairman Healey stated he would need to recuse himself. Mr. Shea made a motion to approve Bond Anticipation Notes for Fire Truck and Finn Boiler. Mr. Stivers seconded. The motion passed (3-0-2) by roll call vote, Braccio, aye; Shea, aye; Stivers. Ms. Malinowski and Chairman Healey abstained.

V. Other Matters Properly Before the Board

Review of EDC Residential Info Packet

Ms. Braccio stated that the EDC created a package they intend to share with businesses and residents in the downtown area. She added the EDC approved the document and Ms. Connelly is asking for Board approval. She said that the document was to provide history and background to residents and businesses in the downtown area regarding the downtown initiative for transparency. Ms. Connelly elaborated that the document would educate those potentially affected by the zoning changes and the EDC would like to distribute it before the Planning Board hearings. Ms. Braccio listed her concerns which included the inclusion of an address not in the proposed Downtown Village District, including an image of a lot with a stream that runs through it which could lead to conservation concerns and item number seven which is part of a court case. She suggested item number seven be completely removed until a resolution has been reached. Ms. Connelly stated the items included were identified two years ago in the ULI report. Ms. Braccio suggested that item number three and seven be removed for transparency. Ms. Malinowski agreed. Mr. Shea suggested the entire page be removed and Mr. Stivers agreed. Ms. Braccio asked that the picture on page nine be removed as well and explained that she would not want the public to see this document and think the Downtown Initiative is motivated for a specific project which is not the case. Mr. Shea agreed and said the document should have a minimal number of renderings as what is depicted could be very different from what is built. Ms. Malinowski agreed and explained that the Town may not have control over the physical appearance of these projects and there should be no reference to anything pending a court hearing.

Chairman Healey stated he felt it was a sales document and understood taking the dryness of changing zoning and turning into more aesthetic renderings. He added that a lot of the renderings could be achieved without changing the zoning and the sales aspect feels unnecessary. Ms. Connelly stated the intention is not to be salesy but to show the potential of

what could happen if zoning was changed. Ms. Braccio reviewed more concerns regarding pictures referenced in the document and the statement that in 2018 the EDC supported 2 East Main Street as a mixed-use building. Chairman Healey stated that the reference to the 2018 EDC support could stay in as it is an accurate telling of history. Chairman Healey made a motion to give Ms. Braccio authority to sign off on any edits to the document before it is distributed. Ms. Malinowski seconded. Mr. Stivers stated that it is important to keep the process moving forward. The motion passed all in favor (5-0-0) by roll call vote, Braccio, aye; Malinowski, aye; Shea, aye; Stivers, aye; Healey, aye.

Ms. Luttrell stated she had an issue with the statement that the EDC supported mixed-use at 2 East Main Street as it is not allowed. Chairman Healey replied that he did not disagree with that statement and asked if in fact this happened. Ms. Luttrell replied that it was questionable. Ms. Connelly stated it was complicated and Chairman Healey asked that the statement be removed from the document.

Ms. LaVault stated as a member of the public she felt the renderings were important to gain interest from resident. She suggested adding what the zoning change will not allow as well.

Goal setting for the Town Administrator

Chairman Healey explained that Mr. Purple's next evaluation is February or March and the goals for this would be relatively modest due to timing. He listed his goals for Mr. Purple which included having more fulsome communication with the Board and using his authority as listed in the Town Administrator bylaw to take initiative on his own projects. Mr. Stivers stated that there could be a dozen worthwhile projects for Mr. Purple to initiate and coordinate. He asked Mr. Purple to suggest some items and listed the Board of Health, Personnel Board and coordination between the Building Inspector and Historical Commission as appropriate to focus on. Ms. Braccio added she would like to see formal reviews for other contracted employees and setting goals for department heads and contracted employees who fall under him. Ms. Malinowski asked for reviews and goals for contracted employees and tying those goals to their annual review. She asked that Mr. Purple hold evaluations for any employee that has not been reviewed in the last eighteen months by February or March. Ms. Malinowski asked Mr. Purple to work collaboratively with department heads and other elected boards to improve Town services and reduce costs. She highlighted his work with Ms. Galligan as a good example. Mr. Shea stated he agreed with the above but stated the goals for Mr. Purple should be manageable and a long list will set him up for failure. He asked Mr. Purple to create a list of long-term goals to present to the Board in February or March.

Mr. Purple stated he will include a goal chart that highlights progress into the Board agenda packet. He explained that the sidewalk access to the Public Safety Building will be reviewed during the transition plan being done by CMRPC. He further explained what would be done if it is something that needs to be done. Mr. Purple explained the reorganization of the Selectmen's Office including the transition of Ms. Barry to the Selectmen's Office and the plan to revise the job descriptions for Ms. Esposito and Ms. Hale to broaden the benefit of these positions to support other offices.

Board liaison for Finance Team, RE: Quarterly financial reports

Chairman Healey made a motion to designate Ms. Malinowski as the Board liaison for the Finance Team. Ms. Braccio seconded. The motion passed all in favor (5-0-0) by roll call vote, Braccio, aye; Malinowski, aye; Shea, aye; Stivers, aye; Healey, aye.

Approve draft zoning bylaw for Downtown Initiative

Ms. Braccio stated she had concerns approving the document this evening as she found inconsistencies from the consensus agreed upon at the last meeting. She explained the inconsistency of the documented floor area ratio and the feedback provided by Attorney Costa. Ms. Braccio suggested the Board not vote on this document and work with the EDC and Ms. Barrett to update the document to include what was agreed upon in their previous joint meetings. She stated she could work with the EDC and bring an updated document to the Board at the first meeting in January. The Board agreed.

Discussion of policies and practices for boards & committees

Chairman Healey asked to move this agenda item to the January 5, 2020 meeting. The Board agreed. Chairman Healey asked that the chairs of boards and committees be advised that the Board will be reviewing and updating these documents to reflect the virtual meeting environment.

Close warrant for March 20, 2021 Town Meeting

Chairman Healey made a motion to close the Town Warrant for March 20, 2021 Town Meeting. Mr. Shea seconded. Mr. Purple explained the additional warrant articles sponsored by the Community Preservation Commission. He added that there is a placeholder for the potential for another article from the CPC.

Ms. Malinowski asked about the process for potential changes to the Demolition Delay Bylaw from the Historical Commission. Mr. Purple explained and stated that no formal documentation for this has been submitted. He added that he will add a placeholder for a potential Historical Commission bylaw change in the warrant. Ms. Malinowski asked about the articles carried over from the previous Town Meeting. Mr. Shea explained that citizen petitions must be included in the warrant and cannot be pulled. Mr. Purple explained additional placeholders and stated with these there are forty-three articles. Chairman Healey made a motion to close the forty-three article warrant for the March 20, 2021 Town Meeting. Mr. Stivers seconded. Ms. Malinowski asked about a separate CPC article for SHOPC. Mr. Purple explained and stated it would fall under a current CPC article. The motion passed all in favor (5-0-0) by roll call vote, Braccio, aye; Malinowski, aye; Shea, aye; Stivers, aye; Healey, aye.

VI. Public Comment

None

VII. Executive Session

At 10:24 P.M. Chairman Healey made a motion for the Board to enter into The Board will be entering into Executive Session per M.G.L. Chapter 30A, Section 21, and not returning to Open Session, for the following matters – to discuss the value of real property (Exemption 3) as it relates to tax foreclosure proceedings for 44 Bigelow Road; and to comply with, or act under the

authority of, any general or special law (Exemption 7) to review and approve the Executive Session minutes of November 17, 2020. Mr. Stivers seconded. The motion passed by roll call all in favor (5-0-0) by roll call, Braccio, aye; Malinowski, aye; Shea, aye; Stivers, aye; Healey, aye.

Upcoming Meetings
January 5, 2020
January 19, 2020

Respectfully submitted,

Kathleen Barry, Recording Secretary

List of Documents referred to at the December 15, 2020 BOS Meeting:

- Fiscal Year 2021 Goals
- Draft Selectmen's Minutes, August 28, 2020
- Draft Selectmen's Minutes, November 24, 2020
- Draft Selectmen's Minutes, December 1, 2020
- 2021 Annual License Renewals
- Letter from Andrew Laplume to Mark Purple dated 12.3.20
- Letter from Chief Achilles to BOS dated 12.9.30
- Letter from Jason Malinowski to Mark Purple dated 12.8.20
- Letter from Brian Ballantine to BOS dated 12.9.20
- EDC Downtown Initiative Update
- Draft Downton Business Village District V.3
- Town of Southborough Policies and Procedures
- AG Opinion – Sandisfield OML violations
- Annual Town Meeting Warrant, March 20, 2021
- Packet Easement Decision BOS 12.2020
- Sec 174TownCtrDistrict v4 FINAL Annotated by AJC
- 12.4.20 - Forging Ahead MetroWest Legislator Comments
- 10.30.20 - Allston Multimodal Legislator Comments

DRAFT

From: Mark Purple
To: Katie Barry
Subject: FW: CSX Update
Date: Tuesday, January 5, 2021 7:51:00 PM

For the minutes. Thx.

Mark J. Purple
Town Administrator
Town of Southborough
P: 508-485-0710
F: 508-480-1061

From: Mark Purple
Sent: Tuesday, January 5, 2021 9:46 AM
To: Board of Selectmen <bos@southboroughma.com>
Subject: FW: CSX Update

Good morning.

Catching up on vacation emails. Below is an update from Karen on the CSX crossing and its impact on the Downtown portion of the Main Street project.

Thanks.

Mark

Mark J. Purple
Town Administrator
Town of Southborough
P: 508-485-0710
F: 508-480-1061

From: Karen Galligan <kgalligan@southboroughma.com>
Sent: Monday, December 28, 2020 2:34 PM
To: Mark Purple <mpurple@southboroughma.com>
Cc: Karen Galligan <kgalligan@southboroughma.com>
Subject: CSX Update

Mark,

I hope you had a good Christmas and you're enjoying your time off.

I just wanted to give you an update on CSX. I spoke to them today, so I want to get the information out while it is fresh.

At the BOS meeting Marty asked what would happen if we didn't do the project.

According to CSX, if we keep 100% off of their property, (no improvements at all i.e. no paving, no

sidewalks, and/or no pipe replacements), we would not have to do anything to the curb cuts or road edges within their property.

If we pave any of the road, within their property limits, or do any repairs or improvements, within their property limits, without an easement we are trespassing and we can't do the work.

However, if we get an easement, even if it is for just road paving work and not for piping or sidewalk, we have to put in curb along our right-of-way over their property as they directed in their letter.

The easement we are looking for replaces the piping under the tracks and will give us the ability to repair the road to within 2' of each rail. As part of this CSX will replace the timbers and rails at the Central Street and Main Street crossings.

If we choose to not do this work now, but, in the future, change our minds to do it, the same will apply.

My understanding from CSX is that a CSX representative met with the owners of the 4 properties and explained that vehicles on CSX's property should be towed and that the issue was put on the Police Department's radar.

Thx - *kg*

FY 2021 Goals - Boards and Committees.	In Progress	Recent Steps	Completed
OML training and support/training for running Open Meetings.	XX	XX	
Promote and enforce Town Email Use Policy.	XX	XX	
Update, consolidate and promote compliance with general policies.	XX	XX	
Encourage and provide support for televising meetings.	XX		
Encourage and provide support for composite agendas and packets.	XX	XX	
Enhance informational outreach and recruiting for volunteers (forum).	XX		
Conduct public comment at beginning & end of meetings			XX
Review and update descriptions and charges.	XX		
FY 2021 Goals - Community Initiatives			
Coordinate and oversee Downtown Initiative.	XX	XX	
Coordiate communication/roundtables with local businesses.	XX		
Pursue PILOT initiatives, including community center and projects.	XX		
Pursue "bike friendly" policies and explore Biking Committee.	XX	XX	
300th Anniversary planning, including Committee creation.	XX		
FY 2021 Goals - Employees			
Create Employee Handbook.			
Update job descriptions for BoS staff.	XX	XX	
BoS review of annual staff performance reviews.	XX		
Review staffing and BoS office organization.	XX	XX	
Analyze Personnel Board/Town Administrator authority.			XX
FY 2021 Goals - Infrastructure			
Explore municipal electric plant.			
Natl Grid parcel 54-40	XX	XX	
Assimilate Pine Hill Rd into Town Water re: Fire (via MWRA)	XX		
FY 2021 Goals - Long Range/Strategic Planning			
Explore establishing grant writing position(s).	XX		
BoS training, reporting and hiring initiatives re: diversity and inclusion.	XX		
FY 2021 Goals - Municipal Finance			
Additional approval/oversight on appropriation line items.	XX	XX	
Schedule quarterly budget updates (Finance Director).			XX
Establish budget narratives, including long-term impacts.			
Establish BoS budget liaisons.			XX
Communicate BoS position to departments re: new FTEs.			XX
Establish long-term capital plans (with Capital Committee).	XX	XX	
Explore generating additional commercial tax revenue.	XX	XX	
Identify and establish a roster of Town service contracts.	XX	XX	
Review contracted services and explore re-bidding.	XX	XX	
Maximize potential Covid-19 reimbursements and grants.	XX		
Coordinated budget discussions with Advisory, Capital and Schools.	XX		
FY 2021 Goals - Organizational			
Quarterly newsletter.	XX		
Explore public safety regional dispatch.	XX		
Evaluate organizational processes: postage; mailings; data exchanges.	XX		
Budget software implementation.			XX
Pursue policies and projects for 40B threshold.	XX		
Customer service survey re: Town departments.			

GOALS for Town Administrator	In progress	Completed	Recent Steps
Communication with Board of Selectmen	XX		Shared Legal folder set up for Board member access, continue to enhance contents.
Embrace authority of Town Administrator position	XX		
Assist Board of Health with staffing and vaccination plan for COVID-19	XX		Contracting of interim PH Director in process, subject to Advisory funding; BOH has agreed to file vaccination plan with State; conversations with AFC Urgent Care in Marlborough about conducting vaccination clinic for Town.
Improve process between Building Dept. and Historical, RE: Demolition delay bylaw	XX		
Sidewalk access to Public Safety Facility	XX		The Town has partnered with CMRPC to complete an ADA self-evaluation and transition plan. MOD grant of $32,100 was awarded in December 2020; work product by June 30, 2021. Access to buildings will be part of the review. Capital projects resulting from the transition plan will be reviewed with Capital Committee for inclusion in the Capital Plan.
Formal reviews for other contract employees under Board of Selectmen	XX		
Annual goals for department heads/contract employees under Board of Selectmen	XX		
Identify service enhancements/cost reductions; grant opportunities	XX		Received MOD grant for ADA self-evaluation, saved $30K in budgeted capital funds; DPW filing Shared Streets grant

GOALS for Town Administrator	In progress	Completed	Recent Steps
Reorganization of Selectmen Office	XX		Transferred ZBA admin. to BOS office at 19.5 hours per week to further evaluate staffing needs of office.
Sustainability of golf course operations; renewal of management contract			

TOWN OF SOUTHBOROUGH

FINANCE DIVISION: TREASURER AND COLLECTOR

TOWN HOUSE · 17 COMMON STREET · SOUTHBOROUGH, MASSACHUSETTS 01772-1662
(508) 485-0710 x3010 · FAX (508) 480-0161 · bballantine@southboroughma.com

DATE: December 30, 2020

TO: Honorable Board of Selectmen

FROM: Brian Ballantine, Finance Director BPB

RE: FY22 budget Update

Please see attached for a summary of our budget recap and the current status of requests. Please see the following summary of information:

- Estimated tax rate increase of 9.02%.
- Estimated excess levy capacity reduced by approximately $2.2 Million.
- All budgets have been received, several have already had hearings with the Advisory Committee – continued hearings throughout January.
- Some Departments have updated initial budgets or are still in discussions as to moving forward with a set budget request.
- For revenues estimates are being held at a reduction of 5% from current local aid amounts, and level funded for local revenue amounts. We will continue to monitor these as time goes on.
- Schools: Preliminary budget discussion have taken place – January and February will be ongoing reviews with the School Committee. Preliminary amounts for K-8 are placed in the recap summary sheets. Regional is an aggregate 4.5% preliminary budget request however a specific split has yet to be determined.

It is of course a very difficult budget year for communities across the Commonwealth. Once specific budget goals are established by Advisory and BOS, the Boards can begin their preparations in making recommendations to be made at Town Meeting, currently still set for March. Both Boards may want to consider a joint meeting later in the month or early February to consider specific strategies and options in reducing the current projected tax increase.

Should you have any questions, please do not hesitate to ask.

TOWN OF SOUTHBOROUGH
FIRE DEPARTMENT
32 CORDAVILLE ROAD
SOUTHBOROUGH, MA 01772
(508) 485-3235 (508) 485-3887 (FAX)

Wednesday, December 15, 2020

Board of Selectmen
Town of Southborough
17 Common Street
Southborough, MA 01772

Dear Town of Southborough Board of Selectmen,

Enclosed, please find the following donation made to the Town of Southborough for your acceptance.

RECEIVED FROM:	**AMOUNT:**	**ACCOUNT SPECIFIED:**
Amir Nankali & Margaret Manion	$250	Ambulance Fund (2659-4-220-483-48310)

Thank you for your consideration in this request.

Sincerely,

Steven E. Achilles
Southborough Fire Chief

From: Bryan, Karl (OHA) <karl.bryan@state.ma.us>
Sent: Wednesday, December 23, 2020 4:02 PM
To: Mark Purple <mpurple@southboroughma.com>
Cc: Dougan, Jeff (OHA) <jeff.dougan@state.ma.us>
Subject: Southborough FY21 Municipal ADA Improvement Grant Award Notification

[EXTERNAL]

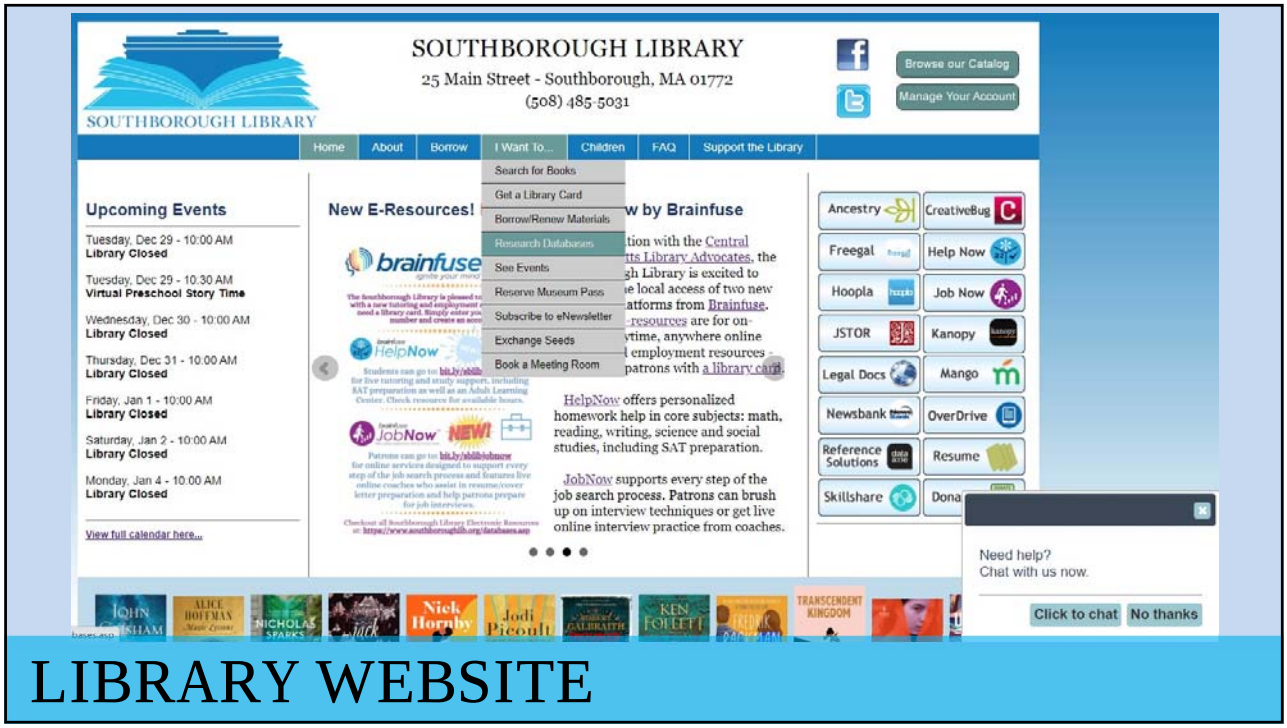
Greetings Town of Southborough,

The Massachusetts Office on Disability's ***Grant Application Review Committee*** has reviewed your Planning grant application for the ***FY21 Municipal ADA Improvement Grant Program***, and has **provisionally approved** a maximum grant of **$32,100**.

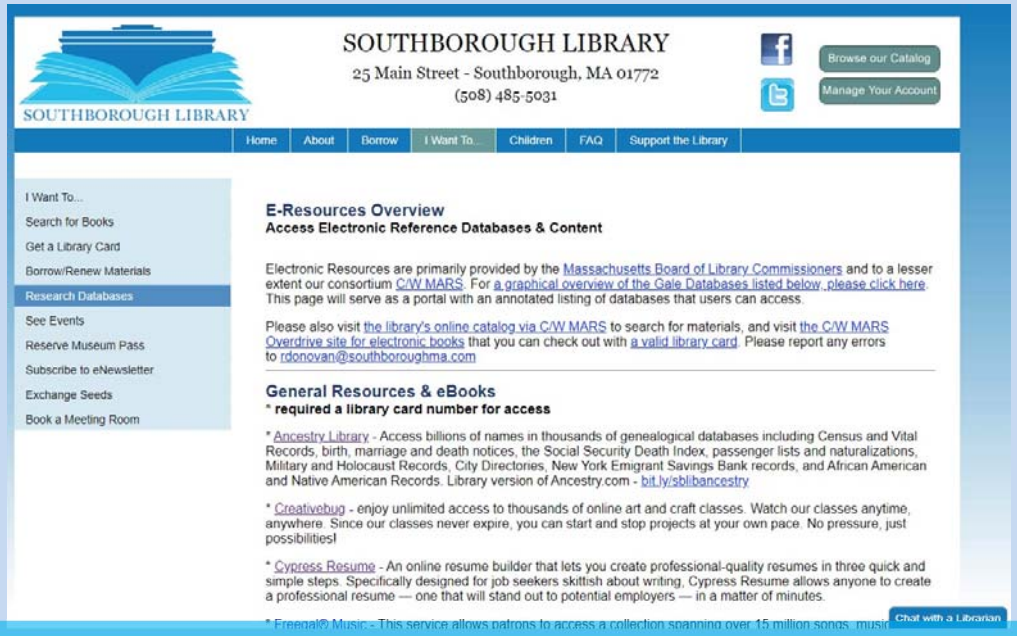
In order to receive the maximum grant amount listed above:

- The work must be completed after the contract execution date, but before June 30, 2021.
- The date that all forms are properly completed, signed, and returned to MOD by the municipality will be considered the contract execution date.
- MOD must receive and approve detailed, itemized invoices showing incurred expenses (between said dates); also, the invoices must represent approved expenditures as authorized in the attached *Grant Agreement* document, *Section 1: Project Scope*.
- Invoices should be sent to me as soon as they are available and prior to June 30, 2021, or shortly thereafter.
- **Any invoices dated prior to the contract execution date or later than June 30, 2021 are not eligible for grant funding; further, grant funds will not be released unless/until MOD receives and approves invoices for funding.**
- If you anticipate this being an issue, please let us know so other applications can be considered**.**

SOUTHBOROUGH LIBRARY

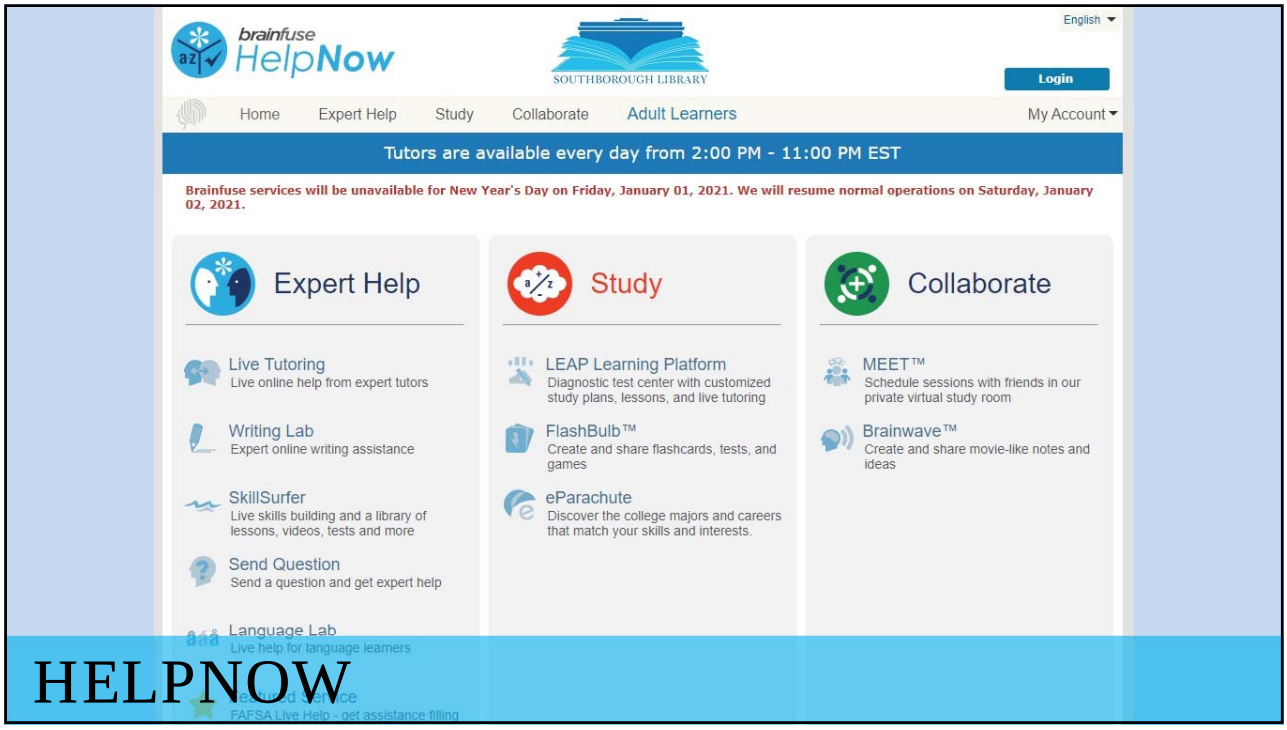


LIBRARY WEBSITE

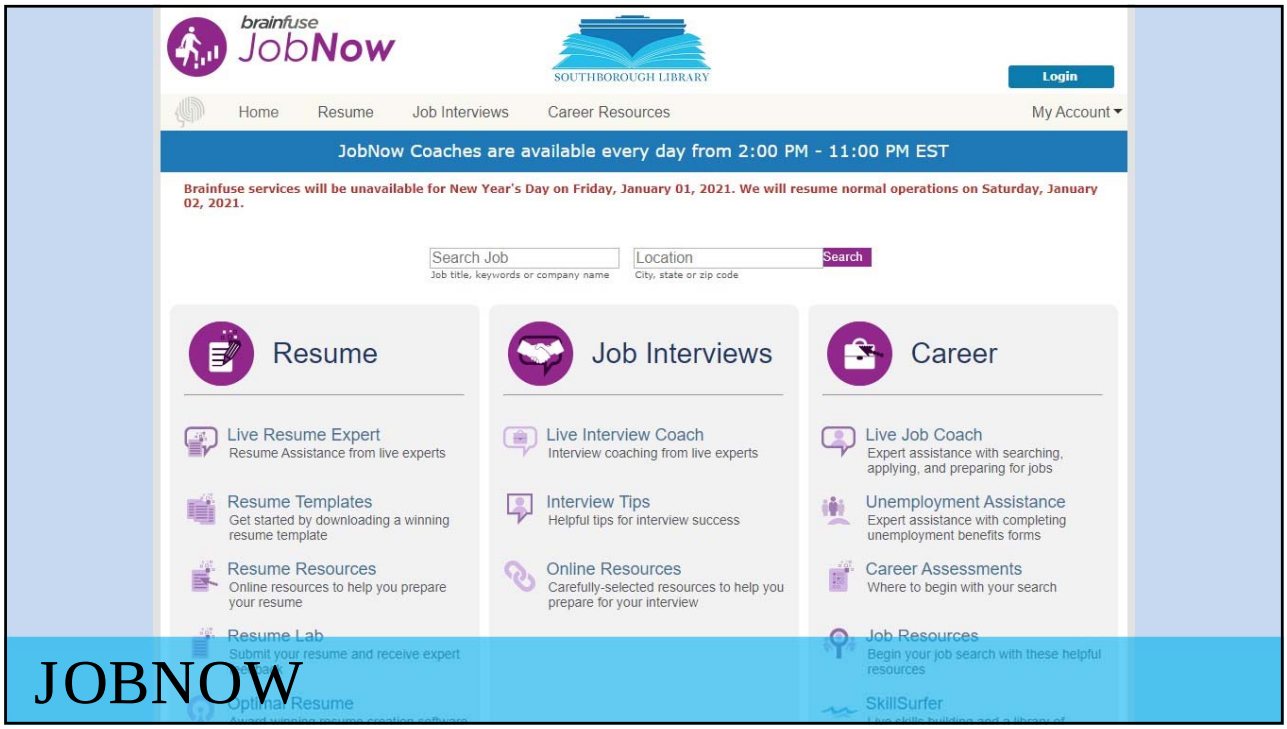


E-RESOURCES

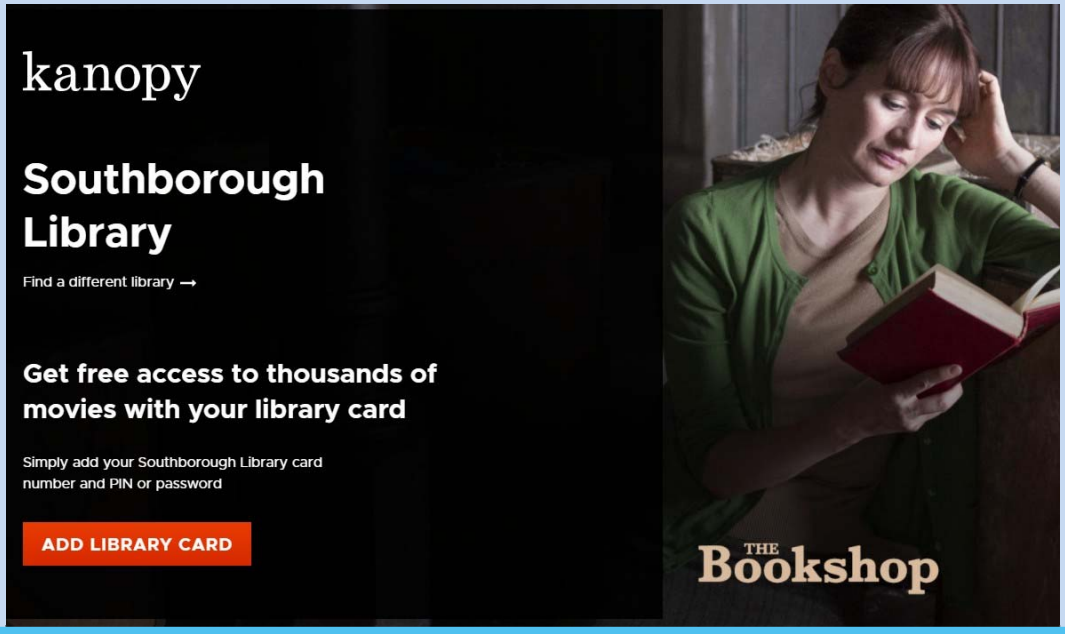
CREATIVEBUG



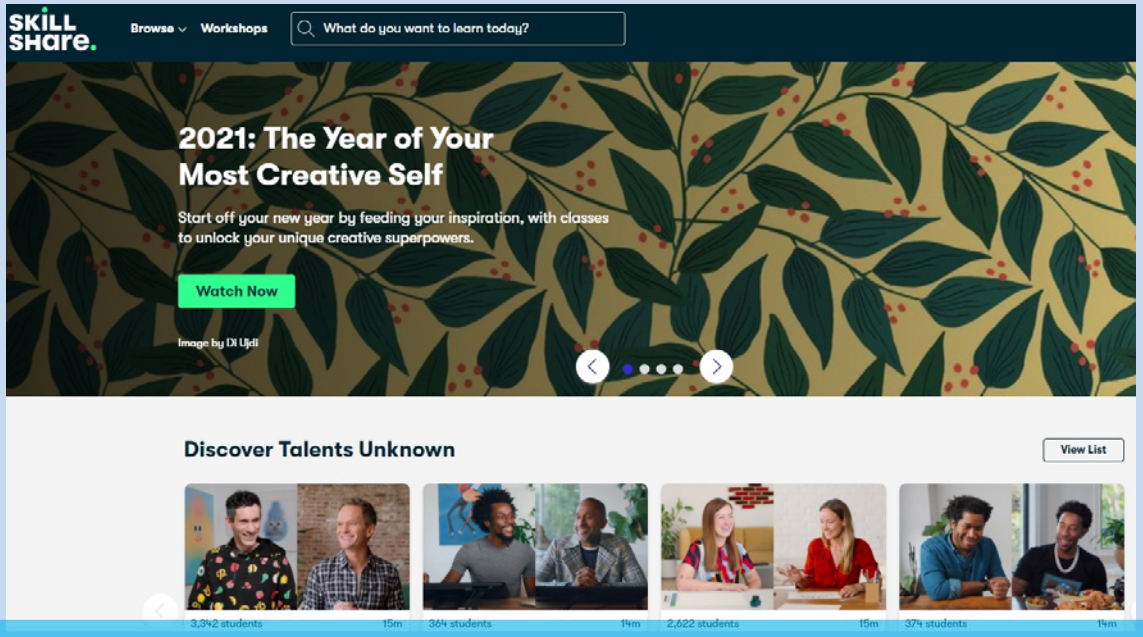
HELPNOW



JOBNOW



KANOPY



SKILL SHARE

MORE E-RESOURCES

LIBGUIDES

Winter 2020 Featured Titles

Suggestions from Southborough Library staff

Ask Again, Yes | by Mary Beth Keane| Audiobook

This is a story of love, tragedy, and the unlikely forgiveness between two families. Francis Gleeson and Brian Stanhope meet at the NYC police academy in 1973. Francis marries Lena and Brian marries Anne. They become neighbors in a suburb of NYC. Francis and Lena have 3 daughters and Brian and Anne have a son. While the parents are not friends, Kate and Peter become best friends. When tragedy strikes, families are torn apart.

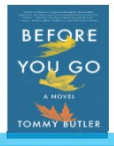
Why Carol likes this book: While there is tragedy in this story, there is also family devotion, love and hope. Each family faces challenges, and each, in their own way, conquer those challenges. I enjoyed the love story between Peter and Kate that began as a childhood friendship. Anne struggles with mental illness but does her best to remain connected to her son. I marveled at the devotion within each family and the eventual forgiveness of mistakes made and also the acknowledgment and acceptance of the silent challenges others face. The author brings the characters full circle and paints a picture of the importance of empathy and forgiveness.

And Every Morning The Way Home Gets Longer and Longer | by Fredrik Backman

This novella examines the heartache of loving someone whose memory is fading. Beautiful conversations between Noah and his witty grandfather are tenderly examined through a generational lens of loss, love, adventures and forgiveness. The grandfather makes sense of the world through the language of mathematics, a trait his grandson also shares but not his own son. He wrestles with these differences as he begins to forget things and realizes it is time to say goodbye to what he knows.

Why Amy likes this book: Have tissues at the ready! Although this is a short read, each page carries so much love and grief. The author indicated he initially had no desire to publish this story, but I am so grateful he chose to share his work. Backman has stated that he realized the importance of writing this book because it captures how we can still miss someone who is still there in a way that can be explained to children. I am grateful that he beautifully shares stories of a grandparent and grandchild's bond, the trials of raising children son and the deep love that can be found in marriage.

Before You Go | by Tommy Butler



Elliot Chance is a boy who believes he does not belong in this world. He has an emptiness within that he wants to escape. While Elliot lives his life and experiences friendships and love, he still feels something is lacking in his life. As an adult, he attends a suicide support group where he meets Sasha and Bannor, who become dear friends. Sasha writes advertisements and leaves coded messages within the copy and Bannor believes he has seen and visited the future. Embedded in Elliot's story, there are chapters talking about "Before" during which time Merriam and Jollis are responsible for creating life. They converse about the grave mistake Merriam made when she created human life with a hole...an emptiness that cannot be filled. Jollis unsuccessfully tries to fill the void by adding many emotions but the void remains.

Series to Read Alone While You Stay at Home

Leah's Books that will get you "Hooked on Hoopla"

The Age of Legends Series

Gifted with the ability to communicate with the dead, twin sisters Ashyn and Moria protect the living from the spirits that inhabit the Forest of the Dead. The most deadly criminals in the kingdom are banished to this forest to die. Ashyn is the Seeker and can communicate with the spirits, helping them move on to a peaceful afterlife. Moria is the Keeper and she is trained to keep the tormented souls from leaving the Forest of the Dead if they cannot pass onto the next life. Once a year the Seeker enters the Forest of the Dead to perform a ritual and quiet the tortured spirits but the annual ceremony does not go as planned. Ashyn and Moria are ambushed and separated by supernatural forces. They journey across barren landscapes filled with peril to warn the emperor of the impending danger and to find their way back to each other.

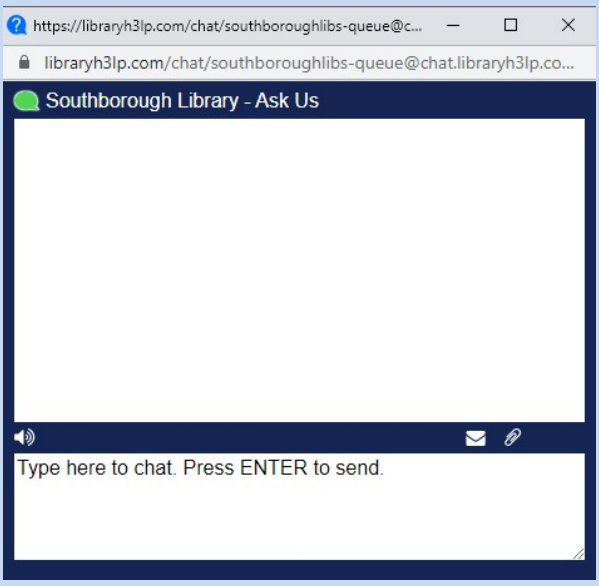
I liked this series because it is a fantasy adventure with strong powerful female characters. The bond between twin sisters Ashyn and Moria is unbreakable and I identified with the theme of sisterhood that runs throughout the story line of all three books.This plot driven series is filled with action, intrigue and supernatural creatures but most of all sisterly love and loyalty.

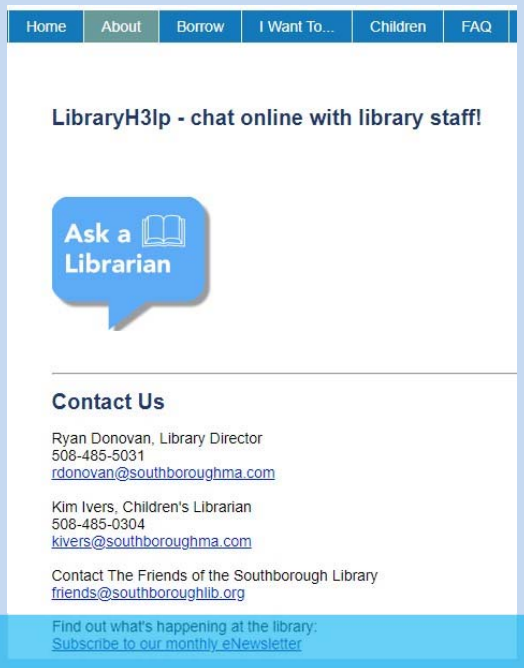
The Artemis Fowl Series

An action packed story filled with humor about a 12- year-old boy genius who captures a fairy named Holly for ransom to restore his family's fortune and help his mother. Little does Artemis know that Holly and her supernatural allies from the LEPrecon (lower elements police) are a force to be reckoned with.

Questions?

READER'S ADVISORY





LIBRARY H3LP

https://www.southboroughlib.org/

THANK YOU

TOWN OF SOUTHBOROUGH POLICIES AND PROCEDURES

Policy:	Code of Conduct Policy
Date Approved:	April 25, 2016
Board approval:	Board of Selectmen

1. Purpose and Scope

1.1 The purpose of this policy is to indicate conduct expected by employees and officials of the Town of Southborough when conducting business with other employees, customers, vendors, and visitors, who interact with the Town, either on a daily or more infrequent basis. This policy extends to private conduct, to the extent the law has additional requirements on public employees.

1.2 Nothing in this policy limits or replaces rules of conduct described in Massachusetts General Laws Chapter 268A, (Chapter 268A and Regulations are referred to in this policy as "State Public Employee Ethics Laws") regarding the conduct of a public employee, including Town employees as described in the law and regulations.

1.3 Nothing in this policy limits or replaces other Town policies that address employee conduct, such as the Town's Workplace Violence Prevention Policy, Policy Against Sexual and Discriminatory Harassment, and the Town's Alcohol & Drug Policy, and other policies applicable to employee conduct.

2. Applicability

2.1 This policy applies to all full and part-time compensated positions, excluding employees of the School Department. Employees whose positions are covered by collective bargaining agreement are subject only to those portions of the policy which are not separately regulated by a collective bargaining agreement. Persons employed under individual employment agreements shall follow all of the provisions of this policy.

2.2 This policy does not replace applicable law, including State Public Employee Ethics Laws, but instead applies in addition to applicable law. In the event this policy conflicts in any way with laws governing employee conduct, the law will apply over this policy, to the extent that it is stricter.

3. Policy

3.1 Employees and town officials must act with fundamental honesty and integrity in all Town dealings, comply with all by-laws/regulations that govern the Town, maintain an ethical and professional work environment and comply with all Town policies. Town employees and officials are required to consistently treat fellow employees, customers, vendors, and visitors with respect, dignity, honesty, fairness, and integrity.

3.2 As further described in State Public Employee Ethics Laws, and among other requirements set forth in the law, Employees and town officials may not, directly or indirectly, ask, demand, exact, solicit, seek, accept, receive or agree to receive anything of value for themselves or for any other person or entity for or because of any official act performed or to be performed by the employee, to influence any official act performed or to be performed, to influence or attempt to influence any official act performed or to be performed, or to act in a manner which would cause a reasonable person to conclude that the employee could be influenced in such a manner.

3.3 Examples of conduct that is considered inappropriate and/or unprofessional under this policy may be physical and/or verbal and include, but are not limited to, the following:

a) Asking or requiring another individual to act unethically or violate the Town's Professional Conduct Policy or the law;
b) Disparaging or misrepresenting the Town or any Town employee or official;
c) Engaging in gambling, such as sports' pools, card games, games of chance, and raffles while conducting Town business or representing the Town;
d) Discriminating against others on the basis of race, sex, sexual orientation, age, handicap, religion or national origin in the course of your employment;
e) Engaging in any behaviors that are harassing, including sexual harassment or offensive comments or jokes;
f) Consuming and/or using alcohol, non-prescribed narcotics or controlled substances during work time, or reporting to work under the influence of alcohol, intoxication, non-prescribed narcotics or controlled substances in any form. You should inform the Assistant Town Administrator or your supervisor at the start of the workday if you are taking medication that might impair your work performance, in order that proper accommodations can be considered and made where reasonable.

g) Unprofessional behaviors, commentary, written correspondence and/or gestures directed at another Town employee or official, supervisor, customer, visitor or resident that a reasonable person would find offensive, humiliating or intimidating or that adversely affect staff performance.

3.4 Employees and town officials shall obey the laws of the United States and the Commonwealth of Massachusetts. Any employee who is convicted of a crime relating to their employment or impacting their employment, or crimes which may disqualify them from holding necessary certifications or licenses, may be subject to disciplinary action, up to and including termination. Employees are, where applicable, subject to meeting CORI background screening requirements, subject to Town requirements and applicable law, including the law governing CORI.

3.5 Employees shall comply with all of the policies and operating procedures of the department in which they work and the Town of Southborough. Employees shall respond forthright to the work-related directives of their supervisor.

3.6 Employees and town officials are expected to conduct themselves in their official relations with the public and with their fellow employees in a manner which will enhance public respect for, and confidence in, the employee and the Town as a whole. Employees and town officials must not only perform their duties in a wholly impartial manner, but must avoid any conduct which gives a reasonable basis for the impression of acting otherwise. Specifically, all employees and town officials shall avoid any action which may result in or create a reasonable basis for the impression of:

a) Using public office for private gain;
b) Giving preferential treatment to any citizen;
c) Making work-related decisions contrary to departmental town policy; and,
d) Using one's official position to harass or intimidate any person or entity.
e) No municipal employee shall, otherwise than as provided by law for the proper discharge of his/her official duties, directly or indirectly receive or request compensation from anyone other than the town or municipal agency in relation to any particular matter in which the same Town is a party or has a direct and substantial interest.
f) No person shall knowingly, otherwise than as provided by law for the proper discharge of official duties, directly or indirectly give, promise or offer such compensation.
g) No municipal employee shall, otherwise than in the proper discharge of his/her official duties, act as agent or attorney for anyone other than the city or town or municipal agency in prosecuting any claim against the town, or as agent or attorney for anyone in connection with any particular matter in which the same town is a party or has a direct and substantial interest.

h) Employees and town officials shall not solicit or accept, directly or indirectly, any gift or benefit, including any gratuity, favor, entertainment, loan, or any other item of value, from a person who or entity which the employee knows or has a reason to know:

- Has, or is seeking to obtain, contractual or other business or financial relations with his/her department or the Town;
- Conducts business or other activities which are regulated or monitored by the department or the Town, except as permitted by statute or regulation;
- Has interests that may be substantially affected by the employee's performance or non-performance of his/her duties or has the appearance of being substantially affected; or
- Seeks to influence the employee in performance of his official acts or any act within their official responsibility.

Exceptions- the restrictions set forth in Section 3 do not apply to the following gifts provided that such gift or benefit has not been solicited by the public employee, and is not for any of the purposes identified as prohibited above, and/or in the State Public Employee Ethics Laws:

a) *De Minimis* Gifts. Anything with a value of less than $25, other than cash. *De minimis* gifts include multiple gifts or benefits given or offered to a public employee within a calendar year by

one person or by an organized group of persons having a common interest in a particular matter or legislation before that public employee, if the aggregated value is less than $25;

b) *Inheritance.* Anything received by inheritance;

c) *Gifts from Immediate Family and Relatives.* Anything received by a public employee from a member of the public employee's immediate family or from a great grandparent, great grandchild, grandparent, grandchild, uncle, aunt, niece, nephew, cousin, step-parent, stepchild of the public employee or of the employee's spouse and given for reasons unrelated to the public employee's official position or duties;

d) *Informational material.* Informational material relevant to a public employee's official functions and intended for use by the public employee in the exercise of official duties or solicited for the purpose of promulgating, administering and enforcing agency regulations, such as books, pamphlets, reports, documents, periodicals, or other information that is recorded in a written, audio, electronic, or visual format;

e) *Professional Organization Membership Fees.* Reduced or waived membership or other fees offered by a professional organization if the only requirements for membership relate to professional qualifications;

f) *General Discounts.* A rebate, discount or promotional item available to the general public or to a class consisting of all public employees from a city or town, county or state on the same terms as offered to the general public;

g) *Display Items for Meritorious Public Service.* An item intended for display and given by a civic, charitable, professional, religious, or fraternal organization in recognition of meritorious public service that has no or minimal resale value. Such items shall include but not be limited to trophies, plaques, bowls, and certificates;

Honoraria. Honoraria not exceeding $250.00 for participating in a legitimate speaking engagement provided that:

- Delivering the speech is not part of the public employee's official duties;
- Public resources are not used in the preparation of the speech;
- Public time is not taken for the preparation or delivery of the speech;
- Neither the sponsor of the address nor the source of the honorarium is a person or entity with whom the public employee has had or reasonably expects to have dealings in his official duties;
- The public employee makes a prior written disclosure.

4. **Actual or Potential Conflicts of Interest, Violations of this Policy, or Violations of the Law:** Employees and town officials should immediately report and make inquiry about questionable items, gifts, benefits, or matters. Inquiries can be made with the Town or employees may go directly to the Town Administrator or to the Ethics Commission at 1-888-485-4766 (Attorney of the Day).

5. Procedures / Investigations

5.1 A violation of any aspect of this policy can damage the integrity and harm the reputation of the Town of Southborough and all employees and town officials, and may additionally place the employee in violation of Massachusetts law. The Town is fully committed to reviewing and/or investigating, as necessary, any and all reported incidents. Employees who become aware of inappropriate conduct should report it to their Department Head or Town Administrator.

5 .2. When management becomes aware of an incident, they shall document the incident as soon as possible and forward said information to their supervisor.

5.3. A decision to deal administratively with the employee and/or to have the employee consult with EAP shall be made as promptly as possible by the Town Administrator or his/her designee, and management should continue an on-going review.

5.4 Employees may have separate reporting requirements under the Massachusetts Ethics Law, which are in addition to those described in this policy. Employees must be aware of these reporting requirements, and when and under what circumstances Massachusetts State Ethics law requires employees to make such Disclosures, including as directed by State law.

6. Applicable Statutes / Laws

A number of laws are implicated by this policy, which outline unacceptable or unethical conduct in the workplace. These include, but are not limited to, any number of criminal and civil laws prohibiting unethical conduct, such as Massachusetts General Laws Chapter 268A, and Massachusetts Regulations at 930 CMR 5.00 et. Seq. (Chapter 268A and Regulations are referred to in this policy as "State Public Employee Ethics Laws"), as well as any criminal or civil laws in the areas of anti-stalking laws, anti-bullying laws, OSHA, anti-discrimination, Civil Rights, etc.

ACKNOWLEDGEMENT

Note: Your signature below signifies that you have received this policy.

This policy is applicable to all employees of the Town of Southborough.
For those employees covered by Collective Bargaining Agreements, the provisions of the CBA, which are subject to negotiation prevail over the language in this policy (i.e. discipline).
Any changes made to this policy that apply to sections that are subject to collective bargaining, will be sent to the appropriate union prior to implementation.

Name_____

Title_____

Department_____

Date_____